

**VICTORIA**

**VOTES AND PROCEEDINGS**

**OF THE**

**LEGISLATIVE ASSEMBLY**

**SESSION 2003–06**

**VOLUME 3**



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\* The Committee of the Whole procedure ceased from 29 March 2004 when new standing orders came into effect. The equivalent process is now for bills to be considered in detail; this takes place in the House, rather than in Committee.



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 99, 100 and 101

#### No 99 — Tuesday 22 February 2005

- 1 The House met in accordance with the terms of the resolution of 9 December 2004, the Speaker having fixed this day at 2.00 pm as the time of meeting — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended today so far as may be necessary to permit:
  - (1) The immediate introduction and second reading of the Serious Sex Offenders Monitoring Bill; and
  - (2) Discussion on a motion of condolence concerning the Boxing Day tsunami victims and:
    - (a) The Premier, in moving the motion, to speak for no more than 10 minutes, the Leader of the Opposition, and the Leader of The Nationals to speak for no more than 10 minutes each in response, and any other members to speak for no more than five minutes each in response.
    - (b) At the conclusion of all speeches permitted by paragraph (a), the Chair will immediately put the question or questions required to dispose of the motion.
    - (c) Formal business to be deferred and to take place immediately after the responses, followed by other business set out in standing orders.
- (*Mr Batchelor*) — put and agreed to.
- 4 **SERIOUS SEX OFFENDERS MONITORING BILL** — Mr Holding obtained leave to bring in a Bill '*to enhance the protection of the community by requiring offenders who have served custodial sentences for certain sexual offences and who are a serious danger to the community to be subject to ongoing supervision while in the community, to amend the Corrections Act 1986 and the Sentencing Act 1991 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time immediately.
- 5 **SERIOUS SEX OFFENDERS MONITORING BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

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

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

6 **BOXING DAY TSUNAMI CONDOLENCE** — Motion made and question — That this House:

- (1) Expresses its deepest condolences at the tragic loss of life and devastation suffered by countries around the Indian Ocean due to the Boxing Day tsunami disaster;
- (2) Extends to all people from the affected countries and the many tourists and their families who lost loved ones its deepest sympathy and wishes a speedy recovery to the injured;
- (3) Mourns those Victorians who lost their lives following the tsunami and shares in the grief of the families of these Victorian victims;
- (4) Expresses its gratitude to all Victorians for the unprecedented outpouring of support by volunteering to provide care for the survivors and the generous contributions of millions of dollars towards the rebuilding effort;
- (5) Commits itself to work closely with the countries affected by the disaster to assist with their long-term reconstruction.

(*Mr Bracks*) — put, after honourable members had addressed the House in support of the motion and, the Speaker and honourable members standing in their places in silence to signify their assent, agreed to unanimously.

7 **ELECTORAL COMMISSIONER** — The Speaker advised that, on 24 January 2005, she administered to Steven Hunter Tully, the Electoral Commissioner, the Oath required by s 16(4) of the *Electoral Act 2002*.

8 **MITCHAM-FRANKSTON PROJECT (AMENDMENT) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend the Mitcham-Frankston Project Act 2004, the Road Management Act 2004 and the Southern and Eastern Integrated Transport Authority Act 2003 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

9 **HEALTH (COMPULSORY TESTING) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend the Health Act 1958 to make further provision for the compulsory testing of patients for specified infectious diseases*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

10 **CHARITIES (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to make miscellaneous amendments to the Charities Act 1978 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

11 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act*

*1995, the Crimes Act 1958 and the Confiscation Act 1997 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

12 **COURTS LEGISLATION (JUDICIAL CONDUCT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Constitution Act 1975 to make fresh provision with respect to the grounds for the removal from office of judicial office holders, provide for the appointment of an investigating committee and give an entitlement to re-appointment to a judicial office to the holder of an abolished judicial office, to amend the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

13 **LEGAL PROFESSION (CONSEQUENTIAL AMENDMENTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Legal Profession Act 2004 and to amend other Acts as a consequence of the passage of the Legal Profession Act 2004 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

14 **OUTWORKERS (IMPROVED PROTECTION) (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Outworkers (Improved Protection) Act 2003 to ensure that outworkers receive the minimum entitlements contained in any relevant federal awards and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

15 **NATIONAL ELECTRICITY (VICTORIA) BILL** — Mr Brumby obtained leave to bring in a Bill '*to make provision for the operation of the national electricity market, to repeal the National Electricity (Victoria) Act 1997, to amend the Electricity Industry Act 2000, the Electricity Industry (Residual Provisions) Act 1993 and the Interpretation of Legislation Act 1984 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

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

**Frankston Central Activity District** — Requesting that the House works with Frankston Traders and Frankston City Council to ensure — (a) time-limited free parking in the Frankston Central Activity District; and (b) better street lighting to allow for an attractive and competitive shopping precinct, bearing 3,440 signatures (*Mr Harkness*)

**Aquatic Centre in Frankston** — Requesting that the Government, in consultation with Frankston City Council and local community groups, facilitates the building of an aquatic centre in Frankston, bearing 19 signatures (*Mr Harkness*)

**Venus Bay and Maher's Landing, Anderson Inlet, Gippsland** — Requesting that the proposed residential canal and lake developments at Venus Bay and Maher's Landing on Anderson Inlet in Gippsland be rejected and that all future large scale residential developments of a similar nature be prohibited, bearing 3,520 signatures (*Mr Ryan*)

**Channel Deepening in Port Phillip Bay, The Rip and the Yarra River** — Requesting that the House ensures that — (a) the proposal to deepen shipping channels in Port Phillip Bay, The Rip and the Yarra River is rejected; (b) alternative solutions making better use of a mix

of interstate rail from existing deep water ports and sea transport are engaged; and (c) the Minister for Planning makes public the findings of the Environment Effects Statement (EES) Independent Panel, due for release in February 2005, as soon as the Panel provides its report to the Government, bearing 16,043 signatures (*Mr Lupton*).

Petitions ordered to be tabled.

17 **PETITION — FRANKSTON CENTRAL ACTIVITY DISTRICT** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Mr Harkness*) — put and agreed to.

18 **PETITION — AQUATIC CENTRE IN FRANKSTON** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Mr Harkness*) — put and agreed to.

19 **PETITION — CHANNEL DEEPENING IN PORT PHILLIP BAY, THE RIP AND THE YARRA RIVER** — Motion made and question — That the petition presented by the Member for Prahran be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

20 **DOCUMENTS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 1 of 2005 on the:

Channel Deepening (Facilitation) Bill  
 Corrections (Transition Centres and Custodial Community Permits) Bill  
 Geothermal Energy Resources Bill  
 Housing (Housing Agencies) Bill  
 Major Crime (Investigative Powers) Bill  
 Occupational Health and Safety Bill  
 Public Administration Bill  
 Retirement Villages (Amendment) Bill  
 Safety on Public Land Bill  
 Statute Law Revision Bill  
 Victorian Civil and Administrative Tribunal (Amendment) Bill

together with appendices.

Ordered to be tabled and printed.

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

Ordered to be tabled and printed.



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

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

Dandenong Development Board — Report for the year 2003–04

*Environment Protection Act 1970* — Order declaring Waste Management Policy (Siting, Design and Management of Landfills) (*Gazette S264, 14 December 2004*)

Ethical Clothing Trades Council of Victoria — Report for the year ended 1 November 2004

*Financial Management Act 1994*:

Budget Update for the year 2004–05

Response by the Minister for Finance to the Auditor-General's Reports issued during 2003–04

Geoffrey Gardiner Dairy Foundation Limited — Report for the year 2003–04 (two documents)

Heywood Rural Health — Report for the year 2003–04, together with an explanation for the delay in tabling

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 175

*Legal Practice Act 1996* — Practitioner Remuneration Order under s 113

*Ombudsman Act 1973*:

Report on the Essendon Rental Housing Co-operative — Ordered to be printed

Report on a Complaint about the Medical Practitioners Board of Victoria — Ordered to be printed

*Parliamentary Committees Act 2003*:

Economic and Development Committee — Interim Report, as amended, on the Inquiry into Labour Hire Employment in Victoria, together with appendices and minutes of evidence

Report and appendices ordered to be printed

Public Accounts and Estimates Committee:

Report for the year 2003–04 — Ordered to be printed

Report on the Review of the Auditor-General's performance audit report — Services for people with an intellectual disability — Ordered to be printed

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

Alpine Resorts Planning Scheme — No C5  
 Ararat Planning Scheme — No C10  
 Ballarat Planning Scheme — Nos C71, C73 Part 1  
 Baw Baw Planning Scheme — No C30  
 Bayside Planning Scheme — No C40  
 Bororoondara Planning Scheme — Nos C45, C60  
 Brimbank Planning Scheme — No C32  
 Cardinia Planning Scheme — Nos C47, C61  
 Casey Planning Scheme — Nos C62, C63  
 East Gippsland Planning Scheme — No C32  
 Frankston Planning Scheme — No C21  
 Gannawarra Planning Scheme — Nos C7, C10  
 Glenelg Planning Scheme — No C12  
 Greater Bendigo Planning Scheme — No C37  
 Greater Geelong Planning Scheme — Nos C49, C52, C104  
 Greater Shepparton Planning Scheme — Nos C46, C49, C52  
 Hobsons Bay Planning Scheme — No C31 Part 1  
 Hume Planning Scheme — No C46  
 Kingston Planning Scheme — No C10  
 Knox Planning Scheme — No C31 Part 1  
 Latrobe Planning Scheme — No C29  
 Loddon Planning Scheme — No C9  
 Manningham Planning Scheme — No C29  
 Melbourne Planning Scheme — Nos C99, C100, C101  
 Mildura Planning Scheme — Nos C26, C29 Part 1  
 Monash Planning Scheme — No C44  
 Moonee Valley Planning Scheme — Nos C35, C53 Part 1, C54, C70  
 Moorabool Planning Scheme — No C28  
 Moreland Planning Scheme — Nos C28, C41, C51, C52  
 Mornington Peninsula Planning Scheme — No C71  
 Mount Alexander Planning Scheme — No C27  
 Murrindindi Planning Scheme — No C10  
 Nillumbik Planning Scheme — Nos C20, C26  
 Northern Grampians Planning Scheme — No C4  
 Port Phillip Planning Scheme — No C51  
 South Gippsland Planning Scheme — Nos C17, C24, C25  
 Strathbogrie Planning Scheme — Nos C17, C18, C40  
 Surf Coast Planning Scheme — No C21  
 Towong Planning Scheme — Nos C5 Part 2, C12  
 Victoria Planning Provisions — No VC32  
 Wangaratta Planning Scheme — No C25  
 Wellington Planning Scheme — No C20  
 West Wimmera Planning Scheme — No C6  
 Whitehorse Planning Scheme — Nos C40, C52 Part 1  
 Whittlesea Planning Scheme — No C62  
 Wodonga Planning Scheme — Nos C29, C36  
 Wyndham Planning Scheme — No C63  
 Yarra Planning Scheme — No C90

Yarra Ranges Planning Scheme — No C35 Part 2

*Prevention of Cruelty to Animals Act 1986* — Code of Practice for the Welfare of Animals on Private Game Reserves licensed to hunt game birds

*Road Management Act 2004* — Codes of Practice for:

Management of Road and Utility Infrastructure in Road Reserves  
Operational Responsibility for Public Roads  
Worksite Safety — Traffic Management

*Road Safety Act 1986* — Order declaring certain electric scooters not to be motor vehicles

Robinvale District Health Services — Report for the year 2003–04, together with an explanation for the delay in tabling

Statutory Rules under the following Acts:

*Agricultural and Veterinary Chemicals (Control of Use) Act 1992* — SR No 155

*Births, Deaths and Marriages Registration Act 1996* — SR No 179

*Building Act 1993* — SR No 174

*Confiscation Act 1997* — SR No 164

*Conservation, Forests and Lands Act 1987* — SR No 172

*Co-operative Housing Societies Act 1958* — SR No 3/2005

*County Court Act 1958* — SR Nos 180, 181

*Credit Act 1984* — SR No 165

*Credit (Administration) Act 1984* — SR No 167

*Domestic (Feral and Nuisance) Animals Act 1994* — SR No 162

*Electricity Safety Act 1998* — SR Nos 182, 183

*Evidence Act 1958* — SR No 156

*Fair Trading Act 1999* — SR No 168

*Health Act 1958* — SR No 4/2005

*Health Services Act 1988* — SR No 173

*Land Tax Act 1958* — SR Nos 160, 161

*Magistrates' Court Act 1989* — SR No 163

*Mental Health Act 1986* — SR No 157

*Motor Car Traders Act 1986* — SR No 169

*Petroleum (Submerged Lands) Act 1982* — SR No 175

*Road Management Act 2004* — SR Nos 176, 177

*Road Safety Act 1986* — SR Nos 158, 159, 178, 184

*Second-Hand Dealers and Pawnbrokers Act 1989* — SR No 170

*Subordinate Legislation Act 1994* — SR Nos 1, 2/2005

*Travel Agents Act 1986* — SR Nos 166, 171

*Victorian Civil and Administrative Tribunal Act 1998* — SR No 154

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rule Nos 154, 163, 174, 180, 181, 1, 2/2005

Ministers' exemption certificates in relation to Statutory Rule Nos 128, 155, 156, 157, 158, 159, 162, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 175, 176, 177, 179, 4/2005

*Wrongs Act 1958* — Notice of scale of fees and costs for referrals of medical questions to medical panels (*Gazette G2, 13 January 2005*).

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

*Animals Legislation (Animal Welfare) Act 2003* — Section 20(1) on 16 December 2004 (*Gazette G51, 16 December 2004*)

*Public Administration Act 2004* — Sections 1 and 2 and Part 9 on 21 December 2004 (*Gazette S275, 21 December 2004*)

*Royal Agricultural Showgrounds Act 2003* — Whole Act other than Part 6 on 30 December 2004 (*Gazette G52, 23 December 2004*)

*Transport Accident (Amendment) Act 2004* — Sections 11, 12 and 13 on 16 December 2004; sections 5, 6, 8, 9, 14, 15 and 17 on 1 January 2005; and sections 10, 23 and 24 on 1 March 2005 (*Gazette G51, 16 December 2004*)

*Transport Legislation (Amendment) Act 2004* — Part 12 on 1 February 2005 (*Gazette G3, 20 January 2005*)

*World Swimming Championships Act 2004* — Whole Act on 16 February 2005 (*Gazette G6, 10 February 2005*).

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

Accident Compensation Legislation (Amendment) Bill

Fair Trading (Enhanced Compliance) Bill

Gambling Regulation (Further Amendment) Bill

Heritage (World Heritage) Bill

Housing (Housing Agencies) Bill

Occupational Health and Safety Bill

Safety on Public Land Bill

Transport Legislation (Amendment) Bill.

- 22 **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 14 December 2004

Building (Cooling Towers and Plumbing) (Amendment) Bill

Corrections and Major Crime (Investigative Powers) Acts (Amendment) Bill

Emergency Services Telecommunications Authority Bill

Legal Profession Bill

Multicultural Victoria Bill

Planning and Environment (Development Contributions) Bill

On 21 December 2004

Accident Compensation Legislation (Amendment) Bill

Fair Trading (Enhanced Compliance) Bill

Gambling Regulation (Further Amendment) Bill

Heritage (World Heritage) Bill

Housing (Housing Agencies) Bill

Occupational Health and Safety Bill

Public Administration Bill  
 Safety on Public Land Bill  
 Transport Legislation (Amendment) Bill.

- 23 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Channel Deepening (Facilitation) Bill  
 Corrections (Transition Centres and Custodial Community Permits) Bill  
 Geothermal Energy Resources Bill  
 Retirement Villages (Amendment) Bill.

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

- 25 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 24 February 2005:

Corrections (Transition Centres and Custodial Community Permits) Bill  
 Courts Legislation (Judicial Appointments and Other Amendments) Bill  
 Retirement Villages (Amendment) Bill  
 Water Efficiency Labelling and Standards Bill

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

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

- 27 **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.

- 28 **WATER EFFICIENCY LABELLING AND STANDARDS BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

*Business having been interrupted at 10.00 pm under standing orders.*

- 29 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate at 10.32 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 100 — Wednesday 23 February 2005

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

**Wonthaggi State Coal Mine Tourist Attraction** — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 979 signatures (*Mr Smith*)

**Tunnel Link between Eastern and Tullamarine Freeways** — Requesting that the House ensures the Government — (a) proceeds with planning and construction of a tunnel to link the Eastern and Tullamarine Freeways; and (b) considers other road proposals including tunnelled lanes under Hoddle Street and Punt Road, bearing 32 signatures (*Mr Kotsiras*)

**City Link and Toll Road Concessions for Pensioners and Self Funded Superannuants** — Requesting that the House calls on the Government to initiate immediate action to extend concessions to enable all pensioners and self funded superannuants to access City Link and other toll roads in Victoria at an affordable cost, bearing 816 signatures (*Mr Cooper*)

**Motor Vehicle Registration Fees — Pensioner Concession** — Requesting that the Government reverses its decision to halve the pensioner concession on car registration fees, bearing 20 signatures (*Mr Dixon*)

**Aquatic Centre in the Rosebud Area** — Requesting that the Government urgently supports and contributes to the establishment of an aquatic centre with a hydrotherapy pool on the Southern Mornington Peninsula in the Rosebud area, bearing 70 signatures (*Mr Dixon*)

**Channel Deepening in Port Phillip Bay** — Requesting that the House rules that the proposed channel deepening in Port Phillip Bay should not proceed, bearing 217 signatures (*Mr Lupton*)

**Minimbah Hostel** — Requesting that the House urges the Government to reverse its decision to close Minimbah Hostel and continues to support its operation in the interests of the rural and regional students of Victoria, bearing 274 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

3 **PETITION — TUNNEL LINK BETWEEN EASTERN AND TULLAMARINE FREEWAYS** — Motion made and question — That the petition presented by the Member for Bulleen be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.

4 **PETITION — WONTHAGGI STATE COAL MINE TOURIST ATTRACTION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.

5 **PETITION — CITY LINK AND TOLL ROAD CONCESSIONS FOR PENSIONERS AND SELF FUNDED SUPERANNUANTS** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

6 **PETITION — MOTOR VEHICLE REGISTRATION FEES — PENSIONER CONCESSION** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

7 **PETITION — AQUATIC CENTRE IN THE ROSEBUD AREA** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

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

Statutory Rule under the *Magistrates' Court Act 1989* — SR No 5

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule No 5.

9 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Serious Sex Offenders Monitoring Bill.

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

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

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

Rural and Regional Services and Development Committee's Report on the Inquiry into Country Football

Public Accounts and Estimates Committee's Report on the 2004–05 Budget Estimates

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Sustainable Urban Design for New Communities in Outer Suburban Areas

Public Accounts and Estimates Committee's Report on the 2002–03 Budget Outcomes

Economic Development Committee's Interim Report on the Inquiry into Labour Hire Employment in Victoria.

- 13 **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.

- 14 **RETIREMENT VILLAGES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 15 **QUESTIONS** — (Under SO 55).

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

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

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

- 17 **SERIOUS SEX OFFENDERS MONITORING BILL** — 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.

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

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see pp 614, 618*).

Bill sent to the Legislative Council and their agreement requested.

- 18 **RETIREMENT VILLAGES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — 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 3 and 4, be postponed until later this day.

- 20 **COURTS LEGISLATION (JUDICIAL APPOINTMENTS AND OTHER AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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



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

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

- 21 **WATER EFFICIENCY LABELLING AND STANDARDS BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 22 **CORRECTIONS (TRANSITION CENTRES AND CUSTODIAL COMMUNITY PERMITS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

*Business having been interrupted at 10.00 pm under standing orders.*

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

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 101 — Thursday 24 February 2005

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

**Wonthaggi State Coal Mine Tourist Attraction** — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 1,045 signatures (*Mr Smith*)

**Lawn Bowls Clubs and Associations** — Requesting that the legislation pertaining to the *Equal Opportunity Act 1995* be amended so as to enable lawn bowls clubs and associations to conduct events designated as single gender events and/or mixed gender events, whenever desired and appropriate, and that when appropriate all these events continue in the same form to the State Championship level, bearing 58 signatures (*Mr Langdon*)

**Rosebud Hospital Upgrade** — Requesting that the House solves the problems of people having to wait inordinate times for surgery at Peninsula Health, Frankston Hospital and the overworked Emergency Ward at Frankston by upgrading the Rosebud Hospital to treat a wider range of medical conditions, bearing 1,074 signatures (*Mr Dixon*)

**Mountain Highway/Colchester Road/Albert Avenue Intersection** — Requesting that the Government takes action to eliminate the dangers of crossing at the intersection of Mountain Highway and Colchester Road/Albert Avenue by installing traffic signals without delay, bearing 155 signatures (*Mr Merlino*)

**Croydon/Montrose Bus Service** — Requesting that the Minister for Transport urges the Ventura Bus Company to — (a) extend and increase the frequency of the bus service from Croydon to Montrose (Route 689), especially on weekends; and (b) run a regular bus service (the MOUNTDANDYBUS) on Sundays, bearing 31 signatures (*Mr Merlino*)

**Beach Renourishment Works, Sandringham** — Requesting that the Government, in addition to providing funds for cliff stabilisation works proximate to the former Red Bluff Hotel in Sandringham, also provides funds for beach renourishment works to preserve and protect one of the great beach and scenic areas of Melbourne, bearing 6 signatures (*Mr Thompson*)

**Motor Vehicle Registration Fees Increase** — Requesting that the Government abandons the proposal of the increase of \$80 for car registration for Victorian pensioners which will detrimentally impact upon those who are financially unable to pay, bearing 31 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 3 **PETITION — WONTHAGGI STATE COAL MINE TOURIST ATTRACTION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 4 **PETITION — BEACH RENOURISHMENT WORKS, SANDRINGHAM** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 5 **PETITION — MOTOR VEHICLE REGISTRATION FEES INCREASE** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 6 **PETITION — ROSEBUD HOSPITAL UPGRADE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

7 **PETITION — MOUNTAIN HIGHWAY/COLCHESTER ROAD/ALBERT AVENUE INTERSECTION** — 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 — CROYDON/MONTROSE BUS SERVICE** — 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 —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 2 of 2005 on the Serious Sex Offenders Monitoring Bill, 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 — Performance Audit Report — Regulating operational rail safety — Ordered to be printed

Hesse Rural Health Services — Report for the year 2003–04, together with an explanation for the delay in tabling

*Parliamentary Committees Act 2003* — Response of the Minister for Health on the action taken with respect to the recommendations made by the Family and Community Development Committee's Inquiry on the roles of Community Advisory Committees of Metropolitan Health Services

*Police Regulation Act 1958* — Report of the Director, Police Integrity on the Leak of a Sensitive Victoria Police Information Report — Ordered to be printed

Statutory Rule under the *Petroleum Act 1998* — SR No 6

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 6.

10 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 22 March 2005 (*Mr Cameron*) — put and agreed to.

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

12 **CORRECTIONS (TRANSITION CENTRES AND CUSTODIAL COMMUNITY PERMITS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 13 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2, be postponed until later this day.

- 14 **WATER EFFICIENCY LABELLING AND STANDARDS BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 615–17, 618–19*).

Bill sent to the Legislative Council and their agreement requested.

- 15 **COURTS LEGISLATION (JUDICIAL APPOINTMENTS AND OTHER AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 16 **DEATH OF MR RAFIC EL-HARIRI** — The Speaker announced the death of Mr Rafic El-Hariri, the former Prime Minister of Lebanon, who was killed on 14 February 2005 by a car bomb; and, honourable members rose in their places as a mark of respect to the memory of the deceased.

*Business having been interrupted at 2.00 pm under standing orders.*

- 17 **QUESTIONS** — (Under SO 55).

- 18 **RETIREMENT VILLAGES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

*Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 22 February 2005 had expired.*

- 19 **CORRECTIONS (TRANSITION CENTRES AND CUSTODIAL COMMUNITY PERMITS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

20 **COURTS LEGISLATION (JUDICIAL APPOINTMENTS AND OTHER AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

The House divided.

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

Bill sent to the Legislative Council and their agreement requested.

- 21 **MITCHAM-FRANKSTON PROJECT (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

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

Ordered — That the debate be adjourned until Thursday 10 March 2005.

- 22 **HEALTH (COMPULSORY TESTING) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

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

Ordered — That the debate be adjourned until Thursday 10 March 2005.

- 23 **NATIONAL ELECTRICITY (VICTORIA) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

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

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

Ordered — That the debate be adjourned until Thursday 10 March 2005.

- 24 **OUTWORKERS (IMPROVED PROTECTION) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 10 March 2005.

- 25 **LEGAL PROFESSION (CONSEQUENTIAL AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 10 March 2005.

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

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

Ordered — That the debate be adjourned until Thursday 10 March 2005.

- 27 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 10 March 2005.

- 28 **COURTS LEGISLATION (JUDICIAL CONDUCT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 10 March 2005.

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

- 30 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.24 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### CONSIDERATION IN DETAIL Supplement to Votes Nos 99, 100 and 101

#### No 100 — Wednesday 23 February 2005

##### **SERIOUS SEX OFFENDERS MONITORING BILL —**

**Clauses 1 to 48** agreed to.

*The Acting Speaker advised that if amendment No 1 is not agreed to, amendment No 2 cannot be moved as it is consequential.*

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

Question — That the amendment be agreed to — put.

The House divided.

AYES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 54<sup>1</sup>

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

Schedule agreed to.

Bill agreed to without amendment.

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<sup>1</sup> Division corrected after the Speaker informed the House that the Clerk had identified a discrepancy between the written details of members present recorded by the Government Whip and the total number of votes the Whip actually cast. Upon investigation it was found that the votes cast for the 'Noes' should have been 53 rather than 54.



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## No 101 — Thursday 24 February 2005

### **WATER EFFICIENCY LABELLING AND STANDARDS BILL —**

**Clauses 1 to 6** agreed to.

**Clause 7**, Mr Plowman moved amendment No 1 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 8 to 26** agreed to.

**Clause 27**, Mr Thwaites moved amendment Nos 1 to 4 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clause 28** agreed to.

**Clause 29**, Mr Thwaites moved amendment No 5 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 30**, Mr Thwaites moved amendment No 6 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 31 and 32** agreed to.

**Clause 33**, Mr Plowman moved amendment No 2 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 34**, Mr Plowman moved amendment No 3 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 35**, Mr Plowman moved amendment No 4 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 36**, Mr Plowman moved amendment No 5 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 37**, Mr Plowman moved amendment No 6 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 38**, Mr Plowman moved amendment No 7 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 39 and 39A** agreed to.

**Clause 39B**, Mr Plowman moved amendment No 8 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 40 to 45** agreed to.

**Clause 46**, Mr Plowman moved amendment No 9 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 46A**, Mr Plowman moved amendment Nos 10 and 11 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 47 to 50** agreed to.

**Clause 51**, Mr Plowman moved amendment No 12 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 52 and 53** agreed to.

**Clause 54**, Mr Plowman moved amendment No 13 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 55 to 60** agreed to.

**Clause 61**, Mr Plowman moved amendment No 14 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 62**, Mr Plowman moved amendment Nos 15 and 16 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clause 62A**, Mr Plowman moved amendment Nos 17 and 18 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 63 and 64** agreed to.

**Clause 65**, Mr Thwaites moved amendment No 7 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 66 to 76** agreed to.

**Clause 77**, Mr Plowman moved amendment No 19 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Bill agreed to as amended.

## SCHEDULES OF AMENDMENTS MOVED

### SCHEDULE 1

#### SERIOUS SEX OFFENDERS MONITORING BILL

Amendment moved by Mr McIntosh

1. Schedule, after line 5 insert—
  - "2. An offence against section 38 of the **Crimes Act 1958** (rape)."

### SCHEDULE 2

#### WATER EFFICIENCY LABELLING AND STANDARDS BILL

Amendments moved by Mr Thwaites

1. Clause 27, lines 4 and 5, omit "specified in an instrument made" and insert "determined in writing".
2. Clause 27, line 10, omit "instrument" and insert "determination".
3. Clause 27, line 13, omit "instrument" and insert "determination".
4. Clause 27, line 14, omit "An instrument" and insert "A determination".
5. Clause 29, line 15, omit "instrument" and insert "determination".
6. Clause 30, page 18, line 13, omit "instrument" and insert "writing".
7. Clause 65, lines 7 to 14, omit sub-clause (1) and insert—
  - "(1) Amounts equal to money received by the State—
    - (a) in respect of fines, infringement penalties or undertakings given under section 42; or
    - (b) under Division 2 of this Part—
 must be paid to the Commonwealth for crediting to the WELS Account."

Amendments moved by Mr Plowman

1. Clause 7, page 5, after line 19 insert—
  - i. "**penalty unit**" has the same meaning as in the Commonwealth Act;
    1. Note: "Penalty unit" is defined for the purposes of laws of the Commonwealth in section 4AA of the Crimes Act 1914 of the Commonwealth.'
2. Clause 33, line 21, omit "\$6600" and insert "60 penalty units".
3. Clause 34, page 21, line 5, omit "\$6600" and insert "60 penalty units".
4. Clause 35, line 21, omit "\$6600" and insert "60 penalty units".

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5. Clause 36, page 22, line 6, omit "\$6600" and insert "60 penalty units".
  6. Clause 37, line 16, omit "\$6600" and insert "60 penalty units".
  7. Clause 38, line 26, omit "\$6600" and insert "60 penalty units".
  8. Clause 39B, page 25, line 10, omit "\$6600" and insert "60 penalty units".
  9. Clause 46, page 35, line 8, omit "\$110" and insert "1 penalty unit".
  10. Clause 46A, line 26, omit "\$6600" and insert "60 penalty units".
  11. Clause 46A, line 30, omit "\$6600" and insert "60 penalty units".
  12. Clause 51, line 24, omit "\$6600" and insert "60 penalty units".
  13. Clause 54, page 40, line 5, omit "\$3300" and insert "30 penalty units".
  14. Clause 61, page 46, line 7, omit "\$6600" and insert "60 penalty units".
  15. Clause 62, line 30, omit "\$6600" and insert "60 penalty units".
  16. Clause 62, page 47, line 11, omit "\$6600" and insert "60 penalty units".
  17. Clause 62A, line 25, omit "\$6600" and insert "60 penalty units".
  18. Clause 62A, page 48, line 4, omit "\$6600" and insert "60 penalty units".
  19. Clause 77, line 12, omit "\$2200" and insert "20 penalty units".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 102, 103 and 104

#### No 102 — Tuesday 22 March 2005

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

2 **QUESTIONS** — (Under SO 55).

3 **PARLIAMENTARY ADMINISTRATION BILL** — Mr Bracks obtained leave to bring in a Bill '*to provide a framework for good governance in the administration of the Parliament of Victoria, to repeal the **Parliamentary Officers Act 1975**, to amend the **Constitution Act 1975**, the **Long Service Leave Act 1992**, the **Parliamentary Committees Act 2003**, the **Public Administration Act 2004**, the **Terrorism (Community Protection) Act 2003** and certain other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

4 **SENTENCING (FURTHER AMENDMENT) BILL** — Mr Cameron obtained leave to bring in a Bill '*to promote the recognition of victims in court processes, to amend the **Sentencing Act 1991**, the **Children and Young Persons Act 1989**, the **Evidence Act 1958** and the **Magistrates' Court Act 1989** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

5 **JUSTICE LEGISLATION (AMENDMENT) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the **Legal Aid Act 1978** to facilitate the provision of alternative dispute resolution programs by VLA, to amend the **Summer Time Act 1972** and the **Supreme Court Act 1986** to change standard time in Victoria from Greenwich Mean Time to Co-ordinated Universal Time, to amend the **Victorian Law Reform Commission Act 2000** and for other purposes*'; and, 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:

**Wonthaggi State Coal Mine Tourist Attraction** — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 988 signatures (*Mr Smith*)

**Physical Education in Schools** — Requesting that the House takes action to ensure that the Government restores physical education to a discipline and positions it in the discipline core area in the Victorian Curriculum Reform being undertaken for the Minister for Education and Training, bearing 134 signatures (*Mr Perton*)

**Principal, Seymour Technical High School** — Requesting that the House ensures the Government reinstates Bill Brearley as Principal of Seymour Technical High School, bearing 364 signatures (*Mr Perton*)

**Venus Bay and Maher's Landing, Anderson Inlet, Gippsland** — Requesting that the proposed residential canal and lake developments at Venus Bay and Maher's Landing on Anderson Inlet in Gippsland be rejected and that all future large scale residential developments of a similar nature be prohibited, bearing 37 signatures (*Mr Ryan*)

**Intersection of Baxter-Tooradin, Fultons and Hawkins Road, Baxter** — Requesting that urgent action be taken to make the black spot intersection of Baxter-Tooradin Road and Fultons Road with Hawkins Road in Baxter safer, before any lives are lost or serious injury occurs at this location, bearing 58 signatures (*Ms Buchanan*)

**Peninsula Aero Club** — Requesting that permission will not be granted by the Mornington Peninsula Shire Council to the Peninsula Aero Club for expansion of the certified landing area at Tyabb, bearing 328 signatures (*Ms Buchanan*)

**Desexing of Cats** — Requesting that the House enacts legislation to require that — (a) all cats over the age of 12 weeks are desexed unless registered to a licensed breeder; and (b) all cats and kittens offered for sale or acquired are desexed, bearing 11 signatures (*Mr Langdon*)

**Tabcorp Account Sales** — Requesting that the House do all within its powers to ensure that the 500 jobs at Tabcorp Account Sales, in jeopardy from Tabcorp's decision to rationalise their call centres and possible relocation to New South Wales as a result of the recent acquisition of NSW TAB, remain in Victoria, bearing 352 signatures (*Mr Langdon*)

**City Link and Toll Road Concessions to Pensioners and Self Funded Superannuants** — Requesting that the House calls on the Government to initiate immediate action to extend concessions to enable all pensioners and self funded superannuants to access City Link and other toll roads in Victoria at an affordable cost, bearing 229 signatures (*Mr Cooper*)

**Medical Practice Act 1994** — Requesting that the Government acts immediately to repeal s 25(1)(a) of the *Medical Practice Act 1994*, 'that the investigation into the matter should not proceed further' and establishes a truly independent body, free of any conflict of interest to investigate, hear and judge complaints against doctors and surgeons, bearing 1 signature (*Ms Barker*)

**Channel Deepening in Port Phillip Bay, The Rip and the Yarra River** — Requesting that the House ensures that — (a) the proposal to deepen shipping channels in Port Phillip Bay, The Rip and the Yarra River is rejected; (b) alternative solutions making better use of a mix of interstate rail from existing deep water ports and sea transport are engaged; and (c) the Minister for Planning makes public the findings of the Environment Effects Statement (EES) Independent Panel, due for release in February 2005, as soon as the Panel provides its report to the Government, bearing 45 signatures (*Mr Lupton*)



**Land Tax System** — Requesting that the Government immediately instigates a full review of the land tax system which is currently unjust and imposing massive hardship on Victorian taxpayers, bearing 2 signatures (*Mr Thompson*)

**Urban Growth Boundary — Rights of Stakeholders of Ironbark Road, Diamond Creek and Pioneer Road, Yarrambat** — Requesting that the House urges the Minister for Planning to — (a) meet and consult with stakeholders of 175–199 and 201–219 Iron Bark Road, Diamond Creek and 40–60 and 217–233 Pioneer Road, Yarrambat to enable a thorough investigation of the planning and infrastructure irregularities; and (b) immediately intervene and correct the inappropriate urban zoning and reinstate these lands in the new Urban Growth Boundary, bearing 5 signatures (*Mrs Powell*)

**Urban Reticulated Infrastructure — Rights of Stakeholders of Ironbark Road, Diamond Creek and Pioneer Road, Yarrambat** — Requesting that the House urges the Minister for Environment to meet and consult with stakeholders of 175–199 and 201–219 Iron Bark Road, Diamond Creek and 40–60 and 217–233 Pioneer Road, Yarrambat to investigate and immediately intervene to protect the urban reticulated infrastructure, bearing 5 signatures (*Mrs Powell*)

**Retirement Village/Aged Care Applications — Stakeholders of Ironbark Road, Diamond Creek and Pioneer Road, Yarrambat** — Requesting that the House urges the Minister for Planning to meet with stakeholders of 175–199 and 201–219 Iron Bark Road, Diamond Creek and 40–60 Pioneer Road, Yarrambat and immediately call in the three retirement village/aged care applications from the Victorian Administrative Civil Tribunal so that a fair decision can be made on these applications, bearing 3 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 7 **PETITION — PHYSICAL EDUCATION IN SCHOOLS** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 8 **PETITION — PRINCIPAL, SEYMOUR TECHNICAL HIGH SCHOOL** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 9 **PETITION — LAND TAX SYSTEM** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 10 **PETITION — INTERSECTION OF BAXTER-TOORADIN, FULTONS AND HAWKINS ROAD, BAXTER** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 11 **PETITION — PENINSULA AERO CLUB** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 12 **PETITION — CITY LINK AND TOLL ROAD CONCESSIONS TO PENSIONERS AND SELF FUNDED SUPERANNUANTS** — Motion made and question — That the

petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

- 13 **PETITION — WONTHAGGI STATE COAL MINE TOURIST ATTRACTION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.

- 14 **PETITION — CHANNEL DEEPENING IN PORT PHILLIP BAY, THE RIP AND THE YARRA RIVER** — Motion made and question — That the petition presented by the Member for Prahran be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

- 15 **DOCUMENTS** —

**ROAD SAFETY COMMITTEE** — Mr Trezise, Chair, presented a report from the Road Safety Committee on the Inquiry into Crashes Involving Roadside Objects, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Ms Campbell, Chair, presented the minutes of evidence of the Public Accounts and Estimates Committee's Inquiry on the Review of the Auditor-General's performance audit report — Services for people with an intellectual disability.

Ordered to be tabled.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 3 of 2005 on the:

Charities (Amendment) Bill  
 Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill  
 Courts Legislation (Judicial Conduct) Bill  
 Health (Compulsory Testing) Bill  
 Legal Profession (Consequential Amendments) Bill  
 Mitcham-Frankston Project (Amendment) Bill  
 National Electricity (Victoria) Bill  
 Outworkers (Improved Protection) (Amendment) Bill

together with appendices, an extract from the proceedings and a minority report.

Ordered to be tabled and printed.

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

Mr Hulls presented by Command of the Governor:

Council of Magistrates — Report for the year 2003–04

Ordered to be tabled.

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

*Commonwealth Games Arrangements Act 2001* — Orders under s 18 (three orders)

*Financial Management Act 1994*:

Budget Sector — Mid-Year Financial Report for the year 2004–05 incorporating the Quarterly Financial Report for the period ended 31 December 2004  
Report from the Minister for Agriculture that he had received the 2003–04 annual report of the Greater Victoria Wine Grape Industry Development Committee

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 183

Murray-Darling Basin Commission — Report for the year 2003–04

*Ombudsman Act 1973* — Report of the Ombudsman on the investigation into the Conduct of Council Officers in the Administration of the Shire of Melton — Ordered to be printed

*Parliamentary Committees Act 2003* — Education and Training Committee — Report on the Inquiry into the Suitability of Pre-Service Teacher Training in Victoria together with appendices and minutes of evidence — Report and appendices ordered to be printed

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

Cardinia Planning Scheme — No C24  
Gannawarra Planning Scheme — No C8  
Golden Plains Planning Scheme — No C22  
Greater Shepparton Planning Scheme — Nos C58, C62  
Hobsons Bay Planning Scheme — No C65  
Maroondah Planning Scheme — Nos C38, C40  
Monash Planning Scheme — No C61  
Port of Melbourne Planning Scheme — No L37  
Stonnington Planning Scheme — No C6 Part 2B  
Surf Coast Planning Scheme — No C14 Part 1  
Whittlesea Planning Scheme — No C5  
Wodonga Planning Scheme — Nos C33, C43  
Yarra Ranges Planning Scheme — No C47

Statutory Rules under the following Acts:

*Crimes Act 1958* — SR No 7  
*Supreme Court Act 1986* — SR No 7  
*Surveying Act 2004* — SR No 8

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule No 7

*Wildlife Act 1975* — Wildlife (Control of Hunting) — Notice No 1/2005.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

*Construction Industry Long Service Leave (Amendment) Act 2004* — Whole Act on 1 March 2005 (*Gazette G8, 24 February 2005*).

- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Serious Sex Offenders Monitoring Bill without amendment.
- 17 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 1 March 2005, given the royal assent to the Serious Sex Offenders Monitoring Bill, presented to him by the Deputy Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments.
- 18 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:
- Courts Legislation (Judicial Conduct) Bill  
Health (Compulsory Testing) Bill  
Mitcham-Frankston Project (Amendment) Bill.
- 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 24 March 2005:
- Charities (Amendment) Bill  
Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill  
Geothermal Energy Resources Bill  
Health (Compulsory Testing) Bill  
Mitcham-Frankston Project (Amendment) Bill  
National Electricity (Victoria) Bill  
Outworkers (Improved Protection) (Amendment) Bill
- (Mr Batchelor)* — put, after debate, and agreed to.
- 20 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 21 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 5 inclusive, be postponed until later this day.
- 22 **OUTWORKERS (IMPROVED PROTECTION) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided.

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

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

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

- 24 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 7, be postponed until later this day.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 26 **GEOTHERMAL ENERGY RESOURCES BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

*Business having been interrupted at 10.00 pm under standing orders.*

- 27 **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*

JUDY MADDIGAN  
*Speaker*

## No 103 — Wednesday 23 March 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **LAND (REVOCAION OF RESERVATIONS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to revoke the permanent reservation and the related Crown grant over part of land at Richmond, to revoke the permanent reservation over certain land at Sandhurst and to re-reserve that land temporarily and for other purposes*'; and, 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:

**Rosebud Hospital Upgrade** — Requesting that the House solves the problems of people having to wait inordinate times for surgery at Peninsula Health, Frankston Hospital and the overworked emergency ward at Frankston by upgrading the Rosebud Hospital to treat a wider range of medical conditions, bearing 1,104 signatures (*Mr Dixon*)

**Regional Blood Banks** — Requesting that the House — (a) revisits the decision made by the Australian Red Cross Blood Service to close 21 regional blood banks without local consultation; and (b) gives favourable consideration to the matter after consultation with the affected volunteers in these regions, bearing 1,811 signatures (*Mr Helper*)

**Traffic Lights at Roundabout of Civic Drive and Diamond Creek Road, Greensborough** — Requesting that the House takes action to ensure the installation of full traffic lights at the roundabout of Civic Drive and Diamond Creek Road, Greensborough in order to fix the problem for both motorists and pedestrians, bearing 417 signatures (*Ms Green*).

Petitions ordered to be tabled.

- 4 **PETITION — ROSEBUD HOSPITAL UPGRADE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 5 **PETITION — REGIONAL BLOOD BANKS** — Motion made and question — That the petition presented by the Member for Ripon be taken into consideration tomorrow (*Mr Helper*) — put and agreed to.
- 6 **PETITION — TRAFFIC LIGHTS AT ROUNDABOUT OF CIVIC DRIVE AND DIAMOND CREEK ROAD, GREENSBOROUGH** — 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 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

Auditor-General — Performance Audit Report — Managing patient safety in public hospitals — Ordered to be printed.

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

- 9 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — GOVERNMENT'S SERVICE AND INFRASTRUCTURE DELIVERY** — The House was informed that Mr Stensholt had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Bracks Government for its commitment to service and infrastructure delivery in a financially sound and responsible manner and calls on the Government to reject any alternative policies which short change Victorians, would damage business confidence, result in cuts to public and essential services, threaten the jobs of hard working Victorians or jeopardise the State's strong fiscal and economic position.'

Mr Stensholt addressed the House — Discussion followed.

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

Education and Training Committee's Report on the on the Inquiry into the Suitability of Pre-Service Teacher Training in Victoria

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Sustainable Urban Design for New Communities in Outer Suburban Areas

Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's performance audit report — Services for people with an intellectual disability

Road Safety Committee's Report on the Inquiry into Crashes Involving Roadside Objects.

- 11 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

*Business having been interrupted at 2.00 pm under standing orders.*

- 12 **QUESTIONS** — (Under SO 55).

- 13 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 636–9*).

Bill sent to the Legislative Council and their agreement requested.

- 14 **HEALTH (COMPULSORY TESTING) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 15 **NATIONAL ELECTRICITY (VICTORIA) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the State Government passes legislation to guarantee minimum service levels for rural electricity connections including a government rebate to all consumers any amount in excess of five per cent above the cheapest equivalent available tariff' (*Mr Ingram*) — and, after debate —

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

The House divided.

#### AYES 76

Ms Allan; Mr Andrews; Ms Asher; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield, Ms D'Ambrosio; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mrs Powell; Mr Robinson; Mr Ryan; Mr Seitz; Mr Smith; Mr Stensholt; Dr Sykes; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wells; Mr Wynne.

#### NOES 2

Mr Ingram; Mr Savage.

Question agreed to.

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



The House divided.

AYES 76

Ms Allan; Mr Andrews; Ms Asher; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield, Ms D'Ambrosio; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mrs Powell; Mr Robinson; Mr Ryan; Mr Seitz; Mr Smith; Mr Stensholt; Dr Sykes; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wells; Mr Wynne.

NOES 2

Mr Ingram; Mr Savage.

Question agreed to.

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

Bill sent to the Legislative Council and their agreement requested.

16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Water Efficiency Labelling and Standards Bill without amendment.

17 **MITCHAM-FRANKSTON PROJECT (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

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

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 104 — Thursday 24 March 2005

1 The Speaker took the Chair and read the Prayer.

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

**National Park in the Otways** — Requesting that the House ensures that — (a) one large National Park, containing all the areas recommended by the Victorian Environmental Assessment Council (VEAC), plus the catchments of the Holywater and Wait-a-while Creeks, and the headwaters of the Aire River, be established this year; and (b) all indigenously vegetated public land not included in the National Park be made into a number of Regional Parks, under the National Parks Act and subject to one management regime, bearing 275 signatures (*Mr Crutchfield*)

**Harness Racing at Boort** — Requesting that the Minister for Racing withdraws his support for the 'Vision Value Victoria' (V3) scheme and does his utmost to reinstate harness racing at Boort, bearing 165 signatures (*Mr Walsh*)

**St Arnaud Harness Racing Club Track** — Requesting that the Minister for Racing — (a) conducts an investigation into and rescinds Harness Racing Victoria's decision to terminate the St Arnaud Harness Racing Club track as a TAB race venue; (b) requires Harness Racing Victoria to comply with ss 44, 44B and 44C of the *Racing Act 1958*; and (c) recommends to the Governor in Council to terminate the appointment of the Board of Harness Racing Victoria and call for nominations of a replacement Board, bearing 20 signatures (*Mr Walsh*)

**Extension of Epping Rail Line** — Requesting that the Government funds the extension of the Epping rail line to South Morang in the 2005 State Budget, bearing 5,644 signatures (*Mr Batchelor*).

Petitions ordered to be tabled.

### 3 DOCUMENTS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Annual Review 2004, 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:

*Commonwealth Games Arrangement Act 2001* — Orders under s 18 (two orders)

Statutory Rules under the following Acts:

*Fisheries Act 1995* — SR No 9

*Magistrates' Court Act 1989* — SR No 10.

### 4 MESSAGES FROM THE LEGISLATIVE COUNCIL — Agreeing to the following bills without amendment:

Retirement Villages (Amendment) Bill

Corrections (Transition Centres and Custodial Community Permits) Bill.

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 19 April 2005 (*Ms Allan*) — put and agreed to.

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

7 **PARLIAMENTARY ADMINISTRATION BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

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

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

Ordered — That the debate be adjourned until Thursday 7 April 2005.

8 **STATUTE LAW REVISION BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

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

Ordered — That the debate be adjourned until Thursday 7 April 2005.

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

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

Ordered — That the debate be adjourned until Thursday 7 April 2005.

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

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

Ordered — That the debate be adjourned until Thursday 7 April 2005.

11 **LAND (REVOCAION OF RESERVATIONS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 7 April 2005.

12 **MITCHAM-FRANKSTON PROJECT (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

13 **QUESTIONS** — (Under SO 55).

14 **MITCHAM-FRANKSTON PROJECT (AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.

Question — put.

The House divided.

AYES 69

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield, Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 17

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

Question agreed to.

Third reading, by leave, considered immediately.

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

The House divided.

AYES 69

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield, Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 17

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

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Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Courts Legislation (Judicial Appointments and Other Amendments) Bill without amendment.
- 16 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 17 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 3.47 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 102, 103 and 104**

**No 103 — Wednesday 23 March 2005**

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)**  
**(ENFORCEMENT) (AMENDMENT) BILL**

**Clause 1**, Mr Hulls moved amendment Nos 1 and 2 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clause 2**, Mr Hulls moved amendment Nos 3 and 4 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 3 to 7** agreed to.

**Clause 8**, Mr Hulls moved amendment No 5 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 9** agreed to.

**Clause 10**, Mr Hulls moved amendment No 6 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 11**, Mr Hulls moved amendment Nos 7 to 10 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clause 12**, Mr Hulls moved amendment Nos 11 and 12 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**New clause AA** agreed to.

Bill agreed to as amended.

## SCHEDULE OF AMENDMENTS MOVED

### CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL

Amendments moved by Mr Hulls

1. Clause 1, page 2, line 13, after "publications" insert "and provide further for those matters".
2. Clause 1, page 2, line 14, after "consequential" insert "and other".
3. Clause 2, line 18, omit "12" and insert "13".
4. Clause 2, line 21, omit "12" and insert "13".
5. Clause 8, line 15, after "RC" insert "or X".
6. Clause 10, lines 3 to 10, omit all words and expressions on these lines and insert—
  - '(a) in the definition of "objectionable film", paragraph (b) is **repealed**;
  - (b) in the definition of "objectionable publication", paragraph (c) is **repealed**.
 (2) In section 56 of the Principal Act, in the definition of "objectionable material", paragraph (c)(ii) is **repealed**.'
7. Clause 11, page 11, line 4, omit "12" and insert "13".
8. Clause 11, page 11, line 15, omit "12" and insert "13".
9. Clause 11, page 12, line 24, omit "12" and insert "13".
10. Clause 11, page 12, line 29, omit "12" and insert "13".
11. Clause 12, after line 7 insert—
  - '(1) In section 68(1A) of the **Crimes Act 1958**, after "X" (where twice occurring) **insert "or X 18+"**.
  - (2) In section 69(2) of the **Crimes Act 1958**, after "X" **insert "or X 18+"**.'
12. Clause 12, line 9, after ' "X" ' insert "(where twice occurring)".

#### NEW CLAUSE

13. Insert the following Clause to follow Clause 11:

**'AA. Amendment of the Crimes Act 1958**

  - (1) In section 67A of the **Crimes Act 1958**, in the definition of "child pornography", for "looks like" **substitute** "appears to be".
  - (2) After section 68(1) of the **Crimes Act 1958 insert—**

"(1A) It is a defence to a prosecution for an offence against sub-section (1) to prove, in the case of—

    - (a) a film; or
    - (b) a photograph contained in a publication; or



- 
- (c) a computer game—  
that at the time of the alleged offence the film, publication or computer game was classified other than RC or X or would, if classified, be classified other than RC or X."
- (3) At the end of section 69 of the **Crimes Act 1958 insert**—  
"(2) It is a defence to a prosecution for an offence against sub-section (1) to prove, in the case of—  
(a) a film; or  
(b) a photograph contained in a publication; or  
(c) a computer game—  
that at the time of the alleged offence the film, publication or computer game would, if classified, be classified other than RC or X."
- (4) In section 70(2)(a) of the **Crimes Act 1958**, after "X" **insert** "or would, if classified, be classified other than RC or X".'.



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 105, 106 and 107

#### No 105 — Tuesday 19 April 2005

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF NEIL MALCOLM McINNES** — The Speaker announced the death of Neil Malcolm McInnes, Member of the Legislative Assembly for the Electoral District of Gippsland South from 1973 to 1982; and, honourable members rose in their places as a mark of respect to the memory of the deceased.
- 3 **DEATH OF THE REVEREND DR JOHN DAVIS McCAUGHEY, AC** — Motion made and question — That this House expresses its sincere sorrow at the death of The Reverend Dr John Davis McCaughey, AC, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as Governor of Victoria from 1986 to 1992 (*Mr Thwaites*) — put, after the Speaker and other honourable members had addressed the House in support of the motion and, honourable members rising in their places to signify their assent, agreed to unanimously.
- 4 **DEATH OF POPE JOHN PAUL II** — Motion made, by leave, and question — That this House expresses its sincere sorrow at the death of Pope John Paul II and extends its deep sympathy to all members of the Catholic community on the loss of their spiritual leader (*Mr Thwaites*) — put, after the Speaker and other honourable members had addressed the House in support of the motion and, honourable members rising in their places to signify their assent, agreed to unanimously.
- 5 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late The Reverend Dr John Davis McCaughey, AC, and Pope John Paul II, the House now adjourns until tomorrow (*Mr Thwaites*) — put and agreed to.

And the House, at 5.19 pm adjourned until tomorrow at 9.30 am.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 106 — Wednesday 20 April 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **NATIONAL PARKS (POINT NEPEAN) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the National Parks Act 1975 to make provision in relation to certain land at Point Nepean and on the Mornington Peninsula and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **LOCAL GOVERNMENT (AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the Local Government Act 1989 with respect to the appointment of Chief Executive Officers by Councils and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **CITY OF MELBOURNE (AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the City of Melbourne Act 2001 with respect to the application of differential rates by Melbourne City Council and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **COMMONWEALTH GAMES ARRANGEMENTS (MISCELLANEOUS AMENDMENTS) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the Commonwealth Games Arrangements Act 2001 to provide for miscellaneous matters, including the management and regulation of areas being used for the Commonwealth Games and associated events, to exempt Commonwealth Games venues, facilities and other areas from various laws to facilitate the efficient delivery of the Games, to make various other amendments necessary for the effective conduct of the Commonwealth Games and associated events or the effective operation of that Act and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL** — Ms Garbutt obtained leave to bring in a Bill '*to amend the Children and Young Persons Act 1989, the Children and Young Persons (Age Jurisdiction) Act 2004, the Children and Young Persons (Koori Court) Act 2004, the Bail Act 1977, the Road Safety Act 1986, the Melbourne City Link Act 1995 and the Mitcham-Frankston Project Act 2004 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **ELECTORAL LEGISLATION (FURTHER AMENDMENT) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the Electoral Act 2002, the Constitution Act 1975, the Constitution (Parliamentary Reform) Act 2003 and the Local Government Act 1989 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **COURTS LEGISLATION (JUDICIAL PENSIONS) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the Attorney-General and Solicitor-General Act 1972, the Constitution Act 1975, the County Court Act 1958, the Magistrates' Court Act 1989, the Public Prosecutions Act 1994 and the Supreme Court Act 1986 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 9 **MAGISTRATES' COURT (JUDICIAL REGISTRARS AND COURT RULES) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the Magistrates' Court Act 1989 so as to provide for the appointment of, and the powers exercisable by, judicial registrars in the Magistrates' Court and for the making of rules of court in relation to criminal proceedings in the Magistrates' Court and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **LONG SERVICE LEAVE (AMENDMENT) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the Long Service Leave Act 1992 to make the law relating to long service leave more consistent with modern working practices and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **OWNER DRIVERS AND FORESTRY CONTRACTORS BILL** — Mr Cameron obtained leave to bring in a Bill '*to regulate the relationship between persons who contract to transport goods in a vehicle, or harvest forest products using motorised equipment, supplied by them and persons who hire them, to amend the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 12 **HIGHER EDUCATION ACTS (AMENDMENT) BILL** — Ms Kosky obtained leave to bring in a Bill '*to amend various Acts establishing Victorian universities to make further provision for their governance and operation and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 13 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Wonthaggi State Coal Mine Tourist Attraction** — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 183 signatures (*Mr Smith*)

**Bass Landing Boat Launching Ramp** — Requesting that the Parliament and the Minister for Environment allow the Bass Landing Boat Launching Ramp and parking area to remain open to the boat users and fishermen and women who have used this area for many years, bearing 245 signatures (*Mr Smith*)

**Desexing of Cats** — Requesting that the House enacts legislation to require — (a) that all cats over the age of 12 weeks are desexed unless registered to a licensed breeder; and (b) that all cats and kittens offered for sale or acquired are desexed, bearing 27 signatures (*Mr Langdon*)

**Physical Education in Schools** — Requesting that the House takes action to ensure that the Government restores physical education to a discipline and positions it in the discipline core area in the Victorian Curriculum Reform being undertaken for the Minister for Education and Training bearing 15,135 signatures (*Mr Nardella*)

**St Arnaud Harness Racing Club Track** — Requesting that the Minister for Racing — (a) conducts an investigation into and rescinds Harness Racing Victoria's decision to

terminate the St Arnaud Harness Racing Club track as a TAB race venue; (b) requires Harness Racing Victoria to comply with sections 44, 44B and 44C of the *Racing Act 1958*; and (c) recommends to the Governor in Council to terminate the appointment of the Board of Harness Racing Victoria and call for nominations of a replacement Board, bearing 406 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 14 **PETITION — ST ARNAUD HARNESS RACING CLUB TRACK** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 15 **PETITION — WONTHAGGI STATE COAL MINE TOURIST ATTRACTION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 16 **PETITION — BASS LANDING BOAT LAUNCHING RAMP** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 17 **DOCUMENTS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 4 of 2005 on the:

Justice Legislation (Amendment) Bill  
 Land (Revocation of Reservations) Bill  
 Parliamentary Administration Bill  
 Sentencing (Further Amendment) Bill

together with appendices.

Ordered to be tabled and printed.

**DRUGS AND CRIME PREVENTION COMMITTEE** — Mr Cooper, Deputy Chair, presented a report from the Drugs and Crime Prevention Committee on the Inquiry into Violence Associated with Motor Vehicle Use, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on the 2003–04 Budget Outcomes, 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 — Performance Audit Report — Management of occupational health and safety in local government — Ordered to be printed

Medical Practitioners Board — Report for the year ended 30 September 2004

*Mitcham-Frankston Project Act 2004* — Orders varying the Project Area and the Extended Project Area (two orders)

National Environment Protection Council — Report for the year 2003–04

*Parliamentary Committees Act 2003* — Response of the Minister Assisting the Premier on Multicultural Affairs and Minister for Employment and Youth Affairs on the action taken with respect to the recommendations made by the Economic Development Committee's Inquiry into the Economic Contribution of Victoria's Culturally Diverse Population

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

- Ararat Planning Scheme — No C8
- Ballarat Planning Scheme — No C65
- Banyule Planning Scheme — No C6
- Boroondara Planning Scheme — Nos C44, C47
- Brimbank Planning Scheme — No C69
- Campaspe Planning Scheme — No C32
- Cardinia Planning Scheme — Nos C50, C57
- Casey Planning Scheme — No C65
- East Gippsland Planning Scheme — No C44
- Glen Eira Planning Scheme — No C44
- Greater Bendigo Planning Scheme — Nos C40, C59
- Greater Geelong Planning Scheme — Nos C87, C88, C92
- Hume Planning Scheme — No C54
- Knox Planning Scheme — No C37
- Latrobe Planning Scheme — No C37
- Loddon Planning Scheme — No C11
- Macedon Ranges Planning Scheme — Nos C31, C36
- Manningham Planning Scheme — No C45
- Mansfield Planning Scheme — No C4
- Melbourne Planning Scheme — No C94
- Port Phillip Planning Scheme — No C50
- Surf Coast Planning Scheme — Nos C7 Part 1, C19, C22
- Wyndham Planning Scheme — No C49

Statutory Rules under the following Acts:

- Fisheries Act 1995* — SR No 12
- Forests Act 1958* — SR No 13
- Magistrates' Court Act 1989* — SR No 15
- Mineral Resources Development Act 1990* — SR No 11

*Public Administration Act 2004* — SR No 16  
*Subordinate Legislation Act 1994* — SR No 14

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rule Nos 14, 15  
 Ministers' exemption certificates in relation to Statutory Rule Nos 11, 12, 16

*Survey Co-ordination Act 1958* — Report of the Surveyor General for the year 2003–04

*Victorian Environment Assessment Council Act 2001* — Response to submissions on the proposed terms of reference for investigation into Riverine Red Gum forests

*Wildlife Act 1975* — Wildlife (Control of Hunting) Notice No 2/2005.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

*Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004* — Section 55 on 1 April 2005 (*Gazette G12, 24 March 2005*)

*Public Administration Act 2004* — Remaining provisions of Part 1 and Division 1 of Part 4 on 4 April 2005; remaining provisions except Part 5 on 5 April 2005; and Part 5 on 1 July 2005 (*Gazette G13, 31 March 2005*).

18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill without amendment.

19 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 5 April 2005, given the royal assent to the following bills, presented to him by the Deputy Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments:

Corrections (Transition Centres and Custodial Community Permits) Bill  
 Courts Legislation (Judicial Appointments and Other Amendments) Bill  
 Retirement Villages (Amendment) Bill  
 Water Efficiency Labelling and Standards Bill.

20 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Justice Legislation (Amendment) Bill  
 Parliamentary Administration Bill.

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 21 April 2005:

Justice Legislation (Amendment) Bill  
 Land (Revocation of Reservations) Bill  
 Parliamentary Administration Bill



Sentencing (Further Amendment) Bill  
Statute Law Revision Bill

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

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

23 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — LAND TAX** — 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 condemns the Bracks Government's deliberate policy of massively increasing the land tax burden on Victorians and the Treasurer's failure to realise the devastating consequences of this policy, particularly for small and medium-sized taxpayers, and calls on the Government to provide genuine land tax relief as a matter of urgency.'

Mr Clark addressed the House — Discussion followed.

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

Drugs and Crime Prevention Committee's Report on the Inquiry into Violence Associated with Motor Vehicle Use

Economic Development Committee's Interim Report on the Inquiry into Labour Hire Employment in Victoria

Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes.

*Business having been interrupted at 2.00 pm under standing orders.*

25 **QUESTIONS** — (Under SO 55).

*Prior notice having been given under SO 43, business was interrupted at 2.48 pm.*

26 **MINISTERIAL STATEMENT — ENVIRONMENTAL SUSTAINABILITY** — The Minister for Environment made a ministerial statement relating to environmental sustainability, to which members responded.

27 **STATUTE LAW REVISION BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

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

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

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

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

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

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

- 30 **PARLIAMENTARY ADMINISTRATION BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

- 31 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Outworkers (Improved Protection) (Amendment) Bill without amendment.

- 32 **LAND (REVOCAION OF RESERVATIONS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to — (a) retain the provisions relating to the revocation of land at Sandhurst; and (b) take into account results of a comprehensive, independent and public investigation into alternative proposals which would avoid the alienation of public parkland in relation to the proposed road widening at Richmond' (*Mr Baillieu*) — and, after debate —

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

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

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

*Business having been interrupted at 10.00 pm under standing orders.*

- 34 **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 10.44 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 107 — Thursday 21 April 2005

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

**Bass Landing Boat Launching Ramp** — Requesting that the Parliament and the Minister for Environment allow the Bass Landing Boat Launching Ramp and parking area to remain open to the boat users and fishermen and women who have used this area for many years, bearing 327 signatures (*Mr Smith*)

**Rural Planning Zones** — Requesting that the House does not proceed with the proposed introduction of the new zonings in rural areas, bearing 5 signatures (*Mr Baillieu*)

**Camberwell Railway Station** — Requesting that the House abandons its intention to sell, lease or in any way make available the land and air space surrounding Camberwell Railway Station for development and thus retains the heritage station and the public open space for the enjoyment of all now and in the future, bearing 103 signatures (*Mr Baillieu*)

**Burnley Gardens** — Requesting that the House stops alienation of parkland in Richmond for the benefit of the commercial development of Burnley Gardens and thus retains the public open space for the enjoyment of all now and in the future, bearing 30 signatures (*Mr Baillieu*)

**Glenferrie Road, Hawthorn** — Requesting that the House requires the Minister for Planning to remove Glenferrie Road, Hawthorn from the list of Major Activity Centres, as published by the Department of Sustainability and Environment, December 2003, and thus retains the amenity of the road and surrounding precinct, bearing 49 signatures (*Mr Baillieu*)

**City Link and Toll Road Concessions for Pensioners and Self Funded Superannuants** — Requesting that the House calls on the Government to initiate immediate action to extend concessions to enable all pensioners and self funded superannuants to access City Link and other toll roads in Victoria at an affordable cost, bearing 271 signatures (*Mr Cooper*)

**Rosebud Hospital Upgrade** — Requesting that the House solves the problems of people having to wait inordinate times for surgery at Peninsula Health, Frankston Hospital and the overworked Emergency Ward at Frankston by upgrading the Rosebud Hospital to treat a wider range of medical conditions, bearing 580 signatures (*Mr Dixon*)

**Motor Vehicle Registration Fees — Pensioner Concession** — Requesting that the Government reverses its decision to halve the pensioner concession on car registration fees, bearing 36 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

- 3 **PETITION — CITY LINK AND TOLL ROAD CONCESSIONS FOR PENSIONERS AND SELF FUNDED SUPERANNUANTS** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 4 **PETITION — RURAL PLANNING ZONES** — Motion made and question — That the petition presented by the Member for Hawthorn be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.
- 5 **PETITION — CAMBERWELL RAILWAY STATION** — Motion made and question — That the petition presented by the Member for Hawthorn be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.
- 6 **PETITION — BURNLEY GARDENS** — Motion made and question — That the petition presented by the Member for Hawthorn be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.
- 7 **PETITION — GLENFERRIE ROAD, HAWTHORN** — Motion made and question — That the petition presented by the Member for Hawthorn be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.
- 8 **PETITION — BASS LANDING BOAT LAUNCHING RAMP** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 9 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Ballarat University — Report for the year 2004 (two documents)

Deakin University — Report for the year 2004

La Trobe University — Report for the year 2004

Melbourne University — Report for the year 2004

Melbourne University Private Limited — Report for the year 2004

Monash University — Report for the year 2004

RMIT University — Report for the year 2004

Statutory Rules under the following Acts:

*Heritage Act 1995* — SR No 18

*Victorian Civil and Administrative Tribunal Act 1998* — SR No 17

Swinburne University of Technology — Report for the year 2004

Victoria University of Technology — Report for the year 2004.

- 10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the National Electricity (Victoria) Bill without amendment.

- 11 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 3 May 2005 (*Mr Cameron*) — put, after debate, and agreed to.

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

- 13 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 9 inclusive, be postponed until later this day.

- 14 **HIGHER EDUCATION ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

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

Ordered — That the debate be adjourned until Thursday 5 May 2005.

- 15 **CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 4 May 2005.

- 16 **ELECTORAL LEGISLATION (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 5 May 2005.

- 17 **MAGISTRATES' COURT (JUDICIAL REGISTRARS AND COURT RULES) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 4 May 2005.

- 18 **LONG SERVICE LEAVE (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 4 May 2005.

- 19 **OWNER DRIVERS AND FORESTRY CONTRACTORS BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 5 May 2005.

- 20 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 11 to 14 inclusive, be postponed until later this day.

- 21 **COURTS LEGISLATION (JUDICIAL PENSIONS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 5 May 2005.

- 22 **NATIONAL PARKS (POINT NEPEAN) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

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

Ordered — That the debate be adjourned until Thursday 5 May 2005.

- 23 **LOCAL GOVERNMENT (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

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

Ordered — That the debate be adjourned until Thursday 5 May 2005.

- 24 **CITY OF MELBOURNE (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

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

Ordered — That the debate be adjourned until Thursday 5 May 2005.

- 25 **COMMONWEALTH GAMES ARRANGEMENTS (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

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

Ordered — That the debate be adjourned until Thursday 5 May 2005.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Geothermal Energy Resources Bill without amendment.

- 28 **LAND (REVOCAION OF RESERVATIONS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to — (a) retain the provisions relating to the revocation of land at Sandhurst; and (b) take into account results of a comprehensive, independent and public investigation into alternative proposals which would avoid the alienation of public parkland in relation to the proposed road widening at Richmond'; debate resumed.

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

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

*Business having been interrupted at 2.00 pm under standing orders.*

- 29 **QUESTIONS** — (Under SO 55).

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

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

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

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

*Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Wednesday 20 April 2005 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.

- 32 **LAND (REVOCAION OF RESERVATIONS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to — (a) retain the provisions relating to the revocation of land at Sandhurst; and (b) take into account results of a comprehensive, independent and public investigation into alternative proposals which would avoid the alienation of public parkland in relation to the proposed road widening at Richmond'.

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

The House divided.

#### AYES 56

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

#### NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided.

#### AYES 63

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Seitz; Mr Stensholt; Mr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.



NOES 17

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Savage; Mrs Shardey; Mr Smith; Mr Wells.

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.

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

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

The House divided.

AYES 65

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Mr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 15

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mrs Shardey; Mr Smith; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

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

- 35 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.48 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JUDY MADDIGAN  
Speaker



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 108, 109 and 110

#### No 108 — Tuesday 3 May 2005

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

2 **QUESTIONS** — (Under SO 55).

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

**Harness Racing at Hamilton** — Requesting that the Minister for Racing withdraws his support for the 'Vision Value Victoria' (V3) scheme and does his utmost to reinstate harness racing at Hamilton, bearing 537 signatures (*Dr Naphthine*).

Ordered to be tabled.

4 **PETITION — HARNESS RACING AT HAMILTON** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphthine*) — put and agreed to.

5 **DOCUMENTS** —

**VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS** — Motion made, by leave, and question — That the Report on Victorian Government Indigenous Affairs for the period July 2002 to June 2004 be tabled (*Mr Thwaites*) — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 5 of 2005 on the:

Children and Young Persons (Miscellaneous Amendments) Bill  
City of Melbourne (Amendment) Bill  
Commonwealth Games Arrangements (Miscellaneous Amendments) Bill  
Courts Legislation (Judicial Pensions) Bill  
Electoral Legislation (Further Amendment) Bill  
Higher Education Acts (Amendment) Bill  
Local Government (Amendment) Bill  
Long Service Leave (Amendment) Bill  
Magistrates' Court (Judicial Registrars and Court Rules) Bill  
National Parks (Point Nepean) Bill

Owner Drivers and Forestry Contractors Bill

together with appendices.

Ordered to be tabled and printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Leighton presented the Final Report from the Scrutiny of Acts and Regulations Committee on Victorian Electronic Democracy, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENT BY COMMAND OF THE GOVERNOR** —

Mr Hulls presented by Command of the Governor:

Children's Court of Victoria — Report for the year 2003–04

Ordered to be tabled.

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

Bendigo Regional Institute of TAFE — Report for the year 2004

Box Hill Institute of TAFE — Report for the year 2004

Central Gippsland Institute of TAFE — Report for the year 2004

Centre for Adult Education — Report for the year 2004

Chisholm Institute of TAFE — Report for the year 2004

Driver Education Centre of Australia Ltd — Report for the year 2004

East Gippsland Institute of TAFE — Report for the year 2004

*Financial Management Act 1994:*

Budget Paper No 2 — 2005–06 Strategy and Outlook

Budget Paper No 3 — 2005–06 Service Delivery

Budget Paper No 4 — 2005–06 Statement of Finances incorporating the Quarterly Financial Report No 3

Gordon Institute of TAFE — Report for the year 2004

Goulburn Ovens Institute of TAFE — Report for the year 2004 (two documents)

Holmesglen Institute of TAFE — Report for the year 2004

Kangan Batman TAFE — Report for the year 2004 (two documents)

Northern Melbourne Institute of TAFE — Report for the year 2004

*Parliamentary Committees Act 2003* — Response of the Attorney-General on the action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee's Report on Redundant and Unclear Legislation

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

Ballarat Planning Scheme — No C64  
 Banyule Planning Scheme — No C48  
 Bayside Planning Scheme — No C47  
 Brimbank Planning Scheme — No C32  
 Colac Otway Planning Scheme — No C33  
 Corangamite Planning Scheme — No C11  
 Glenelg Planning Scheme — No C19  
 Horsham Planning Scheme — No C21  
 Maribyrnong Planning Scheme — No C11  
 Melbourne Planning Scheme — No C88  
 Moonee Valley Planning Scheme — Nos C19, C53 Part 2

South West Institute of TAFE — Report for the year 2004

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 17

Sunraysia Institute of TAFE — Report for the year 2004

*Surveillance Devices Act 1999*:

Reports under s 37 from the Australian Crime Commission, Chief Commissioner of Police, Department of Sustainability and Environment, and Department of Primary Industries  
 Report under s 37 from the Director, Police Integrity

William Angliss Institute of TAFE — Report for the year 2004

Wodonga Institute of TAFE — Report for the year 2004 (two documents).

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

*Water Efficiency Labelling and Standards Act 2005* — Remaining provisions on 29 April 2005 (*Gazette G17, 28 April 2005*).

- 6 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 27 April 2005, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill  
 Geothermal Energy Resources Bill  
 National Electricity (Victoria) Bill  
 Outworkers (Improved Protection) (Amendment) Bill

Statute Law Revision Bill.

- 7 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Children and Young Persons (Miscellaneous Amendments) Bill  
 Commonwealth Games Arrangements (Miscellaneous Amendments) Bill  
 Courts Legislation (Judicial Pensions) Bill  
 Electoral Legislation (Further Amendment) Bill  
 Magistrates' Court (Judicial Registrars and Court Rules) Bill  
 National Parks (Point Nepean) Bill  
 Owner Drivers and Forestry Contractors Bill.

- 8 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Appropriation (2005/2006) Bill, and accompanying Estimates of Expenditure requiring annual appropriation in the financial year 2005/2006.

Estimates ordered to be tabled.

- 9 **APPROPRIATION (2005/2006) BILL** — Mr Brumby obtained leave to bring in a Bill *'for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2005/2006 and for other purposes'*; and the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

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

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

Ordered — That the debate be adjourned until Thursday 5 May 2005.

- 10 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Appropriation (Parliament 2005/2006) Bill, and accompanying Estimates of Expenditure for Parliament requiring annual appropriation in the financial year 2005/2006.

Estimates ordered to be tabled.

- 11 **APPROPRIATION (PARLIAMENT 2005/2006) BILL** — Mr Bracks obtained leave to bring in a Bill *'for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2005/2006 and for other purposes'*; and the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

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

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

Ordered — That the debate be adjourned until Thursday 5 May 2005.

- 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 5 May 2005:

Children and Young Persons (Miscellaneous Amendments) Bill  
Courts Legislation (Judicial Conduct) Bill  
Legal Profession (Consequential Amendments) Bill  
Long Service Leave (Amendment) Bill  
Magistrates' Court (Judicial Registrars and Court Rules) Bill.

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

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

- 14 **COURTS LEGISLATION (JUDICIAL CONDUCT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Mitcham-Frankston Project (Amendment) Bill without amendment.

- 16 **LEGAL PROFESSION (CONSEQUENTIAL AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Delahunty *(Northcote)* 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 10.00 pm under standing orders.*

- 17 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.50 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 109 — Wednesday 4 May 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **ROAD SAFETY (FURTHER AMENDMENT) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend the Road Safety Act 1986, the Road Management Act 2004, the Melbourne City Link Act 1995, the Road Safety (Drug Driving) Act 2003, the Police Regulation Act 1958 and certain other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend the Rail Corporations Act 1996 and the Transport 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.
- 4 **SEX OFFENDERS REGISTRATION (AMENDMENT) BILL** — Mr Holding obtained leave to bring in a Bill '*to amend the Sex Offenders Registration Act 2004, the Sentencing Act 1991, and the Births, Deaths and Marriages Registration 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 **HOUSE CONTRACTS GUARANTEE (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the House Contracts Guarantee Act 1987 to establish the Housing Guarantee Claims Fund, to confer responsibility on the Victorian Managed Insurance Authority for the administration of that Fund and the Domestic Building (HIH) Indemnity Fund and claims on those Funds, to provide for the transfer of the property, rights and liabilities of Housing Guarantee Fund Limited to the State, to amend the Victorian Managed Insurance Authority Act 1996 and other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **GAMBLING REGULATION (PUBLIC LOTTERY LICENCES) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Gambling Regulation Act 2003 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **TOBACCO (AMENDMENT) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the Tobacco Act 1987 to ban smoking in enclosed workplaces and other areas, to increase controls on tobacco advertising and the supply of tobacco to young people and generally to increase controls on tobacco, to amend the Transport Act 1983 to ban smoking in covered public transport property, to make consequential amendments to other Acts and for other*



*purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 8 **PRIMARY INDUSTRIES ACTS (AMENDMENT) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the Prevention of Cruelty to Animals Act 1986, the Domestic (Feral and Nuisance) Animals Act 1994 and the Fisheries Act 1995 and for other purposes'*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **FISHERIES (ABALONE) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the Fisheries 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.
- 10 **ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Batchelor, on behalf of Mr Brumby, obtained leave to bring in a Bill '*to amend the Electricity Safety Act 1998 in relation to the level of safety to be provided under electricity safety management schemes submitted by network operators, to amend the Electricity Industry Act 2000 in relation to the methodology for determining amounts payable by generation companies for land use, to amend the Gas Industry Act 2001 to provide that a review of VENCORP may be undertaken before 2007 and to amend the Fuel Emergency Act 1977 in relation to proclamations declaring a state of emergency due to a fuel shortage and for other purposes'*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **EMERGENCY SERVICES SUPERANNUATION (AMENDMENT) BILL** — Mr Batchelor, on behalf of Mr Brumby, obtained leave to bring in a Bill '*to amend the Emergency Services Superannuation Act 1986 and for other purposes'*'; and 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:

**Bass Landing Boat Launching Ramp** — Requesting that the Parliament and the Minister for Environment allow the Bass Landing Boat Launching Ramp and parking area to remain open to the boat users and fishermen and women who have used this area for many years, bearing 160 signatures (*Mr Smith*)

**Wonthaggi State Coal Mine Tourist Attraction** — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 2 signatures (*Mr Smith*)

**Purchase of Used Cars** — Requesting a change in legislation to protect Victorian consumers in respect of the buyer beware provisions applying to the purchase of used cars as many have been deceived by unscrupulous dealers and private vendors by the non disclosure of extensive cosmetic changes carried out on vehicles, bearing 1 signature (*Ms Eckstein*)

**National Park in the Otways** — Requesting that the House ensures that — (a) one large National Park, containing all the areas recommended by the Victorian Environmental Assessment Council (VEAC), plus the catchments of the Holywater and Wait-a-while

Creeks, and the headwaters of the Aire River, be established this year; and (b) all indigenously vegetated public land not included in the National Park be made into a number of Regional Parks, under the National Parks Act and subject to one management regime, bearing 246 signatures (*Mr Crutchfield*).

Petitions ordered to be tabled.

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

*Audit Act 1994* — Report of the Auditor-General on results of special reviews and other investigations — Ordered to be printed

*Prevention of Cruelty to Animals Act 1986* — Code of Practice for the Welfare of Rodeo and Rodeo School Livestock in Victoria (Revision Number 1).

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

Health (Compulsory Testing) Bill  
Charities (Amendment) Bill.

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

*[The Deputy Speaker having left the Chair at 10.23 am, resumed it at 10.33 am]*

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

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

Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes

Drugs and Crime Prevention Committee's Report on the Inquiry into Violence Associated with Motor Vehicle Use

Economic Development Committee's Interim Report on the Inquiry into Labour Hire Employment in Victoria.

*Business having been interrupted at 2.00 pm under standing orders.*

- 18 **QUESTIONS** — (Under SO 55).

- 19 **COURTS LEGISLATION (JUDICIAL CONDUCT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided.

AYES 67

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mrs Powell; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 18

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

Question agreed to.

Bill read a second time, considered in detail and agreed to with amendments, read a third time with the concurrence of an absolute majority and a special majority of the whole number of the members of the Legislative Assembly (*pp 674, 675*).

Bill sent to the Legislative Council and their agreement requested.

- 20 **LEGAL PROFESSION (CONSEQUENTIAL AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*pp 674, 676*).

Bill sent to the Legislative Council and their agreement requested.

- 21 **CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Government consults with key stakeholders including the judiciary, Victoria Police, victims of crime groups and the Sentencing Advisory Council as to the impact of limiting judicial discretion in imposing compensation orders under Part 4 of the *Sentencing Act 1991*' (*Mr McIntosh*) — and, after debate —

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

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

- 22 **MAGISTRATES' COURT (JUDICIAL REGISTRARS AND COURT RULES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Government consults with key stakeholders as to the need for judicial registrars; how the independence of judicial registrars could be best protected; and how to properly prescribe the powers of judicial registrars' (*Mr McIntosh*) — and, after debate —

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.

- 23 **LONG SERVICE LEAVE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

Land (Revocation of Reservations) Bill  
Sentencing (Further Amendment) Bill.

- 25 **CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Government consults with key stakeholders including the judiciary, Victoria Police, victims of crime groups and the Sentencing Advisory Council as to the impact of limiting judicial discretion in imposing compensation orders under Part 4 of the *Sentencing Act 1991*'; debate resumed.

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

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

- 26 **LONG SERVICE LEAVE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 27 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.34 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 110 — Thursday 5 May 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — The Speaker announced that she had received the resignation of Mr Donnellan from the Public Accounts and Estimates Committee, effective from 4 May 2005.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**City Link and Toll Road Concessions for Pensioners and Self Funded Superannuants** — Requesting that the House calls on the Government to initiate immediate action to extend concessions to enable all pensioners and self funded superannuants to access City Link and other toll roads in Victoria at an affordable cost, bearing 78 signatures (*Mr Cooper*)

**Dog Control between Dalgetty Road, Beaumaris and Central Avenue, Black Rock** — Requesting that the Government puts in place a reasonable arrangement for the control of dogs between Dalgetty Road, Beaumaris and Central Avenue, Black Rock, in accordance with regulation 37 of the *National Parks (Park) Regulations 2003*, bearing 1,447 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 4 **PETITION — CITY LINK AND TOLL ROAD CONCESSIONS FOR PENSIONERS AND SELF FUNDED SUPERANNUANTS** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 5 **PETITION — DOG CONTROL BETWEEN DALGETTY ROAD, BEAUMARIS AND CENTRAL AVENUE, BLACK ROCK** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 6 **DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following documents in accordance with an Act of Parliament:

Adult Multicultural Education Services — Report for the year 2004

*Financial Management Act 1994* — Report from the Minister for Health that she had received the 2004 annual report of the Psychologists Registration Board.

- 7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 17 May 2005 (*Mr Batchelor*) — put and agreed to.

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

- 9 **LAW REFORM COMMITTEE** — Motion made and question — That Ms Beattie be appointed a member of the Law Reform Committee (*Mr Batchelor*) — after debate, put.

The House divided.

#### AYES 56

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

#### NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Walsh; Mr Wells.

Question agreed to.

- 10 **APPROPRIATION (2005/2006) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 11 **QUESTIONS** — (Under SO 55).

- 12 **APPROPRIATION (2005/2006) BILL** — Debate continued on question — That this Bill be now read a second time.

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

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

- 13 **LONG SERVICE LEAVE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 3 May 2005 had expired.*

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

The House divided.

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

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.

- 14 **CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Government consults with key stakeholders including the judiciary, Victoria Police, victims of crime groups and the Sentencing Advisory Council as to the impact of limiting judicial discretion in imposing compensation orders under Part 4 of the *Sentencing Act 1991*'.

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

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 15 **MAGISTRATES' COURT (JUDICIAL REGISTRARS AND COURT RULES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Government consults with key stakeholders as to the need for judicial registrars; how the independence of judicial registrars could be best protected; and how to properly prescribe the powers of judicial registrars'.

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

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided.

AYES 66

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.



NOES 17

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

Question agreed to.

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

Bill sent to the Legislative Council and their agreement requested.

- 16 **EDUCATION AND TRAINING COMMITTEE** — The Deputy Speaker announced that the Speaker had received the resignation of Mr Scheffer from the Education and Training Committee, effective from today.

- 17 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 5 to 10 inclusive, be postponed until later this day.

- 18 **PRIMARY INDUSTRIES ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

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

Ordered — That the debate be adjourned until Thursday 19 May 2005.

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

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

Ordered, after debate — That the debate be adjourned until Thursday 19 May 2005.

- 20 **ROAD SAFETY (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

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

Ordered — That the debate be adjourned until Thursday 19 May 2005.

- 21 **TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

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

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

Ordered — That the debate be adjourned until Thursday 19 May 2005.

- 22 **SEX OFFENDERS REGISTRATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

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

Ordered — That the debate be adjourned until Thursday 19 May 2005.

- 23 **HOUSE CONTRACTS GUARANTEE (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 19 May 2005.

- 24 **GAMBLING REGULATION (PUBLIC LOTTERY LICENCES) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 19 May 2005.

- 25 **TOBACCO (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

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

Ordered — That the debate be adjourned until Thursday 19 May 2005.

- 26 **ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

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

Ordered — That the debate be adjourned until Thursday 19 May 2005.

- 27 **EMERGENCY SERVICES SUPERANNUATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

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

Ordered — That the debate be adjourned until Thursday 19 May 2005.

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

29 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 6.28 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 108, 109 and 110**

**No 109 — Wednesday 4 May 2005**

**COURTS LEGISLATION (JUDICIAL CONDUCT) BILL**

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

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 2 and 3** agreed to.

**Clause 4**, Mr Hulls moved amendment Nos 3 to 7 (*see Schedule 1*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 5 to 9** agreed to.

**New clause AA** agreed to.

Bill agreed to as amended.

**LEGAL PROFESSION (CONSEQUENTIAL AMENDMENTS) BILL**

**Clauses 1 to 18** agreed to.

**Clause 19**, Mr Hulls moved amendment Nos 1 and 2 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

**Schedule** agreed to.

Bill agreed to as amended.

## SCHEDULES OF AMENDMENTS MOVED

### SCHEDULE 1

#### COURTS LEGISLATION (JUDICIAL CONDUCT) BILL

Amendments moved by Mr Hulls

1. Clause 1, lines 11 and 12, omit "from a panel of federal and interstate judges".
2. Clause 2, omit this clause.
3. Clause 4, after line 25 insert—
  - ' **"qualifying office"** means the office of judge of any of the following courts—
    - (a) Federal Court of Australia;
    - (b) Family Court of Australia;
    - (c) Family Court of Western Australia;
    - (d) Supreme Court of a State other than Victoria;
    - (e) Supreme Court of the Australian Capital Territory or the Northern Territory;'
4. Clause 4, page 4, line 29, omit "judicial officers" and insert "persons".
5. Clause 4, page 5, lines 1 to 10, omit all words and expressions on these lines and insert—
  - "( ) A person is only eligible for appointment as a panel member if he or she has held a qualifying office but no longer holds one.
  - ( ) The office of a panel member becomes vacant if he or she is appointed to a qualifying office."
6. Clause 4, page 5, lines 15 to 17, omit all words and expressions on these lines.
7. Clause 4, page 6, lines 4 to 7, omit all words and expressions on these lines and insert "first appointment to a qualifying office".

#### NEW CLAUSE

8. Insert the following New Clause to follow clause 1—
  - "AA. Commencement**
  - (1) This Part comes into operation on the day after the day on which this Act receives the Royal Assent.
  - (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day to be proclaimed.
  - (3) If the provisions referred to in sub-section (2) do not come into operation before 1 June 2006, they come into operation on that day."

**SCHEDULE 2****LEGAL PROFESSION (CONSEQUENTIAL AMENDMENTS) BILL**

Amendments moved by Mr Hulls

1. Clause 19, page 9, line 4, omit ' "interstate".' and insert ' "interstate";'.
2. Clause 19, page 9, after line 4 insert—
  - '() in clause 8.14(1) in Schedule 2, for "section 6.2.19(2)(c)" **substitute** "section 6.2.19(1)(d)".'

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 111, 112 and 113

#### No 111 — Tuesday 17 May 2005

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to make miscellaneous amendments to the **Sustainable Forests (Timber) Act 2004**, the **Safety on Public Land Act 2004**, the **Victorian Conservation Trust Act 1972**, the **Water Act 1989** and the **Melbourne and Metropolitan Board of Works Act 1958** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **ENERGY SAFE VICTORIA BILL** — Mr Brumby obtained leave to bring in a Bill '*to establish **Energy Safe Victoria**, to amend the **Gas Safety Act 1997** and the **Electricity Safety Act 1998** and other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **COURTS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Magistrates' Court Act 1989**, the **Constitution Act 1975**, the **County Court Act 1958**, the **Judicial Remuneration Tribunal Act 1995**, the **Sentencing Act 1991** and certain other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **LAND (MISCELLANEOUS MATTERS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to provide for the revocation of a number of reservations in respect of various parcels of land, to provide for the revocation of Crown grants in relation to some of those parcels of land and the re-reservation of part of one of those parcels of land, to amend the **Ballarat (Sovereign Hill) Land Act 1970** to provide for additional land to be included in the reserved land to which that Act applies and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **ACCIDENT COMPENSATION (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Accident Compensation Act 1985**, the **Accident Compensation (WorkCover Insurance) Act 1993**, the **Occupational Health and Safety Act 2004** and the **Transport Accident Act 1986** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 8 **ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (OMBUDSMAN) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Accident Compensation Act 1985 and the Transport Accident Act 1986 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **DANGEROUS GOODS AND EQUIPMENT (PUBLIC SAFETY) ACTS (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Dangerous Goods Act 1985 and the Equipment (Public Safety) Act 1994 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the Cemeteries and Crematoria Act 2003, the Health Services Act 1988, the Mental Health Act 1986, various health practitioner regulation Acts and the Veterinary Practice Act 1997 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **MELBOURNE COLLEGE OF DIVINITY (AMENDMENT) BILL** — Ms Kosky obtained leave to bring in a Bill '*to amend the Melbourne College of Divinity Act 1910 to make further provision for the governance and operation of the College and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 12 **RACING AND GAMING ACTS (POLICE POWERS) BILL** — Mr Pandazopoulos obtained leave to bring in a Bill '*to amend the Racing Act 1958 to enable the Chief Commissioner of Police to issue exclusion orders with respect to race-courses, to amend the Casino Control Act 1991 to expand the scope of exclusion orders issued by the Chief Commissioner of Police under that Act and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 13 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 51, 20 and 37 signatures (*Mr Cameron, Ms Asher and Mr Wells respectively*)

**Public Transport Services in the Yarra Ranges** — Requesting that the House requires the Government to review and increase funding to improve public transport services in outer eastern suburbs of Melbourne and in particular the Yarra Ranges, bearing 1,262 and 1,047 signatures (*Ms McTaggart and Mr Hardman respectively*)

**Increased Police Numbers in Wyndham** — Requesting that the Government gives to the Wyndham community — (a) a positive commitment and an ongoing assurance to increase police numbers in line with ongoing population growth; and (b) an improved justice precinct which will incorporate extra police numbers along with the services that meet the needs of the community, bearing 8,756 signatures (*Ms Gillett*).

Petitions ordered to be tabled.



- 14 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 15 **PETITION — INCREASED POLICE NUMBERS IN WYNDHAM** — Motion made and question — That the petition presented by the Member for Tarneit be taken into consideration tomorrow (*Ms Gillett*) — put and agreed to.
- 16 **PETITION — PUBLIC TRANSPORT SERVICES IN THE YARRA RANGES** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Ms McTaggart*) — put and agreed to.
- 17 **PETITION — PUBLIC TRANSPORT SERVICES IN THE YARRA RANGES** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Mr Hardman*) — put and agreed to.
- 18 **DOCUMENTS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 6 of 2005 on the:

Appropriation (2005/2006) Bill  
 Appropriation (Parliament 2005/2006) Bill  
 Emergency Services Superannuation (Amendment) Bill  
 Energy Legislation (Miscellaneous Amendments) Bill  
 Fisheries (Abalone) Bill  
 Gambling Regulation (Public Lottery Licences) Bill  
 House Contracts Guarantee (Amendment) Bill  
 Primary Industries Acts (Amendment) Bill  
 Road Safety (Further Amendment) Bill  
 Sex Offenders Registration (Amendment) Bill  
 Tobacco (Amendment) Bill  
 Transport Legislation (Further Amendment) Bill

together with appendices.

Ordered to be tabled and printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Lockwood presented a report from the Scrutiny of Acts and Regulations Committee being the Annual Review 2004, Regulations 2004, 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:

*Commonwealth Games Arrangements Act 2001* — Orders under s 18 (two orders)

*Financial Management Act 1994* — Report from the Minister for Agriculture that he had received the 2003–04 annual report of the Northern Victoria Fresh Tomato Industry Development Committee

*Parliamentary Committees Act 2003:*

Response of the Minister for Planning on the action taken with respect to the recommendations made by the Outer Suburban/Interface Services and Development Committee's Inquiry into Sustainable Urban Design for New Communities in Outer Suburban Areas

Response of the Treasurer on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the 2004–05 Budget Estimates

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

Banyule Planning Scheme — No C35  
 Bass Coast Planning Scheme — No C28  
 Benalla Planning Scheme — No C12  
 Casey Planning Scheme — No C58  
 Greater Shepparton Planning Scheme — Nos C34, C60  
 Hepburn Planning Scheme — No C19  
 Hume Planning Scheme — No C58  
 Kingston Planning Scheme — No C49  
 Latrobe Planning Scheme — No C28  
 Maroondah Planning Scheme — No C43  
 Mount Alexander Planning Scheme — No C28  
 Moyne Planning Scheme — No C8  
 South Gippsland Planning Scheme — No C20  
 Stonnington Planning Scheme — No C18  
 Yarra Ranges Planning Scheme — Nos C38, C50

Statutory Rules under the following Acts:

*Casino Control Act 1991* — SR No 21  
*Fair Trading Act 1999* — SR No 23  
*Interpretation of Legislation Act 1984* — SR No 24  
*Parliamentary Committees Act 2003* — SR No 25  
*Parliamentary Salaries and Superannuation Act 1968* — SR No 24  
*Racing Act 1958* — SR No 20  
*Subordinate Legislation Act 1994* — SR No 26  
*Supreme Court Act 1986* — SR No 22  
*Transport Act 1983* — SR No 19

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rule Nos 22, 26  
 Ministers' exemption certificates in relation to Statutory Rule Nos 19, 20, 24, 25

*Victorian Environmental Assessment Council Act 2001* — Terms of reference for the investigation into Riverine Red Gum forests.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

*Architects (Amendment) Act 2004* — Whole Act on 14 June 2005 (*Gazette G18, 5 May 2005*)

*Building (Amendment) Act 2004* — Remaining provisions on 14 June 2005 (*Gazette G18, 5 May 2005*)

*Retirement Villages (Amendment) Act 2005* — Sections 1 to 5, 6(1), 9, 11, 13, 15 and 17 to 24 on 23 May 2005 (*Gazette G19, 12 May 2005*).

- 19 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 10 May 2005, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Charities (Amendment) Bill  
 Health (Compulsory Testing) Bill  
 Land (Revocation of Reservations) Bill  
 Mitcham-Frankston Project (Amendment) Bill  
 Sentencing (Further Amendment) Bill.

- 20 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Emergency Services Superannuation (Amendment) Bill  
 House Contracts Guarantee (Amendment) Bill  
 Primary Industries Acts (Amendment) Bill  
 Road Safety (Further Amendment) Bill  
 Sex Offenders Registration (Amendment) Bill  
 Tobacco (Amendment) Bill  
 Transport Legislation (Further Amendment) Bill.

- 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 19 May 2005:

Commonwealth Games Arrangements (Miscellaneous Amendments) Bill  
 Electoral Legislation (Further Amendment) Bill  
 Higher Education Acts (Amendment) Bill  
 Local Government (Amendment) Bill  
 Transport Legislation (Further Amendment) Bill

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

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

- 23 **ELECTORAL LEGISLATION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

- 24 **COMMONWEALTH GAMES ARRANGEMENTS (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 25 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 and 4, be postponed until later this day.

- 26 **LOCAL GOVERNMENT (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice Legislation (Amendment) Bill without amendment.

- 28 **ELECTORAL LEGISLATION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided.

AYES 72

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Mr Ingram; Mr Jenkins; Mr Kotsiras; Mr Langdon; Mr Leighton; Mr Lim; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 7

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

Question agreed to.

Bill considered in detail and agreed to with amendments, read a third time (*pp 692–3*).

Bill sent to the Legislative Council and their agreement requested.

- 29 **HIGHER EDUCATION ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Ordered — That the debate be adjourned until tomorrow.

- 30 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 6 to 8 inclusive, be postponed until tomorrow.

*Business having been interrupted at 10.00 pm under standing orders.*

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

- 31 **APPROPRIATION (2005/2006) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

- 33 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.36 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 112 — Wednesday 18 May 2005

1 The Speaker took the Chair and read the Prayer.

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

**Pedestrian Access — Mitcham Road, Donvale** — Requesting that the House approves the necessary funds as quickly as possible from VicRoads for pedestrian access across the centre median near the Greenview Retirement Village to enable the elderly pedestrians to safely cross Mitcham Road, Donvale, bearing 26 signatures (*Mr Perton*)

**Long Jetty, Port Welshpool** — Requesting that every possible endeavour is made to reopen the Long Jetty at Port Welshpool, bearing 408 signatures (*Mr Ryan*)

**Trafalgar Railway Station** — Requesting that the Government — (a) undertakes the appropriate works to bring the railway station at Trafalgar in Gippsland to a standard so that it may be gainfully occupied by business or the community; and (b) actively seeks, as a priority, a suitable business or community organisation to accommodate the building, bearing 799 signatures (*Mr Maxfield*)

**Fast Train, Gippsland** — Requesting that the Government ensures that when the Fast Train becomes operational, all train services passing through Latrobe Valley stop at the Valley's major centres of Morwell, Traralgon and Moe, bearing 357 signatures (*Mr Maxfield*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 62 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

3 **PETITION — LONG JETTY, PORT WELSHPOOL** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

4 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

*Ombudsman Act 1973* — Report of the Ombudsman on a Review of Complaint Handling in Victorian Universities — Ordered to be printed.

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

6 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — A FAIRER VICTORIA INITIATIVE** — The House was informed that Mr Thwaites had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Bracks Government on the announcement of "A Fairer Victoria — creating an opportunity and addressing disadvantage" as a key policy initiative which will improve opportunities and living standards for the neediest Victorians through a targeted \$788 million investment in new initiatives and reforms and so improve access to vital services, to ensure that people get the help they need at crucial times in their lives, reduce barriers to opportunity, strengthen assistance for disadvantaged groups and places and make it easier to work with Government; and further congratulates the Government's continued commitment to promoting strong families as the foundations of strong communities and making Victoria the best place, and the fairest state, to bring up a family.'

Mr Mildenhall addressed the House — Discussion followed.

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

Scrutiny of Acts and Regulations Committee's Final Report on Victorian Electronic Democracy

Education and Training Committee's Report on the Inquiry into the Suitability of Pre-Service Teacher Training in Victoria

Economic Development Committee's Interim Report on the Inquiry into Labour Hire Employment in Victoria

Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes

Scrutiny of Acts and Regulations Committee's Annual Review 2004, Regulations 2004

Rural and Regional Services and Development Committee's Report on the Inquiry into Country Football.

- 8 **HIGHER EDUCATION ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 9 **QUESTIONS** — (Under SO 55).

- 10 **HIGHER EDUCATION ACTS (AMENDMENT) BILL** — 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.

- 11 **COMMONWEALTH GAMES ARRANGEMENTS (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 12 **APPROPRIATION (2005/2006) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

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

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

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

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

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

Parliamentary Administration Bill  
 Legal Profession (Consequential Amendments) Bill  
 Courts Legislation (Judicial Conduct) Bill.

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

- 15 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.44 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 113 — Thursday 19 May 2005

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

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

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 126, 15, 60, 115 and 103 signatures (*Ms Neville, Ms McTaggart, Mr Robinson, Mr Maughan and Mr Walsh respectively*)

**Improved Train Services — Frankston Line** — Requesting that the House urges the Government to improve train services on the Frankston line, bearing 106 signatures (*Mrs Shardey*)

**Public Transport Services in the Yarra Ranges** — Requesting that the House requires the Government to review and increase funding to improve public transport services in outer eastern suburbs of Melbourne and in particular the Yarra Ranges, bearing 1,173 signatures (*Mr Merlino*)



**St Arnaud Harness Racing Club** — Requesting that the Minister for Racing — (a) conducts an investigation into and rescinds Harness Racing Victoria's decision to terminate the St Arnaud Harness Racing Club track as a TAB race venue; (b) requires Harness Racing Victoria to comply with sections 44, 44B and 44C of the *Racing Act 1958*; and (c) recommends to the Governor in Council to terminate the appointment of the Board of Harness Racing Victoria and call for nominations of a replacement Board, bearing 599 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

3 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Bellarine be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

4 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

5 **PETITION — ST ARNAUD HARNESS RACING CLUB** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

6 **PETITION — PUBLIC TRANSPORT SERVICES IN THE YARRA RANGES** — Motion made and question — That the petition presented by the Member for Monbulk be taken into consideration tomorrow (*Mr Merlino*) — put and agreed to.

7 **DOCUMENTS** —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on Corporate Governance in the Victorian Public Sector, together with appendices, minority report, extract from the proceedings and minutes of evidence.

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

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

Lake Mountain Alpine Resort Management Board — Report for the year ended 31 October 2004

Statutory Rules under the following Acts:

*Retirement Villages Act 1986* — SR No 29

*Sale of Land Act 1962* — SR No 28

*Wrongs Act 1958* — SR No 27.

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

10 **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.

11 **APPROPRIATION (2005/2006) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

12 **TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Government consults with all major stakeholders and industry groups about the merits of the establishment of an independent panel to arbitrate on access regime disputes, as an alternative to adjudication by the Essential Services Commission, as proposed by the bill' (*Mr Walsh*).

*Business having been interrupted at 2.00 pm under standing orders.*

13 **QUESTIONS** — (Under SO 55).

14 **TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Government consults with all major stakeholders and industry groups about the merits of the establishment of an independent panel to arbitrate on access regime disputes, as an alternative to adjudication by the Essential Services Commission, as proposed by the bill'.

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

The House divided.

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

Bill sent to the Legislative Council and their agreement requested.

- 15 **APPROPRIATION (2005/2006) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 17 May 2005 had expired.*

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

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

Bill sent to the Legislative Council and their agreement requested.

- 17 **ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Thursday 2 June 2005.

- 18 **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.

- 19 **COURTS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 2 June 2005.

- 20 **LAND (MISCELLANEOUS MATTERS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 2 June 2005.

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

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

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

Ordered — That the debate be adjourned until Thursday 2 June 2005.

- 22 **ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (OMBUDSMAN) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 2 June 2005.

- 23 **DANGEROUS GOODS AND EQUIPMENT (PUBLIC SAFETY) ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 2 June 2005.

- 24 **ENERGY SAFE VICTORIA BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

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

Ordered — That the debate be adjourned until Thursday 2 June 2005.

- 25 **HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

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

Ordered — That the debate be adjourned until Thursday 2 June 2005.

- 26 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Magistrates' Court (Judicial Registrars and Court Rules) Bill without amendment.

- 27 **MELBOURNE COLLEGE OF DIVINITY (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

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

Ordered — That the debate be adjourned until Thursday 2 June 2005.

- 28 **RACING AND GAMING ACTS (POLICE POWERS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

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

Ordered — That the debate be adjourned until Thursday 2 June 2005.

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

- 30 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 5.49 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 111, 112 and 113**

**No 111 — Tuesday 17 May 2005**

**ELECTORAL LEGISLATION (FURTHER AMENDMENT) BILL**

**Clauses 1 to 6** agreed to.

**Clause 7**, Mr Hulls moved amendment No 1 (*see Schedule*).

Question — That Clause 7 stand part of the Bill — put.

The House divided.

AYES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

**Clauses 8 to 20** agreed to.

**New clause AA** agreed to.

**New clause BB** agreed to.

Bill agreed to as amended.

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## SCHEDULE OF AMENDMENTS MOVED

### ELECTORAL LEGISLATION (FURTHER AMENDMENT) BILL

Amendments moved by Mr Hulls

1. Clause 7, omit this clause.

#### NEW CLAUSES

2. Insert the following New Clause to follow clause 10—

**'AA. Amendment of section 99—Application to vote early**

In section 99(1)(a) of the **Electoral Act 2002** for "2 p.m." substitute "4 p.m.".

3. Insert the following New Clause to follow clause 16—

**"BB. Amendment of section 27**

After section 27(2) of the **Constitution (Parliamentary Reform) Act 2003** insert—

'(2A) For section 69(3)(b) of the **Electoral Act 2002** substitute—

- "(b) in the case of a candidate for an Assembly election, is signed by the candidate and by 6 persons entitled to vote at the election for which the candidate is nominated; and
- (ba) in the case of a candidate for a Council election, is signed by the candidate and by 50 persons entitled to vote at the election for which the candidate is nominated; and".'. "





## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 114, 115 and 116

#### No 114 — Tuesday 24 May 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF THOMAS WILLIAM TEMPLETON, OAM** — The Speaker announced the death of Thomas William Templeton, OAM, Member of the Legislative Assembly for the Electoral District of Mentone from 1967 to 1985; and, honourable members rose in their places as a mark of respect to the memory of the deceased.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the National Parks Act 1975 in relation to cattle grazing in the Alpine National Park and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **RACING AND GAMBLING ACTS (AMENDMENT) BILL** — Mr Pandazopoulos obtained leave to bring in a Bill '*to amend the Racing Act 1958 with respect to the Racing Victoria Centre land and appeals to the Racing Appeals Tribunal, to amend the Gambling Regulation Act 2003 with respect to the publication of race fields and the health benefit levy, to amend the Casino Control Act 1991 with respect to the health benefit levy, to amend the Gambling Regulation (Further Amendment) Act 2004, to repeal spent Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **STATE TAXATION ACTS (GENERAL AMENDMENT) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the Business Franchise (Petroleum Products) Act 1979, the Debits Tax Act 1990, the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 1958, the Pay-roll Tax Act 1971, the Taxation Administration Act 1997 and the Taxation (Interest on Overpayments) Act 1986 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **VICTORIA STATE EMERGENCY SERVICE BILL** — Mr Holding obtained leave to bring in a Bill '*to establish the Victoria State Emergency Service Authority, to re-enact with amendments the Victoria State Emergency Service Act 1987, to amend the Country Fire Authority Act 1958 and the Metropolitan Fire Brigades Act 1958, to make consequential amendments to certain other Acts and for other purposes*'; and 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:

**Peninsula Aero Club** — Requesting that permission will not be granted by the Mornington Peninsula Shire Council to the Peninsula Aero Club for expansion of the certified landing area at Tyabb, bearing 135 signatures (*Ms Buchanan*)

**Bass Coast Shire** — Requesting that the House appoints an Independent Panel to comprehensively review the operation, performance and structure of the Bass Coast Shire, bearing 4,815 signatures (*Ms Buchanan*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 43 signatures (*Mr Delahunty, Lowan*).

Petitions ordered to be tabled.

- 9 **PETITION — PENINSULA AERO CLUB** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 10 **PETITION — BASS COAST SHIRE** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 11 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 12 **DOCUMENTS** —

**STATEMENT ON MINISTERIAL INTERVENTION IN PLANNING MATTERS** — Motion made, by leave, and question — That the Statement on Ministerial Intervention in Planning Matters for the period May 2004 to April 2005 under the *Planning and Environment Act 1987*, the *Victorian Civil and Administrative Tribunal Act 1998* and the *Heritage Act 1995* be tabled (*Mr Hulls*) — put and agreed to.

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

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

- Baw Baw Planning Scheme — No C24
- Darebin Planning Scheme — No C63
- Kingston Planning Scheme — Nos C51, C53
- Latrobe Planning Scheme — No C36
- Loddon Planning Scheme — No C15
- Mitchell Planning Scheme — No C37

Moreland Planning Scheme — No C33  
 Mornington Peninsula Planning Scheme — Nos C42 Part 2, C65 Part 2

*Subordinate Legislation Act 1994* — Minister's exemption certificates in relation to Statutory Rule Nos 23, 28, 29.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

*Gambling Regulation (Amendment) Act 2004* — Sections 4, 5, 8, 10, 11, 12(1), 12(2) and 12(4) on 20 May 2005 (*Gazette G20, 19 May 2005*)

*Gambling Regulation (Further Amendment) Act 2004* — Sections 9, 10, 11, 12 and 41 on 20 May 2005 (*Gazette G20, 19 May 2005*)

*Planning and Environment (General Amendment) Act 2004* — Whole Act on 23 May 2005 (*Gazette G20, 19 May 2005*).

- 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:

Courts Legislation (Judicial Conduct) Bill  
 Justice Legislation (Amendment) Bill  
 Legal Profession (Consequential Amendments) Bill  
 Magistrates' Court (Judicial Registrars and Court Rules) Bill  
 Parliamentary Administration Bill.

- 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 2005:

Appropriation (2005/2006) Bill  
 Appropriation (Parliament 2005/2006) Bill  
 City of Melbourne (Amendment) Bill  
 Emergency Services Superannuation (Amendment) Bill  
 Energy Legislation (Miscellaneous Amendments) Bill  
 Gambling Regulation (Public Lottery Licences) Bill  
 Road Safety (Further Amendment) Bill  
 Sex Offenders Registration (Amendment) Bill

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

- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 16 **ROAD SAFETY (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Mulder 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.

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see pp 708, 711*).

Bill sent to the Legislative Council and their agreement requested.

- 17 **GAMBLING REGULATION (PUBLIC LOTTERY LICENCES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see pp 708–9, 711*).

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 and 4, be postponed until later this day.

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

*Business having been interrupted at 10.00 pm under standing orders.*

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

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

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 Long Service Leave (Amendment) Bill without amendment.

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

- 22 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 10.58 pm.

## No 115 — Wednesday 25 May 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PLANNING AND ENVIRONMENT (WILLIAMSTOWN SHIPYARD) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Planning and Environment Act 1987 in relation to the Williamstown Shipyard Site 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:

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 58, 86 and 14 signatures (*Ms Lindell, Mr Stensholt and Mr Robinson respectively*).

Petitions ordered to be tabled.

- 4 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.

- 5 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

*Audit Act 1994* — Auditor-General — Report on Results of financial statement audits for agencies with other than 30 June 2004 balance dates, and other audits — Ordered to be printed.

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

- 7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — IMPACT ON RURAL COMMUNITIES OF GOVERNMENT POLICIES** — The House was informed that Mr Ingram had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Bracks Government on its recent policy decisions which will impact most heavily on the social, economic and cultural viability of rural communities throughout Victoria.'

Mr Ingram addressed the House — Discussion followed.

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

Drugs and Crime Prevention Committee's Report on the Inquiry into Violence Associated with Motor Vehicle Use

Road Safety Committee's Report on the Inquiry into Crashes Involving Roadside Objects

Economic Development Committee's Interim Report on the Inquiry into Labour Hire Employment in Victoria

Education and Training Committee's Report on the Inquiry into the Suitability of Pre-Service Teacher Training in Victoria.

- 9 **SEX OFFENDERS REGISTRATION (AMENDMENT) BILL** — Motion made and question — That the scope of the Sex Offenders Registration (Amendment) Bill be extended to enable consideration of amendments, and a new clause, in relation to the *Serious Sex Offenders Monitoring Act 2005* to provide for amendments to the definitions of relevant offences, and to clarify arrangements for applications for extended supervision orders (*Mr Holding*) — put, after debate, and agreed to.

- 10 **SEX OFFENDERS REGISTRATION (AMENDMENT) BILL** — 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.*

- 11 **QUESTIONS** — (Under SO 55).
- 12 **SEX OFFENDERS REGISTRATION (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 709–10, 711–13*).

Bill sent to the Legislative Council and their agreement requested.

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

Question — put.

The House divided.

AYES 73

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 9

Mr Delahunty (*Lowan*); Mr Ingram; Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Mr Savage; Dr Sykes; Mr Walsh.

Question agreed to.

Bill considered in detail and agreed to without amendment, read a third time (*see p 710*).

Bill sent to the Legislative Council and their agreement requested.

- 14 **EMERGENCY SERVICES SUPERANNUATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Children and Young Persons (Miscellaneous Amendments) Bill without amendment.

- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transport Legislation (Further Amendment) Bill with amendments.

Ordered — That the amendments be taken into consideration immediately.

- 17 **TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to by the House, with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Message sent to the Legislative Council informing them accordingly.

- 18 **EMERGENCY SERVICES SUPERANNUATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 19 **APPROPRIATION (PARLIAMENT 2005/2006) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 20 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.54 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 116 — Thursday 26 May 2005

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

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

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 35 signatures (*Mr Robinson*)

**Holmby Road, Cheltenham** — Requesting that the Office of Housing places the property they own in Holmby Road, Cheltenham for sale at the earliest possible time, bearing 14 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 3 **PETITION — HOLMBY ROAD, CHELTENHAM** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

- 4 **DOCUMENTS** —

**INQUIRIES INTO CHILD DEATHS: CHILD PROTECTION** — Motion made, by leave, and question — That the annual report of Inquiries into Child Deaths: Child Protection 2005 be tabled (*Ms Garbutt*) — put and agreed to.

**ROAD SAFETY COMMITTEE** — Mr Trezise, Chair, presented a report from the Road Safety Committee on the Inquiry into the Country Road Toll, together with appendices, a minority report and minutes of evidence.



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

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

*Crown Land (Reserves) Act 1978* — Section 17DA Order granting under s 17D a lease over the area of Yarra Bend Park

*Financial Management Act 1994* — Report from the Minister for Environment that he had not received the 2004–05 annual reports together with an explanation for the delay in tabling of the:

Falls Creek Alpine Resort Management Board  
 Mount Baw Baw Alpine Resort Management Board  
 Mount Buller and Mount Stirling Alpine Resort Management Board  
 Mount Hotham Alpine Resort Management Board

*Mitcham-Frankston Project Act 2004* — Orders varying the project area and the extended project area (four orders)

Statutory Rules under the following Acts:

*Administrative Appeals Tribunal Act 1984* — SR No 30  
*Alpine Resorts (Management) Act 1997* — SR No 31  
*Planning and Environment Act 1987* — SR Nos 30, 33  
*Subdivision Act 1988* — SR Nos 30, 32  
*Victorian Civil and Administrative Tribunal Act 1998* — SR No 34

*Subordinate Legislation Act 1994* — Minister's exemption certificates in relation to Statutory Rule Nos 32, 33

Youth Parole Board and Youth Residential Board — Report for the year 2003–04.

- 5 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Accident Compensation and Transport Accident Acts (Ombudsman) Bill  
 Courts Legislation (Miscellaneous Amendments) Bill  
 Energy Safe Victoria Bill  
 Health Legislation (Miscellaneous Amendments) Bill.

- 6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 14 June 2005 (*Ms Allan*) — put and agreed to.

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

- 8 **RACING AND GAMBLING ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

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

Ordered — That the debate be adjourned until Thursday 9 June 2005.

- 9 **VICTORIA STATE EMERGENCY SERVICE BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

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

Ordered — That the debate be adjourned until Thursday 9 June 2005.

- 10 **STATE TAXATION ACTS (GENERAL AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

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

Ordered — That the debate be adjourned until Thursday 9 June 2005.

- 11 **NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

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

Amendment proposed — That the word 'two' be omitted with the view of inserting in its place the word 'four' (*Mr Ingram*) — and, after debate —

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

The House divided.

#### AYES 56

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

#### NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That the debate be adjourned for two weeks — put.

The House divided.

#### AYES 73

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

#### NOES 7

Mr Delahunty (*Lowan*); Mr Ingram; Mr Jasper; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

Question agreed to.

Ordered — That the debate be adjourned until Thursday 9 June 2005.

- 12 **PLANNING AND ENVIRONMENT (WILLIAMSTOWN SHIPYARD) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 9 June 2005.

- 13 **APPROPRIATION (2005/2006) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 14 **QUESTIONS** — (Under SO 55).

- 15 **APPROPRIATION (2005/2006) BILL** — Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and considered in detail (*see p 710*).

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 24 May 2005 had expired.*

Question — That the debate be now adjourned — put.

The House divided.

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 20

Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

- 16 **APPROPRIATION (PARLIAMENT 2005/2006) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 17 **APPROPRIATION (2005/2006) BILL** — Order read for the further consideration of the bill in detail.

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

Question — That Clauses 2 to 8 inclusive and Schedules 1 to 3 inclusive be agreed to, the Bill be agreed to without amendment and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Road Safety (Further Amendment) Bill without amendment.

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

20    **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 4.37 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 114, 115 and 116**

**No 114 — Tuesday 24 May 2005**

**ROAD SAFETY (FURTHER AMENDMENT) BILL**

**Clauses 1 to 4** agreed to.

**Clause 5**, Mr Mulder moved an amendment (*see Schedule 1*).

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

The House divided.

AYES 55

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question defeated.

Clause agreed to.

**Clauses 6 to 31** agreed to.

Bill agreed to without amendment.

**GAMBLING REGULATION (PUBLIC LOTTERY LICENCES) BILL**

**Clauses 1 to 10** agreed to.

**Clause 11**, Mr Smith moved amendment No 1 (*see Schedule 2*).

Question — That the amendment be agreed to — put.

The House divided.

AYES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 57

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

*The Deputy Speaker advised that amendment No 2 could not be moved as it required an appropriation message.*

Clause agreed to.

**Clauses 12 to 15** agreed to.

Bill agreed to without amendment.

## No 115 — Wednesday 25 May 2005

### **SEX OFFENDERS REGISTRATION (AMENDMENT) BILL**

**Clause 1**, Mr Holding moved amendment No 1 (*see Schedule 3*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 2**, Mr Holding moved amendments Nos 2 to 5 (*see Schedule 3*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 3 to 27** agreed to.

**New clause AA** agreed to.

**New clause BB** agreed to.

**Amendment of long title**, Mr Holding moved amendment No 8 (*see Schedule 3*).

Amendment put and agreed to.

Long title agreed to as amended.

Bill agreed to as amended.

## **ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL**

**Clauses 1 to 6** agreed to.

Question — That the House agrees to the Bill without amendment — put.

The House divided.

AYES 69

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Mr Dixon; Mr Donnellan; Mr Doyle; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 9

Mr Delahunty (*Lowan*); Mr Ingram; Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Mr Savage; Dr Sykes; Mr Walsh.

Question agreed to.

## **No 116 — Thursday 26 May 2005**

### **APPROPRIATION (2005/2006) BILL**

**Clause 1** — Motion made and question — That debate be now adjourned (*Mr Langdon*) — and, after debate —

*Allocation of time* — *The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 24 May 2005 had expired (for remaining stages see pp 705, 706).*



## SCHEDULES OF AMENDMENTS MOVED

### SCHEDULE 1

#### ROAD SAFETY (FURTHER AMENDMENT) BILL

Amendment moved by Mr Mulder

Clause 5, lines 26 to 28, omit all words and expressions on these lines and insert 'and liable to level 3 imprisonment (20 years maximum) or a level 3 fine (2400 penalty units maximum).''.

### SCHEDULE 2

#### GAMBLING REGULATION (PUBLIC LOTTERY LICENCES) BILL

Amendment moved by Mr Smith

1. Clause 11, page 8, after line 27 insert—

'(4) Before the Minister discloses any documents or information under sub-section (3), the Minister must cause a statement in writing containing details of those documents or that information to be laid before each House of the Parliament.'.

### SCHEDULE 3

#### SEX OFFENDERS REGISTRATION (AMENDMENT) BILL

Amendments moved by Mr Holding

1. Clause 1, page 2, after line 15 insert—

"( ) to amend the **Serious Sex Offenders Monitoring Act 2005** consistently with amendments being made by this Act to the definitions of registrable offences and to clarify to which court an application may be made under that Act for an extended supervision order; and".

2. Clause 2, line 27, after "3" insert ", 24(3), 24(4), 26".

3. Clause 2, after line 29 insert—

"( ) Sections 24(1) and 24(2) are deemed to have come into operation on 1 October 2004."

4. Clause 2, line 30, omit "(3)" and insert "(4)".

5. Clause 2, page 3, line 1, omit "(2)" and insert "(3)".

#### NEW CLAUSES

6. Insert the following New Clause to follow clause 23—

##### 'AA. Other registrable offences

(1) In Schedule 1 to the Principal Act—

- (a) in item 1 for "of a child" **substitute** "where the person against whom the offence is committed is a child";
- (b) at the foot of item 1 **insert**—

"Note: Item 1 covers any offence against the **Crimes Act 1958** that involves sexual penetration where the victim is a child including rape (section 38), incest (section 44), sexual penetration of child under 16 (section 45(1)), sexual penetration of 16 or 17 year old (section 48(1)), sexual penetration of person with impaired mental functioning (section 51(1)) and sexual penetration of resident of residential facility (section 52(1)).";

- (c) items 4 and 5 are **repealed**;
- (d) in item 6, for "5" **substitute** "3";
- (e) after item 6 **insert**—

"6A. Without limiting item 6, an offence referred to in any of the following paragraphs of Schedule 1 to the **Sentencing Act 1991** where the person against whom the offence is committed is a child—

- (a) paragraph (ab);
- (b) paragraph (ac);
- (c) paragraph (b)(i) and (ii);
- (d) paragraph (c)(iii), (iv), (vi), (vii), (ix), (x), (xii), (xiii), (xvi), (xvii) and (xix);
- (e) paragraph (d)(i), (ii), (iii), (v), (vi), (viii), (ix), (xi), (xii) and (xiii);
- (f) paragraph (e)(i) and (ii)."

- (2) After item 26 of Schedule 2 to the Principal Act **insert**—

"26A. Without limiting item 26, an offence referred to in paragraph (ab), (ac), (b), (c), (d) or (e) of Schedule 1 to the **Sentencing Act 1991** where the person against whom the offence is committed is a child other than an offence that is a Class 1 offence for the purposes of this Act by force of item 6A of Schedule 1."

- (3) In Schedule 3 to the Principal Act—

- (a) at the foot of item 1 **insert**—

"Note: Item 1 covers any offence against the **Crimes Act 1958** that involves sexual penetration where the victim is an adult including rape (section 38), incest (section 44), sexual penetration of person with impaired mental functioning (section 51(1)) and sexual penetration of resident of residential facility (section 52(1)).";

- (b) after item 2 **insert**—

"2A. Without limiting item 2, an offence referred to in any of the following paragraphs of Schedule 1 to the **Sentencing Act 1991**—

- (a) paragraph (b)(i) and (ii);
- (b) paragraph (c)(iii), (iv), (vi), (vii), (xvi), (xvii) and (xix);
- (c) paragraph (d)(i), (ii), (iii), (xi), (xii) and (xiii);
- (d) paragraph (e)(i) and (ii)."

- (4) After item 10 of Schedule 4 to the Principal Act **insert**—

"10A. Without limiting item 10, an offence referred to in paragraph (ab), (ac), (b), (c), (d) or (e) of Schedule 1 to the **Sentencing Act 1991** other than an offence that is for the purposes of this Act—

- (a) a Class 1 offence by force of item 6A of Schedule 1; or
- (b) a Class 2 offence by force of item 26A of Schedule 2; or

(c) a Class 3 offence by force of item 2A of Schedule 3.".'.

7. Insert the following New Clause to follow clause 24—

**"BB. Serious Sex Offenders Monitoring Act 2005**

(1) After section 5(3) of the **Serious Sex Offenders Monitoring Act 2005** insert—

'(4) For the purpose of this section, a custodial sentence imposed on an offender on appeal in substitution for a sentence imposed by the court against the sentence of which the appeal was brought (the "**lower court**") must be taken to have been imposed by the lower court.'

(2) In the Schedule to the **Serious Sex Offenders Monitoring Act 2005**—

(a) in item 1 for "of a child" **substitute** "where the person against whom the offence is committed is a child";

(b) at the foot of item 1 **insert**—

"Note: Item 1 covers any offence against the **Crimes Act 1958** that involves sexual penetration where the victim is a child including rape (section 38), incest (section 44), sexual penetration of child under 16 (section 45(1)), sexual penetration of 16 or 17 year old (section 48(1)), sexual penetration of person with impaired mental functioning (section 51(1)) and sexual penetration of resident of residential facility (section 52(1)).";

(c) items 4 and 5 are **repealed**;

(d) after item 34 **insert**—

"34A. Without limiting item 34, an offence referred to in paragraph (ab), (ac), (b), (c), (d) or (e) of Schedule 1 to the **Sentencing Act 1991** where the person against whom the offence is committed is a child.".'.

**AMENDMENT OF LONG TITLE**

8. Long title, after "**2004**," insert "**the Serious Sex Offenders Monitoring Act 2005**,".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 117, 118 and 119

#### No 117 — Tuesday 14 June 2005

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **NATIONAL PARKS (OTWAYS AND OTHER AMENDMENTS) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the National Parks Act 1975 to provide for the creation of the Great Otway National Park and for other related matters, to amend the Crown Land (Reserves) Act 1978, the Fisheries Act 1995, the Forests Act 1958, the Heritage Rivers Act 1992 and the Sustainable Forest (Timber) Act 2004 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:

**Wonthaggi State Coal Mine Tourist Attraction** — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 554 signatures (*Mr Smith*)

**Bass Landing Boat Launching Ramp** — Requesting that the Parliament and the Minister for Environment allow the Bass Landing Boat Launching Ramp and parking area to remain open to the boat users and fishermen and women who have used this area for many years, bearing 39 signatures (*Mr Smith*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 38, 32, 98, 301, 14, 43, 22 and 33 signatures (*Mr Stensholt, Mr Ryan, Mr Delahunty (Lowan), Mr Robinson, Mr Jenkins, Mr Maughan, Mr Wells and Mr Walsh respectively*)

**Tunnel Link between Eastern and Tullamarine Freeways** — Requesting that the House ensures the Government — (a) proceeds with planning and construction of a tunnel to link the

Eastern and Tullamarine Freeways; and (b) considers other road proposals including tunnelled lanes under Hoddle Street and Punt Road, bearing 63 signatures (*Mr Perton*)

**Wantirna Heights School** — Requesting that the House instructs the Minister for Education Services to immediately oversee her Department to ensure that the inadequate classroom situation that exists at Wantirna Heights School for primary school aged students with autism is rectified through the provision of a MOD 5 building, bearing 432 signatures (*Mr Perton*)

**Channel Deepening in Port Phillip Bay** — Requesting that the House rules that the proposed channel deepening in Port Phillip Bay should not proceed, bearing 345 signatures (*Mr Langdon*)

**Channel Deepening in Port Phillip Bay, The Rip and the Yarra River** — Requesting that the House ensures that — (a) the proposal to deepen shipping channels in Port Phillip Bay, The Rip and the Yarra River is rejected; (b) alternative solutions making better use of a mix of interstate rail from existing deep water ports and sea transport are engaged; and (c) the Minister for Planning makes public the findings of the Environment Effects Statement (EES) Independent Panel, due for release in February 2005, as soon as the Panel provides its report to the Government, bearing 51 signatures (*Mr Langdon*)

**Surf Coast Shire** — Requesting that, in order to recognise and protect the rights of enrolled voters, a poll be held of these voters of the Surf Coast Shire in the existing Winchelsea/Moriac wards to determine whether the rural area of the Shire should be transferred to an adjoining municipality, bearing 158 signatures (*Mr Mulder*)

**Commercial Netting in Victorian Bays, Inlets and Gippsland Lakes** — Requesting that the House takes action to phase out commercial netting activities in Victorian bays, inlets and the Gippsland Lakes, bearing 19,071 signatures (*Mr Crutchfield*)

**Education Act 1958** — Requesting that the *Education Act 1958* which governs religious instruction in Government Schools be retained in its present form in any new legislation, bearing 29 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 5 **PETITION — CHANNEL DEEPENING IN PORT PHILLIP BAY** — Motion made and question — That the petition presented by the Member for Ivanhoe be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 6 **PETITION — CHANNEL DEEPENING IN PORT PHILLIP BAY, THE RIP AND THE YARRA RIVER** — Motion made and question — That the petition presented by the Member for Ivanhoe be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 7 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 8 **PETITION — WONTHAGGI STATE COAL MINE TOURIST ATTRACTION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.

- 9 **PETITION — BASS LANDING BOAT LAUNCHING RAMP** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 10 **PETITION — SURF COAST SHIRE** — Motion made and question — That the petition presented by the Member for Polwarth be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.
- 11 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 12 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 13 **PETITION — COMMERCIAL NETTING IN VICTORIAN BAYS, INLETS AND GIPPSLAND LAKES** — Motion made and question — That the petition presented by the Member for South Barwon be taken into consideration tomorrow (*Mr Crutchfield*) — put and agreed to.
- 14 **PETITION — TUNNEL LINK BETWEEN EASTERN AND TULLAMARINE FREEWAYS** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 15 **PETITION — WANTIRNA HEIGHTS SCHOOL** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 16 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Jenkins*) — put and agreed to.
- 17 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mitcham be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 18 **DOCUMENTS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 7 of 2005 on the:

Accident Compensation (Amendment) Bill  
 Accident Compensation and Transport Accident Acts (Ombudsman) Bill  
 Courts Legislation (Miscellaneous Amendments) Bill  
 Dangerous Goods and Equipment (Public Safety) Acts (Amendment) Bill  
 Energy Safe Victoria Bill  
 Environment and Water Legislation (Miscellaneous Amendments) Bill  
 Health Legislation (Miscellaneous Amendments) Bill  
 Land (Miscellaneous Matters) Bill

Melbourne College of Divinity (Amendment) Bill  
 National Parks (Alpine National Park Grazing) Bill  
 Owner Drivers and Forestry Contractors Bill  
 Parliamentary Administration Bill  
 Planning and Environment (Williamstown Shipyard) Bill  
 Racing and Gambling Acts (Amendment) Bill  
 Racing and Gaming Acts (Police Powers) Bill  
 State Taxation Acts (General Amendment) Bill  
 Victorian State Emergency Service Bill

together with appendices.

Ordered to be tabled and printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented an Interim Report from the Scrutiny of Acts and Regulations Committee on Discrimination in the Law, Inquiry under section 207 of the *Equal Opportunity Act 1995*, together with appendices.

Ordered to be tabled and printed.

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — Ms Lindell, Chair, presented a report from the Environment and Natural Resources Committee on the Inquiry into Sustainable Communities, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

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

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

Albert Park  
 Calembreen Park Reserve  
 Dimboola Caravan Park  
 Geelong Telegraph Station Reserve  
 Yarra Bend Park

*Financial Management Act 1994* — Report from the Minister for Education and Training that she had received the 2004 annual report of International Fibre Centre Ltd

*Forests (Dunstan Agreement) Act 1987* — Report of the Termination of the Dunstan Agreement under s 6 (two documents)

*Interpretation of Legislation Act 1984*:

Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 24  
 Notice under s 32(3)(a)(iii) in relation to Waste Management Policy (Ships' Ballast Water) (*Gazette G37, 9 September 2004*)  
 Notice under s 32(3)(a)(iii) in relation to Waste Management Policy (Siting, Design and Management of Landfills) (*Gazette G16, 21 April 2005*)



*Land Acquisition and Compensation Act 1986* — Certificate under s 7(1)(c)

*Ombudsman Act 1973* — Report of the Ombudsman on own motion investigation into VicRoads registration practices — Ordered to be printed

*Parliamentary Committees Act 2003:*

Response from the Minister for Children and Minister for Community Services on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Performance Audit Report on Services for People with an Intellectual Disability

Response from the Minister for Sport and Recreation on the action taken with respect to the recommendations made by the Rural and Regional Services and Development Committee's Inquiry into Country Football

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

Cardinia Planning Scheme — Nos C46 Part 1, C49

East Gippsland Planning Scheme — No C22

Greater Bendigo Planning Scheme — Nos C13, C54

Latrobe Planning Scheme — No C38

Maroondah Planning Scheme — No C45

Monash Planning Scheme — Nos C43, C55

Mornington Peninsula Planning Scheme — No C42 Part 1

Nillumbik Planning Scheme — Nos C10 Part 1, C22 Part 2, C34

Wyndham Planning Scheme — No C56

Statutory Rules under the following Acts:

*Births, Deaths and Marriages Registration Act 1996* — SR No 35

*Casino Control Act 1991* — SR No 38

*Chattel Securities Act 1987* — SR No 44

*Conservation, Forests and Lands Act 1987* — SR No 48

*Corporations (Ancillary Provisions) Act 2001* — SR No 47

*Country Fire Authority Act 1958* — SR No 43

*Drugs, Poisons and Controlled Substances Act 1981* — SR No 39

*Health Act 1958* — SR No 41

*Metropolitan Fire Brigades Act 1958* — SR No 42

*Road Safety Act 1986* — SR Nos 45, 46

*Serious Sex Offenders Monitoring Act 2005* — SR No 37

*Subordinate Legislation Act 1994* — SR Nos 36, 40

*Supreme Court Act 1986* — SR No 47

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rule Nos 36, 40, 42, 43, 44, 45, 46, 47

Ministers' exemption certificates in relation to Statutory Rule Nos 30, 34, 37, 39, 41

*Victorian Environmental Assessment Council Act 2001* — Response from the Minister for Environment on the action taken with respect to the recommendations made in the Victorian Environmental Assessment Council's Final Report on the Angahook-Otway Investigation.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

*Serious Sex Offenders Monitoring Act 2005* — Whole Act on 26 May 2005 (*Gazette G 21, 26 May 2005*).

19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gambling Regulation (Public Lottery Licences) Bill without amendment.

20 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 31 May 2005, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Children and Young Persons (Miscellaneous Amendments) Bill  
 Gambling Regulation (Public Lottery Licences) Bill  
 Long Service Leave (Amendment) Bill  
 Road Safety (Further Amendment) Bill  
 Transport Legislation (Further Amendment) Bill.

21 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Dangerous Goods and Equipment (Public Safety) Acts (Amendment) Bill  
 Planning and Environment (Williamstown Shipyard) Bill  
 State Taxation Acts (General Amendment) Bill  
 Victoria State Emergency Service Bill.

22 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question proposed — 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 2005:

Accident Compensation (Amendment) Bill  
 Courts Legislation (Miscellaneous Amendments) Bill  
 Dangerous Goods and Equipment (Public Safety) Acts (Amendment) Bill  
 Health Legislation (Miscellaneous Amendments) Bill  
 National Parks (Alpine National Park Grazing) Bill  
 State Taxation Acts (General Amendment) Bill

*(Mr Batchelor)* — and, after debate —

Amendment proposed — That the words 'National Parks (Alpine National Park Grazing) Bill' be omitted from the question *(Mr Ingram)* — and, after debate —

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

The House divided.

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Original question — put.

The House divided.

AYES 76

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 8

Mr Delahunty (*Lowan*); Mr Ingram; Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

Question agreed to.

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

24 **ACCIDENT COMPENSATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Bill read a second time, considered in detail and agreed to with amendments, read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly (*see pp 732–3, 737*).

Bill sent to the Legislative Council and their agreement requested.

- 25 **NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Australian Heritage Council completes its assessment of whether to permanently include the Alpine National Park on the National Heritage List' (*Mr Ryan*) — and, after debate —

*Business having been interrupted at 10.00 pm under standing orders.*

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

Debate continued on question — That this Bill be now read a second time — *and 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 Australian Heritage Council completes its assessment of whether to permanently include the Alpine National Park on the National Heritage List'.

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.

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

City of Melbourne (Amendment) Bill  
 Emergency Services Superannuation (Amendment) Bill  
 Sex Offenders Registration (Amendment) Bill  
 Energy Legislation (Miscellaneous Amendments) Bill.

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

And the House having continued to sit after 12 midnight —

WEDNESDAY 15 JUNE 2005

28 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 12.12 am.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 118 — Wednesday 15 June 2005

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

**Wonthaggi State Coal Mine Tourist Attraction** — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 302 signatures (*Mr Smith*)

**Religious Instruction in Victorian Government Schools — Legislative Changes** — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 20, 67, 20, 19 and 80 signatures (*Mr Stensholt, Mr Perton, Mr Robinson, Ms Munt and Mr Wells respectively*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 29, 48, 19, 117, 38 and 10 signatures (*Mr Ingram, Mr Holding, Mr Robinson, Ms Munt, Mr Jenkins and Mr Maughan respectively*)

**Government Subsidised Housing Residents** — Requesting that the House ensures that any residents of Government subsidised premises are bound to exercise due respect for their neighbourhood or face early intervention and eviction with no further assistance forthcoming, bearing 79 signatures (*Mr Savage*)

**City Link and Toll Road Concessions for Pensioners and Self Funded Superannuants** — Requesting that the House calls on the Government to initiate immediate action to extend

concessions to enable all pensioners and self funded superannuants to access City Link and other toll roads in Victoria at an affordable cost, bearing 33 signatures (*Mr Cooper*)

**Concession Card Holders** — Requesting that the Government — (a) rescinds new legislation regarding vehicle registration and cancellation of certain concessions available to concession card holders so as to help and not penalise the under privileged; and (b) adds the cost of living increases to the concessions allowable, bearing 1,343 signatures (*Mr Mulder*).

Petitions ordered to be tabled.

- 3 **PETITION — CITY LINK AND TOLL ROAD CONCESSIONS FOR PENSIONERS AND SELF FUNDED SUPERANNUANTS** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 4 **PETITION — GOVERNMENT SUBSIDISED HOUSING RESIDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 5 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Mordialloc be taken into consideration tomorrow (*Ms Munt*) — put and agreed to.
- 6 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mordialloc be taken into consideration tomorrow (*Ms Munt*) — put and agreed to.
- 7 **PETITION — WONTHAGGI STATE COAL MINE TOURIST ATTRACTION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 8 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOL — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 9 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 10 **PETITION — CONCESSION CARD HOLDERS** — Motion made and question — That the petition presented by the Member for Polwarth be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.
- 11 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

- 12 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Mitcham be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 13 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mitcham be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 14 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Lyndhurst be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 15 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 16 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General — Performance Audit Reports:

In good hands: Smart recruiting for a capable public sector — Ordered to be printed  
 Our children are our future: Improving outcomes for children and young people in out of home care — Ordered to be printed

*Parliamentary Committees Act 2003* — Response from the Minister for Health on the action taken with respect to the recommendations made by the Family and Community Development Committee's Report on the Impact on the Victorian Community and Public Hospitals of the Diminishing Access to After Hours and Bulk Billing General Practitioners

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 38.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

*Emergency Services Telecommunications Authority Act 2004* — Whole Act except section 45 on 1 July 2005 (*Gazette G23, 9 June 2005*).

- 17 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 18 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 19 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes

Education and Training Committee's Report on the Inquiry into the Suitability of Pre-Service Teacher Training in Victoria

Public Accounts and Estimates Committee's Report on the 2004–05 Budget Estimates

Environment and Natural Resources Committee's Report on the Inquiry into Sustainable Communities

Rural and Regional Services and Development Committee's Report on the Inquiry into Country Football

Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's performance audit report — Services for people with an intellectual disability.

- 20 **NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Australian Heritage Council completes its assessment of whether to permanently include the Alpine National Park on the National Heritage List'; debate resumed.

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

The House divided.

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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



The House divided.

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

*Business having been interrupted at 2.00 pm under standing orders.*

21 **QUESTIONS** — (Under SO 55).

22 **NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL** — Bill considered in detail and agreed to with amendments (*see pp 733–4, 737–8*).

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

The House divided.

AYES 60

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 23 **COURTS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 24 **DANGEROUS GOODS AND EQUIPMENT (PUBLIC SAFETY) ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided.

#### AYES 66

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

#### NOES 17

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Appropriation (Parliament 2005/2006) Bill without amendment.

- 26 **STATE TAXATION ACTS (GENERAL AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Under standing orders, Mr Jasper 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.

Bill read a second time and considered in detail.

*Business having been interrupted at 10.00 pm under standing orders.*

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

Bill further considered in detail and agreed to without amendment, read a third time (*see pp 734–5, 738*).

Bill sent to the Legislative Council and their agreement requested.

- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Accident Compensation (Amendment) Bill without amendment.
- 28 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 29 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.12 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 119 — Thursday 16 June 2005

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

**Wonthaggi State Coal Mine Tourist Attraction** — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 225 signatures (*Mr Smith*)

**Religious Instruction in Victorian Government School — Legislative Changes** — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 33, 34 and 643 signatures (*Mr Clark, Mr Thompson and Mr Wells respectively*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for

chaplaincy services in these schools, bearing 40, 22, 15 and 58 signatures (*Mr Mildenhall, Mr Langdon, Mr Andrews and Dr Naphthine respectively*)

**Education Act 1958** — Requesting that the *Education Act 1958* which governs religious instruction in Government Schools remains unchanged, bearing 51 signatures (*Mr Robinson*)

**Phase III Clinical Trials — Human Papilloma Virus** — Requesting that the House makes all the necessary enquiries to ensure that young women who volunteer to take part in the Phase III clinical trials of the Human Papilloma Virus vaccine receive the best standard of care in relation to sexually transmitted infections, bearing 1 signature (*Mr Robinson*).

Petitions ordered to be tabled.

3 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOL — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

4 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Footscray be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

5 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Ivanhoe be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

6 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mulgrave be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

7 **PETITION — EDUCATION ACT 1958** — Motion made and question — That the petition presented by the Member for Mitcham be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

8 **DOCUMENTS** —

**NATIONAL CLASSIFICATION CODE** — Motion made, by leave, and question — That the revised National Classification Code contained in the Classification (Publications, Films and Computer Games) Act 1995 of the Commonwealth be tabled (*Mr Hulls*) — put and agreed to.

**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 1 October 2004 and 15 June 2005 — Ordered to be printed

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 48.

9 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 19 July 2005 (*Mr Holding*) — put and agreed to.

- 10 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 11 **NATIONAL PARKS (OTWAYS AND OTHER AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).
- Motion made and question — That the debate be now adjourned (*Mr Honeywood*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 30 June 2005.
- 12 **HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Under standing orders, Mrs Shardey announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Bill read a second time and considered in detail.
- Business having been interrupted at 2.00 pm under standing orders.*
- 13 **QUESTIONS** — (Under SO 55).
- 14 **HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Bill further considered in detail and agreed to without amendment, read a third time (*see pp 735–6*).
- Bill sent to the Legislative Council and their agreement requested.
- 15 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Pike*) — put and agreed to.
- 16 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 3.59 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 117, 118 and 119**

**No 117 — Tuesday 14 June 2005**

**ACCIDENT COMPENSATION (AMENDMENT) BILL**

**Clause 1** agreed to.

**Clause 2**, Mr McIntosh moved amendment No 1 (*see Schedule 1*).

*The Acting Speaker advised that if amendment 1 is not agreed to, amendment 2 cannot be moved as it is consequential.*

Question — That the amendment be agreed to — put.

The House divided.

AYES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

Mr Hulls moved amendment Nos 1 and 2 (*see Schedule 1*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 3 to 32** agreed to.

Bill agreed to as amended.

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## No 118 — Wednesday 15 June 2005

### NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL

Clauses 1 to 5 agreed to.

Clause 6, Mr Thwaites moved amendment Nos 1 and 2 (*see Schedule 2*).

Amendments put and agreed to.

Mr Thwaites moved amendment No 3 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment No 4 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment No 5 (*see Schedule 2*).

Amendment put and agreed to.

Mr Honeywood moved amendment Nos 4 and 5 (*see Schedule 2*).

Question — That the amendments be agreed to — put.

The House divided.

AYES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

Clause agreed to as amended.

Clauses 7 to 12 agreed to.

**Amendment of long title**, Mr Thwaites moved amendment No 6 (*see Schedule 2*).

Amendment put and agreed to.

Long title agreed to as amended.

Question — That the House agrees to the Bill with amendments — put.

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

**STATE TAXATION ACTS (GENERAL AMENDMENT) BILL**

**Clauses 1 and 2** agreed to.

**Clause 3**, Mr Jasper moved an amendment (*see Schedule 3*).

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

The House divided.

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.



## NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question defeated.

Clause agreed to.

**Clauses 4 to 10** agreed to.

**Clause 11** — Question — That Clause 11 stands part of the Bill — put.

The House divided.

## AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

## NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clause agreed to.

**Clauses 12 to 39** agreed to.

Bill agreed to without amendment.

## No 119 — Thursday 16 June 2005

### HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

**Clauses 1 to 7** agreed to.

**Clause 8** — Question — That Clause 8 stands part of the Bill — put.

The House divided.

AYES 53

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clause agreed to.

**Clause 9** agreed to.

**Clause 10** — Question — That Clause 10 stands part of the Bill — put.

The House divided.

AYES 60

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clause agreed to.

**Clause 11 and 12** agreed to.

*The Deputy Speaker advised that amendment Nos 4 to 9 inclusive could not be moved as they were consequential on clauses 8, 10 and 12 being omitted.*

**Clauses 13 to 54** agreed to.

Bill agreed to without amendment.

## SCHEDULES OF AMENDMENTS MOVED

### SCHEDULE 1

#### ACCIDENT COMPENSATION (AMENDMENT) BILL

Amendment moved by Mr McIntosh

1. Clause 2, line 30, after "4," insert "5,".

Amendments moved by Mr Hulls

1. Clause 2, page 3, after line 4 insert—  
 "( ) Division 1 of Part 2 is deemed to have come into operation on 19 May 2005."
2. Clause 2, page 3, line 5, omit "Divisions 1 and" and insert "Division".

### SCHEDULE 2

#### NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL

Amendments moved by Mr Thwaites

1. Clause 6, line 29, after "cattle" insert "to or from the land in which the person holds the interest directly".
2. Clause 6, line 33, after "route" insert "outside the park".
3. Clause 6, line 34, after this line insert—  
 "(2) If a person holds a licence to graze cattle on Crown land, the Minister may, in writing, grant to that person a reasonable right to move cattle to or from the land over which the person holds the licence directly through the park described in Part 37 of Schedule Two, along the route specified by the Minister (not being a route through a wilderness zone or reference area) if the Minister is satisfied that there is no practical alternative route outside the park for moving the cattle."
4. Clause 6, page 3, line 1, omit "(2)" and insert "(3)".
5. Clause 6, page 3, line 2, omit "the right" and insert "a right under this section".

#### AMENDMENT OF LONG TITLE

6. Long title, after "**Parks**" insert "**Act**".

Amendments moved by Mr Honeywood

4. Clause 6, page 3, line 6, omit "'park.'" and insert "park."
5. Clause 6, page 3, line 6, after this line insert—  
 '(4) A person who is grazing cattle on Crown land that abuts the park described in Part 37 of Schedule Two under a licence to do so is deemed not to have committed an offence under this Act or any regulations made under this Act if the cattle stray into the park

from that land, if the person has taken all reasonable steps to ensure that the cattle do not so stray."!

### **SCHEDULE 3**

#### **STATE TAXATION ACTS (GENERAL AMENDMENT) BILL**

Amendment moved by Mr Jasper

Clause 3, lines 6 and 7, omit ", road safety initiatives and traffic and transport integration programs," and insert "and road safety initiatives".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 120, 121 and 122

#### No 120 — Tuesday 19 July 2005

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended today so as to allow —
  - (1) Precedence to be given to a motion of condolence to the families of the victims of the London bombings.
  - (2) At the conclusion of the consideration of the motion, the House will proceed with question time, followed by formal business and other business as set out in the notice paper (Mr Bracks) — put and agreed to.
- 3 **LONDON BOMBING CONDOLENCE** — Motion made, by leave, and question — That this House —
  - (1) Offers its deepest condolences to the families of the victims of the series of terrorist bombs on London's public transport on 7 July;
  - (2) Mourns Sam Ly, a young Victorian working in London who died from his injuries on Friday;
  - (3) Joins the people of Victoria in expressing shock and outrage at this senseless waste of life;
  - (4) Commends the people of London for the strength and unity they have shown in the face of such a cowardly attack;
  - (5) Commits itself to not allow acts of terror such as this to undermine Victoria's tolerant, multicultural way of life.

*(Mr Bracks)* — put, and after Mr Doyle, Mr Ryan and Mr Savage had addressed the House in support of the motion, honourable members rising in their places to signify their assent, agreed to unanimously and in silence.
- 4 **QUESTIONS** — (Under SO 55).

- 5 **VAGRANCY (REPEAL) AND SUMMARY OFFENCES (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to repeal the Vagrancy Act 1966 and re-enact certain provisions of it in the Summary Offences Act 1966 and the Crimes Act 1958 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the Residential Tenancies Act 1997 to clarify the residency rights of occupiers of shared rooms in rooming houses and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **CASINO CONTROL (AMENDMENT) BILL** — Mr Pandazopoulos obtained leave to bring in a Bill '*to amend the Casino Control Act 1991 and the Casino (Management Agreement) Act 1993 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:

**Cattle Grazing — Alpine National Park** — Requesting that the House — (a) resists all entreaties to change the decision to end cattle grazing in the Alpine National Park, while retaining grazing rights in alpine areas outside the park; and (b) seeks to further encourage all Victorians to support their national park and enjoy the cultural heritage of the high country, bearing 8 signatures (*Mr Lockwood*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 80, 80, 23, 406, 32, 136, 24, 66, 241, 97, 24, 206, 45, 367, 62 and 94 signatures (*Ms Neville, Dr Sykes, Ms Asher, Mr Perton, Mr Harkness, Mr Ryan, Mr Seitz, Ms Beard, Mr Delahunty (Lowan), Mr Doyle, Mr Nardella, Mr Cooper, Mr Jenkins, Mr Wilson, Mr Wells and Dr Naphine respectively*)

**Boating Law** — Requesting that the House urges the Government to abandon immediately the introduction of the boating law which insists that life jackets be worn at all times whilst boating, bearing 46 signatures (*Dr Sykes*)

**Improved Train Services for Sandringham Line** — Requesting that the House urges the Government to improve train services on the Sandringham line, bearing 135 signatures (*Ms Asher*)

**Religious Instruction in Victorian Government Schools — Legislative Changes** — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 26, 68, 394, 75 and 19 signatures (*Dr Sykes, Ms Asher, Mr Perton, Mr Robinson and Mr Wells respectively*)

**Railway Crossing, Settlement Road, Kilmany** — Requesting that the House calls on the Government to erect appropriate warning signs and install warning lights and signals at the



railway crossing at Settlement Road, Kilmany to afford the best possible opportunity to all drivers on Settlement Road of impending train movements at the crossing, bearing 408 signatures (*Mr Ryan*)

**City Link and Toll Road Concessions for Pensioners and Self Funded Superannuants** — Requesting that the House calls on the Government to initiate immediate action to extend concessions to enable all pensioners and self funded superannuants to access City Link and other toll roads in Victoria at an affordable cost, bearing 17 signatures (*Mr Cooper*)

**Cobboboonee State Forest** — Requesting that the House does not declare Cobboboonee a National Park but retains the status quo as a State forest, bearing 327 signatures (*Dr Napthine*).

Petitions ordered to be tabled.

- 9 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 10 **PETITION — CITY LINK AND TOLL ROAD CONCESSIONS FOR PENSIONERS AND SELF FUNDED SUPERANNUANTS** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 11 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Brighton be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.
- 12 **PETITION — IMPROVED TRAIN SERVICES FOR SANDRINGHAM LINE** — Motion made and question — That the petition presented by the Member for Brighton be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.
- 13 **PETITION — CATTLE GRAZING — ALPINE NATIONAL PARK** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.
- 14 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 15 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 16 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

- 17 **PETITION — BOATING LAW** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 18 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 19 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 20 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 21 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.
- 22 **PETITION — COBBOBOONEE STATE FOREST** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.
- 23 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Bellarine be taken into consideration tomorrow (*Ms Neville*) — put and agreed to.
- 24 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 25 **DOCUMENTS**

**NATIONAL CLASSIFICATION CODE** — Motion made, by leave, and question — That the revised National Classification Code (Uniform classification categories for films and computer games) be tabled (*Mr Hulls*) — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 8 of 2005 on the National Parks (Otways and Other Amendments) Bill, together with appendices.

Ordered to be tabled and printed.

**ECONOMIC DEVELOPMENT COMMITTEE** — Mr Robinson, Chair, presented the Final Report from the Economic Development Committee on the Inquiry into Labour Hire Employment in Victoria, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

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

Auditor-General:

Annual Plan 2005–06

Performance Audit Report — Managing stormwater flooding risks in Melbourne — Ordered to be printed

*Confiscation Act 1997* — Asset Confiscation Operations Report for the year 2003–04

*Interpretation of Legislation Act 1984* — Notices under s 32(3)(a)(iii) in relation to Statutory Rule Nos 49, 79

*National Parks Act 1975* — Advice under s 11(3)

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

Ballarat Planning Scheme — No C83

Baw Baw Planning Scheme — No C10 Part 2(i)

Bayside Planning Scheme — No C41

Central Goldfields Planning Scheme — No C7

Colac Otway Planning Scheme — No C44

East Gippsland Planning Scheme — Nos C31, C43

Glen Eira Planning Scheme — Nos C38, C41, C43

Glenelg Planning Scheme — Nos C21, C22

Greater Geelong Planning Scheme — No C112

Hepburn Planning Scheme — Nos C29, C32

Horsham Planning Scheme — No C23

Indigo Planning Scheme — No C26

Kingston Planning Scheme — No C48

Maroondah Planning Scheme — No C30

Moorabool Planning Scheme — No C32

Mornington Peninsula Planning Scheme — Nos C64, C73 Part 1

Moyne Planning Scheme — No C19

Northern Grampians Planning Scheme — No C12

Stonnington Planning Scheme — No C39

Surf Coast Planning Scheme — Nos C16, C23, C24

Swan Hill Planning Scheme — Nos C12, C18

Warrnambool Planning Scheme — No C41

Whittlesea Planning Scheme — No C50, C66

Yarra Planning Scheme — No C66

Yarra Ranges Planning Scheme — No C44

Yarriambiack Planning Scheme — No C5

*Police Regulation Act 1958* — Director, Police Integrity — Review of the Victoria Police Witness Protection Program — Ordered to be printed

Statutory Rules under the following Acts:

*Architects Act 1991* — SR No 53  
*Audit Act 1994* — SR No 65  
*Building Act 1993* — SR Nos 51, 57  
*Cemeteries Act 1958* — SR No 75  
*Cemeteries and Crematoria Act 2003* — SR No 76  
*Commonwealth Games Arrangements Act 2001* — SR No 84  
*Crimes (Family Violence) Act 1987* — SR No 54  
*Electricity Safety Act 1998* — SR No 74  
*Gambling Regulation Act 2003* — SR Nos 60, 61  
*Liquor Control Reform Act 1998* — SR No 55  
*Magistrates' Court Act 1989* — SR No 59  
*Major Crime (Investigative Powers) Act 2004* — SR No 73  
*Marine Act 1988* — SR No 82  
*Meat Industry Act 1993* — SR No 49  
*Occupational Health and Safety Act 2004* — SR No 64  
*Petroleum (Submerged Lands) Act 1982* — SR No 80  
*Pharmacy Practice Act 2004* — SR No 50  
*Police Regulation Act 1958* — SR No 72  
*Prevention of Cruelty to Animals Act 1986* — SR No 70  
*Private Agents Act 1966* — SR No 78  
*Private Security Act 2004* — SR No 77  
*Public Administration Act 2004* — SR No 52  
*Road Management Act 2004* — SR Nos 62, 63  
*Road Safety Act 1986* — SR No 68  
*State Owned Enterprises Act 1992* — SR No 85  
*Subordinate Legislation Act 1994* — SR No 58  
*Surveillance Devices Act 1999* — SR No 83  
*Surveying Act 2004* — SR No 56  
*Terrorism (Community Protection) Act 2003* — SR No 79  
*Transport Act 1983* — SR Nos 66, 67, 68, 69, 81  
*Whistleblowers Protection Act 2001* — SR No 71

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rule Nos 57, 58, 59, 82  
 Ministers' exemption certificates in relation to Statutory Rule Nos 50, 51, 52, 53, 54, 55, 64, 70, 71, 72, 73, 75, 78, 79, 80, 81, 82, 83.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

*Children and Young Persons (Miscellaneous Amendments) Act 2005* — Section 45 on 30 June 2005 (*Gazette S120, 28 June 2005*)  
*Gambling Regulation (Further Amendment) Act 2004* — Sections 4(3), 4(4), 16, 17, 18, 19, 20, 25, 32, 37(2), 37(4), 37(6), 39(1), 39(2), 39(3), 39(4), 39(5), 39(6) and the remaining provisions of Part 3 on 25 June 2005 (*Gazette G25, 23 June 2005*)  
*Melbourne (Flinders Street Land) Act 2003* — Whole Act on 29 June 2005 (*Gazette S120, 28 June 2005*)

*National Electricity (Victoria) Act 2005* — Whole Act on 1 July 2005 (*Gazette S120, 28 June 2005*)  
*Sustainable Forests (Timber) Act 2004* — Section 100(2) on 31 August 2005 (*Gazette G28, 14 July 2005*).

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

Appropriation (2005/2006) Bill  
 Courts Legislation (Miscellaneous Amendments) Bill  
 Dangerous Goods and Equipment (Public Safety) Acts (Amendment) Bill  
 National Parks (Alpine National Park Grazing) Bill  
 State Taxation Acts (General Amendment) Bill.

- 27 **APPROPRIATION (2005/2006) BILL — APPROPRIATION (PARLIAMENT 2005/2006) BILL** — The Speaker announced that on 21 June 2005, the Deputy Speaker had presented to the Governor, the Appropriation (2005/2006) Bill and the Appropriation (Parliament 2005/2006) Bill to which the Governor had been pleased to give the royal assent.

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

On 21 June 2005  
 Accident Compensation (Amendment) Bill  
 City of Melbourne (Amendment) Bill  
 Courts Legislation (Miscellaneous Amendments) Bill  
 Dangerous Goods and Equipment (Public Safety) Acts (Amendment) Bill  
 Emergency Services Superannuation (Amendment) Bill  
 Energy Legislation (Miscellaneous Amendments) Bill  
 Sex Offenders Registration (Amendment) Bill

On 28 June 2005  
 National Parks (Alpine National Park Grazing) Bill  
 State Taxation Acts (General Amendment) Bill.

- 29 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the National Parks (Otways and Other Amendments) Bill.

- 30 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 21 July 2005:

Energy Safe Victoria Bill  
 National Parks (Point Nepean) Bill  
 Owner Drivers and Forestry Contractors Bill  
 Planning and Environment (Williamstown Shipyard) Bill  
 Tobacco (Amendment) Bill

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

- 31 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 32 **ENERGY SAFE VICTORIA BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 33 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2, be postponed until later this day.
- 34 **OWNER DRIVERS AND FORESTRY CONTRACTORS BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under standing orders.*
- 35 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.32 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 121 — Wednesday 20 July 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **WORKING WITH CHILDREN BILL** — Mr Hulls obtained leave to bring in a Bill '*to assist in protecting children from sexual or physical harm by ensuring that people who work with, or care for, them have their suitability to do so checked by a government body, to amend the Sentencing Act 1991, the Sex Offenders Registration Act 2004, the Victorian Civil and Administrative Tribunal Act 1998 and the Victorian Institute of Teaching Act 2001 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **RACIAL AND RELIGIOUS TOLERANCE ACT (REPEAL) BILL** — Mr Savage obtained leave to bring in a Bill '*to repeal the Racial and Religious Tolerance Act 2001*'; 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:
- Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian

Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 422, 48, 45, 34, 513, 93, 31 and 101 signatures (*Mr Howard, Mr Clark, Mr Stensholt, Mr Ingram, Mr Savage, Ms Munt, Mr Helper and Mr Crutchfield respectively*)

**Government Subsidised Premises** — Requesting that the House ensures that residents of Government subsidised premises are bound to exercise due respect for their neighbourhood or face early intervention and eviction with no further assistance forthcoming, bearing 124 signatures (*Mr Savage*).

Petitions ordered to be tabled.

5 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.

6 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.

7 **PETITION — GOVERNMENT SUBSIDISED PREMISES** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.

8 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

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

Mr Hulls presented by Command of the Governor:

Supreme Court — Report for the years 2002–04

Ordered to be tabled.

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

*Audit Act 1994* — Report of the Auditor-General — East Gippsland Shire Council: Proposed sale of Lakes Entrance property — Ordered to be printed

Auditor-General — Performance Audit Report — Managing intellectual property in government agencies — Ordered to be printed

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

Banyule Planning Scheme — No C47

Cardinia Planning Scheme — Nos C62, C71

Darebin Planning Scheme — No C58 Part 2

Gannawarra Planning Scheme — No C11  
 Glenelg Planning Scheme — No C20  
 Greater Dandenong Planning Scheme — Nos C31 Part 3, C58  
 Greater Geelong Planning Scheme — No C9  
 Hepburn Planning Scheme — No C26  
 Kingston Planning Scheme — No C32  
 Mornington Peninsula Planning Scheme — No C66  
 Pyrenees Planning Scheme — No C13  
 Yarra Planning Scheme — No C91

Statutory Rule under the *Fisheries Act 1995* — SR No 86

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 86.

10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Electoral Legislation (Further Amendment) Bill without amendment.

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

12 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — PROVINCIAL VICTORIA** — The House was informed that Mr Brumby had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Bracks government for its work to make provincial Victoria a great place to raise a family and its commitment to strong regional economic growth and outstanding regional results, in particular:

- (1) Record levels of facilitated investment;
- (2) Strong employment growth;
- (3) Vibrant population growth;
- (4) Massive investment in infrastructure;
- (5) Booming industry sectors; and
- (6) Unprecedented building approval levels.'

Mr Brumby 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 2003–04 Budget Outcomes

Road Safety Committee's Report on the Inquiry into Crashes Involving Roadside Objects



Education and Training Committee's Report on the Inquiry into the Suitability of Pre-Service Teacher Training in Victoria.

*Prior notice having been given under SO 43, business was interrupted at 12.20 pm.*

- 14 **MINISTERIAL STATEMENT — PREPAREDNESS FOR TERRORIST ATTACKS** — The Premier made a ministerial statement relating to the preparedness for terrorist attacks, to which members responded.

*Business having been interrupted at 2.00 pm under standing orders.*

- 15 **QUESTIONS** — (Under SO 55).

- 16 **MINISTERIAL STATEMENT — PREPAREDNESS FOR TERRORIST ATTACKS** — Responses continued on the ministerial statement relating to the preparedness for terrorist attacks.

- 17 **NATIONAL PARKS (POINT NEPEAN) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Higher Education Acts (Amendment) Bill without amendment.

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

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

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

*Business having been interrupted at 10.00 pm under standing orders.*

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

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 122 — Thursday 21 July 2005

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

2 **CRIMES (CONTAMINATION OF GOODS OFFENCES) BILL** — Mr Ryan obtained leave to bring in a Bill '*to amend the Crimes 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.

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

**Religious Instruction in Victorian Government Schools — Legislative Changes** — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 11 and 38 signatures (*Mr Robinson and Mr Wells respectively*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 15, 38, 113, 182, 68, 48, 92, 57, 81 and 41 signatures (*Mr Clark, Ms Lindell, Mr Herbert, Ms Eckstein, Mr Trezise, Mr Ryan, Ms Duncan, Mr Maughan, Mrs Powell and Mr Walsh respectively*).

Petitions ordered to be tabled.

4 **DOCUMENTS**

**CLASSIFICATION OF FILMS AND COMPUTER GAMES** — Motion made, by leave, and question — That the Guidelines for the Classification of Films and Computer Games and Guidelines for the Classification of Publications 2005 be tabled (*Mr Hulls*) — put and agreed to.

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

Commonwealth Games Arrangements (Miscellaneous Amendments) Bill  
Local Government (Amendment) Bill.

6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 9 August 2005 (*Mr Hulls*) — put and agreed to.

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

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

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

Ordered — That the debate be adjourned until Thursday 4 August 2005.

9 **VAGRANCY (REPEAL) AND SUMMARY OFFENCES (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 4 August 2005.

- 10 **RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

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

Ordered — That the debate be adjourned until Thursday 4 August 2005.

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

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

Ordered — That the debate be adjourned until Thursday 4 August 2005.

- 12 **PLANNING AND ENVIRONMENT (WILLIAMSTOWN SHIPYARD) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

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

*Business having been interrupted at 2.00 pm under standing orders.*

- 14 **QUESTIONS** — (Under SO 55).

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

*Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 19 July 2005 had expired.*

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

Question — That Government amendment Nos 1 to 22 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 **OWNER DRIVERS AND FORESTRY CONTRACTORS BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

The House divided.

AYES 60

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Energy Safe Victoria Bill without amendment.
- 18 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 19 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.49 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 123, 124 and 125

#### No 123 — Tuesday 9 August 2005

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

2 **QUESTIONS** — (Under SO 55).

3 **SUSTAINABILITY VICTORIA BILL** — Mr Thwaites obtained leave to bring in a Bill '*to establish Sustainability Victoria as the successor in law to the Sustainable Energy Authority Victoria and EcoRecycle Victoria, to amend the **Environment Protection Act 1970**, to repeal the **Sustainable Energy Authority Victoria Act 1990** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

4 **GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the **Groundwater (Border Agreement) Act 1985** to approve and give effect to the Border Groundwaters Agreement Amendment Agreement, to amend the **Water Act 1989** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

5 **PIPELINES BILL** — Mr Cameron obtained leave to bring in a Bill '*to re-enact with amendments the laws relating to the construction and operation of pipelines in Victoria, to repeal the **Pipelines Act 1967** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

6 **RADIATION BILL** — Ms Pike obtained leave to bring in a Bill '*to protect the health and safety of persons and the environment from the harmful effects of radiation, to make consequential amendments to the **Health Act 1958**, the **Dangerous Goods Act 1985**, the **Environment Protection Act 1970**, the **Magistrates' Court Act 1989**, the **Nuclear Activities (Prohibitions) Act 1983**, the **Road Transport (Dangerous Goods) Act 1995** and for other purposes*'; and, 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:

**Wonthaggi State Coal Mine Tourist Attraction** — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the

Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 121 signatures (*Mr Smith*)

**Bass Landing Boat Launching Ramp** — Requesting that the Parliament and the Minister for Environment allow the Bass Landing Boat Launching Ramp and parking area to remain open to the boat users and fishermen and women who have used this area for many years, bearing 12 signatures (*Mr Smith*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 77, 57, 22, 62, 95, 24, 109, 68, 21, 38, 9, 39, 22 and 38 signatures (*Mr Smith, Mr Perton, Mr Harkness, Mr Ryan, Mr Langdon, Ms Beard, Mr Delahunty (Lowan), Mr Doyle, Ms Morand, Mr Wilson, Mr Leighton, Mr Walsh, Ms Gillett and Mr Honeywood respectively*)

**Bus and Train Services in Bayswater** — Requesting that the House takes action to co-ordinate bus and train services in Bayswater at the earliest opportunity, bearing 9 signatures (*Mr Lockwood*)

**Bus Services in the Outer Eastern Suburbs** — Requesting that the House takes action at the earliest opportunity to provide extra bus services in the outer eastern suburbs at least until 8.00 pm to allow commuters, workers and shoppers to travel safely home by public transport, bearing 9 signatures (*Mr Lockwood*)

**Local Government Elections** — Requesting that the House takes action to eliminate or minimise the practice of running dummy candidates in local government elections at its earliest opportunity, bearing 8 signatures (*Mr Lockwood*)

**Police School Involvement Program** — Requesting that the House supports the reinstatement of the Police School Involvement Program to build a secure environment for the children of Victoria, bearing 200 signatures (*Mr Perton*)

**Religious Instruction in Victorian Government Schools — Legislative Changes** — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 185, 118, 23, 363 and 234 signatures (*Mr Perton, Ms Marshall, Ms Morand, Mr Thompson and Mr Honeywood respectively*)

**Rosedale and District Region** — Requesting that the House — (a) acts to conduct a poll of the electors of the region of Rosedale and Districts, the former Rosedale Shire; and (b) proclaims the region as the Rosedale Shire, comprising of five single councillor wards representing the electors of the region, bearing 25 signatures (*Mr Ryan*)

**Pedestrian Bridge, Narre Warren-Cranbourne Road, Narre Warren** — Requesting that the Minister for Transport directs that a pedestrian bridge be constructed over Narre Warren-Cranbourne Road, Narre Warren, at the site of the new grade separation with the railway line, to allow for the safe crossing of this road, bearing 37 signatures (*Mr Wilson*)

**Sandringham and District Memorial Hospital** — Requesting that the Government provides sufficient funding for the efficient management of the Sandringham and District Memorial Hospital without the need for the impost of a range of car parking fees which will see hospital employees paying up to \$480 a year to subsidise projects which should be funded by the State Government, bearing 18 signatures (*Mr Thompson*)

**Mitcham-Frankston (Scoresby) Freeway** — Requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls, bearing 10 signatures (*Mr Honeywood*).

Petitions ordered to be tabled.

- 8 **PETITION — WONTHAGGI STATE COAL MINE TOURIST ATTRACTION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 9 **PETITION — BASS LANDING BOAT LAUNCHING RAMP** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 10 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 11 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 12 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 13 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 14 **PETITION — BUS AND TRAIN SERVICES IN BAYSWATER** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.
- 15 **PETITION — BUS SERVICES IN THE OUTER EASTERN SUBURBS** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.
- 16 **PETITION — LOCAL GOVERNMENT ELECTIONS** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.

17 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 9 of 2005 on the:

Accident Compensation (Amendment) Bill  
 Accident Compensation (Further Amendment) Bill  
 Casino Control (Amendment) Bill  
 Commonwealth Games Arrangements (Miscellaneous Amendments) Bill  
 House Contracts Guarantee (Amendment) Bill  
 Racing and Gaming (Police Powers) Bill  
 Residential Tenancies (Further Amendment) Bill  
 State Taxation Acts (General Amendment) Bill  
 Statute Law Revision Bill  
 Vagrancy (Repeal) and Summary Offences (Amendment) Bill  
 Victoria State Emergency Services Bill  
 Working with Children Bill

together with appendices.

Ordered to be tabled and printed.

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — Ms McTaggart presented a report from the Family and Community Development Committee on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing, together with minutes of evidence.

Ordered to be tabled and the report printed.

**RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE** — Mr Hardman, Chair, presented a report from the Rural and Regional Services and Development Committee on the Inquiry into the Cause of Fatality and Injury on Victorian Farms, together with an extract from the proceedings, appendices, a minority report and minutes of evidence.

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

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

Anti-Cancer Council — Report for the year 2004, together with an explanation for the delay in tabling

*Commonwealth Games Arrangements Act 2001* — Orders under s 19 (two documents)

Municipal Association of Victoria Insurance — Report for the year 2003–04

Murray Valley Citrus Marketing Board — Report for the year 2003–04 (*in lieu of report previously tabled on Wednesday 3 November 2004*)



*Parliamentary Committees Act 2003* — Response of the Minister for Health on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on Victorian Rural Ambulance Services

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

Ballarat Planning Scheme — No C73 Part 2  
 Boroondara Planning Scheme — No C46  
 Frankston Planning Scheme — No C25  
 Greater Bendigo Planning Scheme — Nos C21, C62, C74  
 Greater Dandenong Planning Scheme — No C69  
 Latrobe Planning Scheme — No C41  
 Macedon Ranges Planning Scheme — No C50  
 Maroondah Planning Scheme — No C39  
 Mildura Planning Scheme — Nos C28, C34  
 Mount Alexander Planning Scheme — Nos C26, C31  
 Stonnington Planning Scheme — No C43  
 Towong Planning Scheme — Nos C9 Part 1, C10  
 Whittlesea Planning Scheme — No C59  
 Wyndham Planning Scheme — Nos C52, C72, C73

Statutory Rules under the following Acts:

*Electricity Safety Act 1998* — SR No 92  
*Fair Trading Act 1999* — SR No 90  
*Health Act 1958* — SR No 93  
*Petroleum Products (Terminal Gate Pricing) Act 2000* — SR No 91  
*Safe Drinking Water Act 2003* — SR No 88  
*Sex Offenders Registration Act 2004* — SR No 94  
*Subordinate Legislation Act 1994* — SR Nos 87, 89  
*Supreme Court Act 1986* — SR No 95

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rule Nos 87, 89  
 Ministers' exemption certificates in relation to Statutory Rule Nos 90, 91, 94.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

*Dangerous Goods Legislation (Amendment) Act 2004* — Section 7 on 1 October 2005  
 (*Gazette G31, 4 August 2005*)  
*Gambling Regulation (Amendment) Act 2004* — Remaining provisions on 21 July 2005  
 (*Gazette G29, 21 July 2005*)  
*Sex Offenders Registration (Amendment) Act 2005* — Remaining provisions (except s 17) on 1 August 2005 (*Gazette G30, 28 July 2005*).

18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Health Legislation (Miscellaneous Amendments) Bill without amendment.

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

On 27 July 2005

Commonwealth Games Arrangements (Miscellaneous Amendments) Bill

Electoral Legislation (Further Amendment) Bill

Energy Safe Victoria Bill

Higher Education Acts (Amendment) Bill

Local Government (Amendment) Bill

On 2 August 2005

Health Legislation (Miscellaneous Amendments) Bill.

- 20 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Working with Children Bill.

- 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 11 August 2005:

Accident Compensation and Transport Accident Acts (Ombudsman) Bill

Casino Control (Amendment) Bill

Environment and Water Legislation (Miscellaneous Amendments) Bill

Primary Industries Acts (Amendment) Bill

Victoria State Emergency Service Bill

Working with Children Bill

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

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

- 23 **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.

- 24 **ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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 — (a) retain the provisions relating to the *Sustainable Forests (Timber) Act 2004*, the *Safety on Public Land Act 2005* and the *Victorian Conservation Trust Act 1972*; and (b) take into account the outcome of public consultation with key stakeholders on the effects of the proposed amendments to the *Water Act 1989* and the *Melbourne and Metropolitan Board of Works Act 1958*' (*Mr Plowman*) — and, after debate —

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

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

- 25 **ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (OMBUDSMAN) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 26 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the National Parks (Point Nepean) Bill without amendment.

- 27 **VICTORIA STATE EMERGENCY SERVICE BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Government has fully investigated the West Australian property-based funding model for fire services, and those findings are subjected to public scrutiny' (*Mr Ryan*) — and, after debate —

*Business having been interrupted at 10.00 pm under standing orders.*

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

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 124 — Wednesday 10 August 2005

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

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

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 67 signatures (*Dr Sykes*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 15, 22, 27, 76, 138, 24, 124 and 49 signatures (*Dr Sykes, Ms Asher, Mr Stensholt, Mr Robinson, Ms Munt, Mr Cooper, Mr Thompson and Mr Walsh respectively*)

**Religious Instruction in Victorian Government Schools — Legislative Changes** — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 51, 11 and 18 signatures (*Dr Sykes, Mr Thompson and Mr Wells respectively*).

Petitions ordered to be tabled.

- 3 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 4 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 5 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 6 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 7 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 8 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

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- 9 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 10 **DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following documents in accordance with an Act of Parliament:
- Statutory Rule under the *Dangerous Goods Act 1985* — SR No 96
- Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 96.
- 11 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 12 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 13 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:
- Road Safety Committee's Report on the Inquiry into the Country Road Toll
- Family and Community Development Committee's Report on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing
- Scrutiny of Acts and Regulations Committee's Final Report on Victorian Electronic Democracy
- Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes
- Economic Development Committee's Report on the Inquiry into Labour Hire Employment in Victoria.
- 14 **INDUSTRIAL RELATIONS SYSTEM** — Motion made and question — That this House opposes changes to the industrial relations system announced by the Prime Minister on 27 May 2005 including — (a) removing long service leave, jury leave, notice on termination and superannuation from awards; and (b) removing awards as the benchmark against which agreements including Australian Workplace Agreements are measured and replacing the award benchmark with legislated minima being annual leave (no leave loading), personal leave, parental leave and a maximum number of ordinary working hours and a minimum wage set by a 'Fair Pay Commission' and calls on the Commonwealth Government to guarantee that no Victorian worker will be worse off as a result of any changes to the industrial relations system (*Mr Hulls*) — and, after debate —
- Business having been interrupted at 2.00 pm under standing orders.*
- 15 **QUESTIONS** — (Under SO 55).
- 16 **INDUSTRIAL RELATIONS SYSTEM** — Debate resumed on question — That this House opposes changes to the industrial relations system announced by the Prime Minister on 27 May 2005 including — (a) removing long service leave, jury leave, notice on termination

and superannuation from awards; and (b) removing awards as the benchmark against which agreements including Australian Workplace Agreements are measured and replacing the award benchmark with legislated minima being annual leave (no leave loading), personal leave, parental leave and a maximum number of ordinary working hours and a minimum wage set by a 'Fair Pay Commission' and calls on the Commonwealth Government to guarantee that no Victorian worker will be worse off as a result of any changes to the industrial relations system.

Question — put.

The House divided.

#### AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

#### NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

- 17 **WORKING WITH CHILDREN BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until an independent Child Commissioner is appointed, whose responsibilities include proper consultation with key stakeholders, and to oversee the implementation of a simple and effective method of police checks for all applicants wishing to undertake child-related work, and who can oversee the implementation of child safe policies' (*Mr McIntosh*) — and, after debate —

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

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

- 18 **CASINO CONTROL (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

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

Planning and Environment (Williamstown Shipyard) Bill  
Tobacco (Amendment) Bill.

- 20 **PRIMARY INDUSTRIES ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 21 **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.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 125 — Thursday 11 August 2005

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

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

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 32, 112, 24, 29, 58, 50 and 147 signatures (*Mr Perton, Ms Beard, Mr Nardella, Mr Savage, Mr Wilson, Ms Campbell and Mr Crutchfield respectively*)

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 186 signatures (*Mr Savage*)

**Government Subsidised Housing Residents** — Requesting that the House ensures that residents of Government subsidised premises are bound to exercise due respect for their neighbourhood or face early intervention and eviction with no further assistance forthcoming, bearing 5 signatures (*Mr Savage*)

**Police School Involvement Program Continuation** — Requesting that the House supports the continuation of the Police School Involvement Program, in its present form, for the year 2006 and beyond, bearing 422 signatures (*Mr Savage*)

**Compulsory Metal Detector Tests for Pubs, Bars and Nightclubs** — Requesting that the House makes it compulsory that all pubs, bars and nightclubs carry out metal detector tests on all patrons before they are permitted entry, bearing 8,025 signatures (*Mr Andrews*)

**Religious Instruction in Victorian Government Schools — Legislative Changes** — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 28 and 20 signatures (*Mr Mulder and Mr Wells respectively*)

**Sandringham and District Memorial Hospital** — Requesting that the Government provides sufficient funding for the efficient management of the Sandringham and District Memorial Hospital without the need for the impost of a range of car parking fees which will see hospital employees paying up to \$480 a year to subsidise projects which should be funded by the State Government, bearing 133 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 3 **PETITION — SANDRINGHAM AND DISTRICT MEMORIAL HOSPITAL** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 4 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 5 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 6 **PETITION — GOVERNMENT SUBSIDISED HOUSING RESIDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 7 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM CONTINUATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 8 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Polwarth be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.
- 9 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.



10 **DOCUMENTS**

**REPORT OF INSPECTOR OF MUNICIPAL ADMINISTRATION — GLEN EIRA CITY COUNCIL** — Motion made, by leave, and question — That the Report of the Inspector of Municipal Administration into an investigation into Glen Eira City Council be tabled (*Mr Thwaites*) — put and agreed to.

Ordered to be printed.

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

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule No 95.

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

12 **SUSTAINABILITY VICTORIA BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Thursday 25 August 2005.

13 **GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Thursday 25 August 2005.

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

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

Ordered — That the debate be adjourned until Thursday 25 August 2005.

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

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

Ordered — That the debate be adjourned until Thursday 25 August 2005.

16 **PRIMARY INDUSTRIES ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 17 **WORKING WITH CHILDREN BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until an independent Child Commissioner is appointed, whose responsibilities include proper consultation with key stakeholders, and to oversee the implementation of a simple and effective method of police checks for all applicants wishing to undertake child-related work, and who can oversee the implementation of child safe policies'; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 18 **QUESTIONS** — (Under SO 55).

- 19 **WORKING WITH CHILDREN BILL** — Debate resumed on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until an independent Child Commissioner is appointed, whose responsibilities include proper consultation with key stakeholders, and to oversee the implementation of a simple and effective method of police checks for all applicants wishing to undertake child-related work, and who can oversee the implementation of child safe policies'.

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

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

- 20 **VICTORIA STATE EMERGENCY SERVICE BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Government has fully investigated the West Australian property-based funding model for fire services, and those findings are subjected to public scrutiny'; debate resumed.

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

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

- 21 **ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to — (a) retain the provisions relating to the *Sustainable Forests (Timber) Act 2004*, the *Safety on Public Land Act 2005* and the *Victorian Conservation Trust Act 1972*; and (b) take into account the outcome of public consultation with key stakeholders on the effects of the proposed amendments to the *Water Act 1989* and the *Melbourne and Metropolitan Board of Works Act 1958*'.

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

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill read a second time and considered in detail (*see pp 773–4*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 9 August 2005 had expired.*

Question — That Government amendment No 2, clause 14 as amended and clauses 15 and 16 be agreed to, the Bill be agreed to with amendments and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 22 **WORKING WITH CHILDREN BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until an independent Child Commissioner is appointed, whose responsibilities include proper consultation with key stakeholders, and to oversee the implementation of a simple and effective method of police checks for all applicants wishing to undertake child-related work, and who can oversee the implementation of child safe policies'.

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

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh.

Question agreed to.

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

The House divided.

AYES 76

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 7

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

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.

- 23 **VICTORIA STATE EMERGENCY SERVICE BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Government has fully investigated the West Australian property-based funding model for fire services, and those findings are subjected to public scrutiny'.

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

The House divided.

AYES 76

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 7

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

Question agreed to.

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

The House divided.

AYES 76

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 7

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

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

25    **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.57 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### CONSIDERATION IN DETAIL Supplement to Votes Nos 123, 124 and 125

#### No 125 — Thursday 11 August 2005

##### ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Clauses 1 to 8 agreed to.

**Clause 9**, Mr Thwaites moved amendment No 1 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 10 to 13** agreed to.

**Clause 14**, Mr Plowman moved amendment No 1 (*see Schedule*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 9 August 2005 had expired.*

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

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

(*For remaining stages see p 769.*)

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## SCHEDULE OF AMENDMENTS MOVED

### ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Amendment moved by Mr Thwaites

1. Clause 9, line 12, omit "Principal Act" and insert "**Victorian Conservation Trust Act 1972**".

Amendment moved by Mr Plowman

1. Clause 14, lines 20 to 24, omit all words and expressions on these lines.



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 126, 127 and 128

#### No 126 — Tuesday 16 August 2005

1 The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to dismiss the Glen Eira City Council and provide for a general election for that Council, to amend the **Local Government Act 1989** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

4 **SPORTS ANTI-DOPING BILL** — Mr Thwaites obtained leave to bring in a Bill '*to re-enact with amendments the law relating to anti-doping in sport, to confer functions on the Australian Sports Drug Agency, to repeal the **Sports Drug Testing Act 1995** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

5 **SENTENCING AND MENTAL HEALTH ACTS (AMENDMENT) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the **Sentencing Act 1991**, the **Mental Health Act 1986**, the **Corrections Act 1986** and the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**, to make consequential amendments to other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

6 **ROYAL VICTORIAN INSTITUTE FOR THE BLIND AND OTHER AGENCIES (MERGER) BILL** — Mr Hulls obtained leave to bring in a Bill '*to provide that certain bequests, gifts, dispositions and trusts have effect as if made or declared to or in favour of Vision Australia Limited and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

7 **MELBOURNE LANDS (YARRA RIVER NORTH BANK) (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Melbourne Lands (Yarra River North Bank) Act 1997** to provide for additional land to be included in the site used for the Melbourne Aquarium and for other purposes*'; and 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:

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001*

to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 97 signatures (*Dr Sykes*)

**Police School Involvement Program** — Requesting that the House supports the reinstatement of the Police School Involvement Program to build a secure environment for the children of Victoria, bearing 79 signatures (*Mr Perton*)

**Physical Education and Music Centre, Keilor Primary School** — Requesting that the House supports the construction of a physical education and music centre for Keilor Primary School, bearing 42 signatures (*Mr Perton*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 55, 25, 1,050, 24, 46, 55, 23 and 306 signatures (*Mr Perton, Ms Eckstein, Ms Marshall, Mr Trezise, Mr Langdon, Mr Delahunty (Lowan), Mr Cooper and Mr Maxfield respectively*)

**Religious Instruction in Victorian Government Schools — Legislative Changes** — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 20 and 20 signatures (*Mr Perton and Mr Wells respectively*).

Petitions ordered to be tabled.

- 9 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 10 **PETITION — PHYSICAL EDUCATION AND MUSIC CENTRE, KEILOR PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 11 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 12 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 13 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.

14 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

15 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

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

*Local Government Act 1989* — Order in Council suspending Councillors at Glen Eira City Council and appointing an Administrator

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

Ballarat Planning Scheme — No C80

Casey Planning Scheme — No C8

Greater Dandenong Planning Scheme — No C68

Melbourne Planning Scheme — No C102

Stonnington Planning Scheme — No C23

Wodonga Planning Scheme — No C44

Statutory Rule under the *Teaching Service Act 1981* — SR No 97

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 97.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

*Energy Safe Victoria Act 2005* — Whole Act, except s 59, on 10 August 2005 (*Gazette S147, 9 August 2005*)

*Higher Education Acts (Amendment) Act 2005* — Sections 1, 2, 111, 112, 113, 121, 128 and 129 on 9 August 2005 (*Gazette S148, 9 August 2005*).

17 **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:

National Parks (Point Nepean) Bill

Planning and Environment (Williamstown Shipyard) Bill

Tobacco (Amendment) Bill.

18 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Pipelines Bill

Radiation Bill

Sustainability Victoria Bill.

- 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 18 August 2005:

Fisheries (Abalone) Bill  
 House Contracts Guarantee (Amendment) Bill  
 Melbourne College of Divinity (Amendment) Bill  
 Racing and Gaming Acts (Police Powers) Bill  
 Residential Tenancies (Further Amendment) Bill  
 Vagrancy (Repeal) and Summary Offences (Amendment) Bill

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

- 20 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 21 **HOUSE CONTRACTS GUARANTEE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Owner Drivers and Forestry Contractors Bill without amendment.
- 23 **MELBOURNE COLLEGE OF DIVINITY (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

The Speaker ruled the Bill to be a private bill.

Motion made and question — That this Bill be treated as a public bill and that fees be dispensed with (*Ms Kosky*) — put and agreed to.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 24 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Accident Compensation and Transport Accident Acts (Ombudsman) Bill without amendment.

- 25 **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.

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

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

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

*Business having been interrupted at 10.00 pm under standing orders.*

- 27 **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*

JUDY MADDIGAN  
*Speaker*

## No 127 — Wednesday 17 August 2005

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

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 38, 83, 24, 80, 38 and 14 signatures (*Mr Howard, Mr Perera, Mr Langdon, Ms Beard, Dr Naphine and Mr Walsh respectively*)

**Vagrancy Act 1966** — Requesting that the House — (a) refers consideration of the Vagrancy (Repeal) and Summary Offences (Amendment) Bill to a select committee to determine whether or not the Bill will have an adverse impact on citizens of Victoria; and (b) in the event that s 13 of the *Vagrancy Act 1966* is repealed, tables a report or statement giving reasons why or why not the legislation of witchcraft will have an adverse effect on society, bearing 5 signatures (*Mr Ryan*)

**Religious Instruction in Victorian Government Schools — Legislative Changes** — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 19 signatures (*Mr Doyle*)

**Pathology Services, Maryborough Hospital** — Requesting that the House objects to the privatisation of pathology services at the Maryborough Hospital, bearing 1,962 signatures (*Ms Pike*)

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001*

to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 123 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

3 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

4 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

5 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Ms Beard*) — put and agreed to.

6 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Cranbourne be taken into consideration tomorrow (*Mr Perera*) — put and agreed to.

7 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Ballarat East be taken into consideration tomorrow (*Mr Howard*) — put and agreed to.

8 **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 No 61

*Melbourne City Link Act 1995:*

City Link and Extension Projects Integration and Facilitation Agreement Twelfth Amending Deed

Exhibition Street Extension Eighth Amending Deed

Melbourne City Link Twentieth Amending Deed

Statutory Rule under the following Acts:

*City of Melbourne Act 2001* — SR No 98

*Local Government Act 1989* — SR No 98.

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

10 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — OFFICE OF POLICE INTEGRITY** — The House was informed that Mr Doyle had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Bracks Government for failing to adequately tackle the continuing crisis of confidential information held by Victoria Police which is leaked or

inappropriately accessed and calls upon the Bracks Government to replace the Office of Police Integrity with a properly resourced independent commission to stamp out corruption and restore confidence in the integrity of information held by Victoria Police'.

Mr Doyle addressed the House — Discussion followed.

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

Family and Community Development Committee's Report on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing

Rural and Regional Services and Development Committee's Report on the Inquiry into the Cause of Fatality and Injury on Victorian Farms

Environment and Natural Resources Committee's Report on the Inquiry into Sustainable Communities.

- 12 **LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Wednesday 31 August 2005.

- 13 **SPORTS ANTI-DOPING BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Wednesday 31 August 2005.

*Business having been interrupted at 2.00 pm under standing orders.*

- 14 **QUESTIONS** — (Under SO 55).

- 15 **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.

- 16 **SENTENCING AND MENTAL HEALTH ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

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

Ordered — That the debate be adjourned until Wednesday 31 August 2005.

- 17 **ROYAL VICTORIAN INSTITUTE FOR THE BLIND AND OTHER AGENCIES (MERGER) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 31 August 2005.

- 18 **MELBOURNE LANDS (YARRA RIVER NORTH BANK) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 31 August 2005.

- 19 **RACING AND GAMING ACTS (POLICE POWERS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see pp 786–7, 790*).

Bill sent to the Legislative Council and their agreement requested.

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

Casino Control (Amendment) Bill  
Primary Industries Acts (Amendment) Bill.

- 21 **VAGRANCY (REPEAL) AND SUMMARY OFFENCES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Ryan 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 Hudson*) — put and agreed to.

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

- 22 **FISHERIES (ABALONE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.



*Business having been interrupted at 10.00 pm under standing orders.*

- 23 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.36 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 128 — Thursday 18 August 2005

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

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 105 signatures (*Dr Sykes*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 35 and 277 signatures (*Ms Lindell and Ms Gillett respectively*)

**Speed Limits on Balcombe Road, Beaumaris** — Requesting that the House introduces a speed limit of 50 km/h in Balcombe Road, Beaumaris, west of Dalgetty Road to the point prior to Reserve Road, where the speed reduces to 40 km/h during school day hours, which will have the practical benefit of reducing four speed sign designations to two speeds, bearing 7 signatures (*Mr Thompson*)

**Sandringham and District Memorial Hospital** — Requesting that the Government provides sufficient funding for the efficient management of the Sandringham and District Memorial Hospital without the need for the impost of a range of car parking fees which will see hospital employees paying up to \$480 a year to subsidise projects which should be funded by the State Government, bearing 18 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 3 **PETITION — SPEED LIMITS ON BALCOMBE ROAD, BEAUMARIS** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

4 **PETITION — SANDRINGHAM AND DISTRICT MEMORIAL HOSPITAL** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

5 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Environment and Water Legislation (Miscellaneous Amendments) Bill without amendment.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 6 September 2005 (*Ms Pike*) — put and agreed to.

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

9 **FISHERIES (ABALONE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

10 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2, be postponed until later this day.

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

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see pp 788–9, 791*).

Bill sent to the Legislative Council and their agreement requested.

*Business having been interrupted at 2.00 pm under standing orders.*

12 **QUESTIONS** — (Under SO 55).

*[The Speaker having left the Chair at 2.25 pm, resumed it at 2.27 pm]*

13 **VAGRANCY (REPEAL) AND SUMMARY OFFENCES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*pp 789, 791*).

Bill sent to the Legislative Council and their agreement requested.

- 
- 14 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Delahunty, Northcote*) — put and agreed to.
- 15 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.03 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### CONSIDERATION IN DETAIL Supplement to Votes Nos 126, 127 and 128

#### No 127 — Wednesday 17 August 2005

##### RACING AND GAMING ACTS (POLICE POWERS) BILL

Clauses 1 and 2 agreed to.

Clause 3, Mr Smith moved amendment No 1 (*see Schedule 1*).

Question — That the amendment be agreed to — put.

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

AYES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh.

NOES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

*The Deputy Speaker advised that, as amendment No 1 had been defeated, amendment Nos 3, 5, 8 and 10 could not be moved as they were consequential on amendment No 1.*

Mr Smith moved amendment No 2 (*see Schedule 1*).

Question — That the amendment be agreed to — put.

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

AYES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh.

NOES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

Clause agreed to.

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

Amendment put and defeated.

Mr Smith moved amendment No 6 (*see Schedule 1*).

Amendment put and defeated.

*The Deputy Speaker advised that, as amendment No 6 had been defeated, amendment Nos 7 and 9 could not be moved as they were consequential on amendment No 6.*

Clause agreed to.

**Clauses 5 to 9** agreed to.

**Clause 10**, Mr Smith moved amendment No 11 (*see Schedule 1*).

Amendment put and defeated.

*The Deputy Speaker advised that, as amendment No 11 had been defeated, amendment No 12 could not be moved as it was consequential on amendment No 11.*

Clause agreed to.

**Clauses 11 to 15** agreed to.

Bill agreed to without amendment.

## No 128 — Thursday 18 August 2005

### RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL

Clauses 1 to 3 agreed to.

Clause 4, Mrs Shardey moved amendment Nos 1 and 2 (*see Schedule 2*).

Question — That the amendments be agreed to — put.

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

AYES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

Clause agreed to.

*The Acting Speaker advised that as amendment Nos 1 and 2 had been defeated, amendment Nos 3 to 9 inclusive could not be moved as they were consequential.*

Clauses 5 to 31 agreed to.

Question — That the House agrees to the Bill without amendment — put.

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

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

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NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

**VAGRANCY (REPEAL) AND SUMMARY OFFENCES (AMENDMENT) BILL**

**Clauses 1 to 4** agreed to.

**Clause 5**, Mr Ryan moved amendment Nos 1 and 2 (*see Schedule 3*).

Amendments put and defeated.

Clause agreed to.

**Clauses 6 and 7** agreed to.

Bill agreed to without amendment.

## SCHEDULES OF AMENDMENTS MOVED

### SCHEDULE 1

#### RACING AND GAMING ACTS (POLICE POWERS) BILL

Amendments moved by Mr Smith

1. Clause 3, after line 19, insert the following definition—  
" **exclusion period**" means—
  - (a) the duration of any race-meeting; or
  - (b) any period of training, trials or track work carried out at a race-course for the purposes of a race-meeting;'
2. Clause 3, lines 28 to 31, omit paragraph (b) and insert—  
"(b) any other race-course in respect of which a licence has been issued under section 24 for the purposes of—
  - (i) horse racing;
  - (ii) harness racing;
  - (iii) greyhound racing;".
4. Clause 4, page 6, after line 7 insert—  
"(5)The Chief Commissioner of Police must ensure that an up-to-date copy of a list kept under sub-section (1) is provided to the casino operator within the meaning of **Casino Control Act 1991** as soon as practicable after the list is prepared under that sub-section or amended under sub-section (2), as the case requires."
6. Clause 4, page 6, after line 19 insert—  
**"35C. Person excluded from casino complex not to enter race-course**  
A person the subject of an exclusion order under section 74 of the **Casino Control Act 1991** must not enter, or remain at, a specified race-course at any time during an exclusion period for that race-course.  
Penalty: 20 penalty units."
11. Clause 10, after line 14 insert—  
"(3) A person the subject of an exclusion order under section 33 of the **Racing Act 1958** must not enter or remain in the casino complex.  
Penalty: 20 penalty units."



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**SCHEDULE 2****RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL**

Amendments moved by Mrs Shardey

1. Clause 4, page 3, line 7, omit '109A";' and insert '109A"!.
2. Clause 4, page 3, lines 8 to 10, omit all words and expressions on these lines.

**SCHEDULE 3****VAGRANCY (REPEAL) AND SUMMARY OFFENCES (AMENDMENT) BILL**

Amendments moved by Mr Ryan

1. Clause 5, page 5, line 26, omit "influence.'" and insert "influence."
2. Clause 5, page 5, after line 26 insert—

**"49G. Fortune telling and pretending to exercise witchcraft etc.**

A person must not—

- (a) pretend or profess to tell fortunes or use any subtle craft, means or device by palmistry or otherwise to defraud or impose on any other person; or
- (b) pretend to exercise or use any kind of witchcraft, sorcery, enchantment or conjuration; or
- (c) pretend from his or her skill or knowledge in any occult or crafty science to discover where or in what manner any stolen or lost goods or chattels may be found.

Penalty: 5 penalty units.'".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 129, 130 and 131

#### No 129 — Tuesday 6 September 2005

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **TREASURY LEGISLATION (REPEAL) BILL** — Mr Brumby obtained leave to bring in a Bill '*to repeal various redundant Acts, to repeal redundant provisions from the **Gas Industry (Residual Provisions) Act 1994** and to make consequential amendments to that Act and other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **LAND TAX BILL** — Mr Brumby obtained leave to bring in a Bill '*to re-enact and modernise the law relating to land tax, to repeal the **Land Tax Act 1958**, to amend the **Taxation Administration Act 1997** and other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **DEFAMATION BILL** — Mr Hulls obtained leave to bring in a Bill '*to enact in Victoria provisions to promote uniform laws of defamation in Australia, to amend the **Wrongs Act 1958** and the **Limitation of Actions Act 1958**, to make consequential amendments to certain Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CRIMES (CONTAMINATION OF GOODS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Crimes Act 1958** to specify recklessness as a fault element of contamination of goods offences and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PRIMARY INDUSTRIES ACTS (FURTHER AMENDMENT) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the **Domestic (Feral and Nuisance) Animals Act 1994** and the **Prevention of Cruelty to Animals Act 1986** and for other purposes*'; and 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:

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian

Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 72, 40, 38, 108, 16, 24, 23, 24, 95, 41, 51, 24 and 15 signatures (*Mr Lockwood, Mr Cameron, Mr Languiller, Mr Ryan, Mr Delahunty (Lowan), Ms Duncan, Ms Pike, Mr Jenkins, Ms Morand, Mr Jasper, Mr Maughan, Mr Hardman and Ms Gillett respectively*)

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 99 and 447 signatures (*Dr Sykes and Mr Savage respectively*)

**Aquatic Centre in Frankston** — Requesting that the Government, in consultation with Frankston City Council and local community groups, facilitates the building of an aquatic centre in Frankston, bearing 26 signatures (*Mr Harkness*)

**Land Use Disputes relating to the Environment** — Requesting that the Government stops locking up resources and locking out its people from their own land by — (a) leaving open the issue of future uses for our reserves; (b) not creating any more large parks; and (c) immediately concentrating on improving the means to resolve conflict equitably so that just and sound decisions for long term resource protection and genuine sustainability are more evident, bearing 14 signatures (*Mr Delahunty, Lowan*)

**Police School Involvement Program Continuation** — Requesting that the House supports the continuation of the Police School Involvement Program, in its present form, for the year 2006 and beyond, bearing 245 signatures (*Mr Savage*)

**Country Taxi Operator Costs** — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of wheel chair friendly taxi services as Melbourne taxis and public transport, bearing 56 signatures (*Mr Maughan*)

**Religious Instruction in Victorian Government Schools — Legislative Changes** — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 25 signatures (*Mr Wells*).

Petitions ordered to be tabled.

- 9 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 10 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Mr Hardman*) — put and agreed to.

- 11 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 12 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM CONTINUATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 13 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 14 **PETITION — LAND USE DISPUTES RELATING TO THE ENVIRONMENT** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 15 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 16 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Derrimut be taken into consideration tomorrow (*Mr Languiller*) — put and agreed to.
- 17 **PETITION — AQUATIC CENTRE IN FRANKSTON** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Mr Harkness*) — put and agreed to.
- 18 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.

19 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 10 of 2005 on the:

Crimes (Contamination of Goods Offences) Bill  
 Groundwater (Border Agreement) (Amendment) Bill  
 Local Government (Further Amendment) Bill  
 Magistrates' Court (Judicial Registrars and Court Rules) Bill  
 Melbourne Lands (Yarra River North Bank) (Amendment) Bill  
 Pipelines Bill  
 Radiation Bill  
 Royal Victorian Institute for the Blind and other Agencies (Merger) Bill  
 Sentencing and Mental Health Acts (Amendment) Bill  
 Sports Anti-doping Bill  
 Sustainability Victoria Bill

together with appendices.

Ordered to be tabled and printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented the Final Report from the Scrutiny of Acts and Regulations Committee on Discrimination in the Law, Inquiry under section 207 of the *Equal Opportunity Act 1995*, together with appendices, an extract from the proceedings, a minority report and minutes of evidence.

Ordered to be tabled and the report, appendices, extract 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:

*Commissioner for Environmental Sustainability Act 2003* — Framework for State of Environment Reporting

*National Parks Act 1975* — Notice of consent from the Minister for Environment for petroleum exploration operations in the Gippsland Lakes Coastal Park

*Parliamentary Committees Act 2003* — Response of the Premier on the action taken with respect to the recommendations made by the Education and Training Committee's inquiry into the Suitability of Pre-Service Teacher Training in Victoria

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

Bass Coast Planning Scheme — Nos C36, C42  
 Darebin Planning Scheme — No C59  
 East Gippsland Planning Scheme — No C45  
 Glenelg Planning Scheme — No C18  
 Golden Plains Planning Scheme — No C26  
 Greater Dandenong Planning Scheme — No C65  
 Greater Shepparton Planning Scheme — Nos C48, C56, C59  
 Hepburn Planning Scheme — No C25  
 Indigo Planning Scheme — No C28  
 Knox Planning Scheme — No C44  
 Loddon Planning Scheme — No C14  
 Manningham Planning Scheme — No C37  
 Moonee Valley Planning Scheme — No C71  
 Queenscliffe Planning Scheme — No C16  
 South Gippsland Planning Scheme — No C33  
 Stonnington Planning Scheme — Nos C11 Part 2B, C41  
 Surf Coast Planning Scheme — No C25  
 Victoria Planning Provisions — No VC33  
 Wellington Planning Scheme — No C25

*Rural Finance Act 1988*:

Direction by the Treasurer to the Rural Finance Corporation for the administration of Farm Business Improvement Program (FarmBis)

Directions by the Treasurer to the Rural Finance Corporation to administer Financial Assistance Schemes to:

Moira East Statistical Local Area, Murray Valley and Mallee/Northern Wimmera  
South East Mallee

Statutory Rules under the following Acts:

*Children's Services Act 1996* — SR No 100

*Corrections Act 1986* — SR No 101

*Magistrates' Court Act 1989* — SR No 99

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule No 99

*Terrorism (Community Protection) Act 2003* — Report by the Chief Commissioner for the year 2003–04.

- 20 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 24 August 2005, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Accident Compensation and Transport Accident Acts (Ombudsman) Bill

Casino Control (Amendment) Bill

Environment and Water Legislation (Miscellaneous Amendments) Bill

Owner Drivers and Forestry Contractors Bill

Primary Industries Acts (Amendment) Bill

Victoria State Emergency Service Bill.

- 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 8 September 2005:

Land (Miscellaneous Matters) Bill

Local Government (Further Amendment) Bill

National Parks (Otways and Other Amendments) Bill

Pipelines Bill

Radiation Bill

Sustainability Victoria Bill

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

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

- 23 **LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 24 **LAND (MISCELLANEOUS MATTERS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Working with Children Bill without amendment.

- 26 **LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 27 **LAND (MISCELLANEOUS MATTERS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

*Business having been interrupted at 10.00 pm under standing orders.*

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

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 130 — Wednesday 7 September 2005

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

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 220, 15, 72 and 142 signatures (*Mr Smith, Mr Carli, Mr Ingram and Mr Savage respectively*)



**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 75 signatures (*Dr Sykes*)

**Preschool Education — Recognition of Importance** — Requesting that the House recognises that preschool is the critical first step of education and moves responsibility for preschools to the Department of Education and Training, bearing 441 and 16 signatures (*Mr Herbert and Mr Ingram respectively*)

**Wellington Shire Council** — Requesting that the House reviews — (a) the operation of the Wellington Shire Council with particular reference to the Planning Department and the communications policies of the Council; and (b) the present lack of wards for Council elections to ensure that local issues are adequately addressed and that the Council is responsible and accountable to the local community, bearing 120 signatures (*Mr Ingram*)

**Sale Hospital** — Requesting that the House ensures that — (a) the Sale community is given back control of the Sale Hospital by reinstating the former Board of Management and removing the Administrator; (b) the Minister for Health delivers on her promise not to downgrade services at the Hospital and returns any services removed since the Administrator's appointment; and (c) the Premier directly and immediately intervenes into the recent and proposed changes at the Hospital, bearing 6,067 signatures (*Mr Ingram*)

**Religious Instruction in Victorian Government Schools — Legislative Changes** — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 20 signatures (*Mr Wells*).

Petitions ordered to be tabled.

- 3 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 4 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 5 **PETITION — WELLINGTON SHIRE COUNCIL** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 6 **PETITION — SALE HOSPITAL** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 7 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

8 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.

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

Statutory Rules under the following Acts:

*Fisheries Act 1995* — SR No 103

*Forests Act 1958* — SR No 102

*Intellectually Disabled Persons' Services Act 1986* — SR No 105

*Magistrates' Court Act 1989* — SR No 104

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 102.

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

11 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — EDUCATION STANDARDS IN VICTORIA** — The House was informed that Ms Kosky had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Bracks Government for its commitment to improving education standards in Victoria including the introduction of plain English school report cards which will allow parents to have a clearer understanding of the progress and performance of their child against state-wide standards.'

The proposer not being present, the matter did not proceed.

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

Family and Community Development Committee's Report on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated effects on their Health and Wellbeing

Road Safety Committee's Report on the Inquiry into the Country Road Toll

Education and Training Committee's Report on the Inquiry into the Suitability of Pre-Service Teacher Training in Victoria

Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes.

13 **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.

14 **RADIATION BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

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

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

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

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

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

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

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

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

Ordered — That the debate be adjourned until Wednesday 21 September 2005.

*Business having been interrupted at 2.00 pm under standing orders.*

- 18 **QUESTIONS** — (Under SO 55).

- 19 **NATIONAL PARKS (OTWAYS AND OTHER AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

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

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

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

House Contracts Guarantee (Amendment) Bill  
Racing and Gaming Acts (Police Powers) Bill.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 23 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Melbourne College of Divinity (Amendment) Bill without amendment.

- 24 **RADIATION BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 806–7*).

Bill sent to the Legislative Council and their agreement requested.

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

*Business having been interrupted at 10.00 pm under standing 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 10.44 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 131 — Thursday 8 September 2005

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

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

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001*

to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 139 signatures (*Dr Sykes*)

**Speed Limits on Balcombe Road, Beaumaris** — Requesting that the House introduces a speed limit of 50 km/h in Balcombe Road, Beaumaris, west of Dalgetty Road to the point prior to Reserve Road, where the speed reduces to 40 km/h during school day hours, which will have the practical benefit of reducing four speed sign designations to two speeds, bearing 10 signatures (*Mr Thompson*)

**Religious Instruction in Victorian Government Schools — Legislative Changes** — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 20 signatures (*Mr Wells*).

Petitions ordered to be tabled.

3 **PETITION — SPEED LIMITS ON BALCOMBE ROAD, BEAUMARIS** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

4 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

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

Statutory Rule under the *Victims of Crime Assistance Act 1996* — SR No 106

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule No 106.

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

Vagrancy (Repeal) and Summary Offences (Amendment) Bill  
Victoria State Emergency Service Bill.

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

8 **CRIMES (CONTAMINATION OF GOODS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 22 September 2005.

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

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

Ordered — That the debate be adjourned until Thursday 22 September 2005.

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

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

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

Ordered — That the debate be adjourned until Saturday 8 October 2005.

- 11 **NATIONAL PARKS (OTWAYS AND OTHER AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 75

Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 9

Mr Delahunty (*Lowan*); Mr Ingram; Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Mr Savage; Dr Sykes; Mr Walsh.

Question agreed to.

By leave, Bill 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.*

- 12 **QUESTIONS** — (Under SO 55).
- 13 **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.

- 14 **PRIMARY INDUSTRIES ACTS (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

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

Ordered — That the debate be adjourned until Thursday 22 September 2005.

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

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 6 September 2005 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 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Garbutt*) — put and agreed to.

- 17 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.43 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 129, 130 and 131**

**No 130 — Wednesday 7 September 2005**

**RADIATION BILL**

**Clauses 1 to 43** agreed to.

**Clause 44**, Mr Cameron moved amendment No 1 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 45 to 59** agreed to.

**Clause 60**, Mr Cameron moved amendment No 2 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 61 to 135** agreed to.

**Clause 136**, Mr Cameron moved amendment No 3 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 137 to 147** agreed to.

**Schedule** agreed to.

Bill agreed to as amended.



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## SCHEDULE OF AMENDMENTS MOVED

### RADIATION BILL

Amendments moved by Mr Cameron

1. Clause 44, page 34, after line 20 insert—  
"() a registered dental care provider within the meaning of the **Dental Practice Act 1999**—the Dental Practice Board established under Part 6 of that Act;"
2. Clause 60, page 46, after line 16 insert—  
"() a registered dental care provider within the meaning of the **Dental Practice Act 1999**—the Dental Practice Board established under Part 6 of that Act;"
3. Clause 136, page 98, after line 16 insert—  
"() the Dental Practice Board established under Part 6 of the **Dental Practice Act 1999**;"



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 132, 133 and 134

#### No 132 — Tuesday 13 September 2005

1 The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **PROPERTY (CO-OWNERSHIP) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Property Law Act 1958 to provide for the transfer of jurisdiction of disputes relating to the co-ownership of land and goods from the Supreme Court and the County Court to VCAT and provide for the remedies available for determining those disputes, to consequentially amend the Victorian Civil and Administrative Tribunal Act 1998 and the Transfer of Land Act 1958 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

4 **TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the Financial Management Act 1994 and the State Owned Enterprises Act 1992 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:

**Wodonga Rail Bypass Project** — Requesting that — (a) the House supports the relocation of the rail from the centre of Wodonga; and (b) the Government meets its obligations in relation to the Wodonga Rail Bypass project agreement and the promise made by the Treasurer in the 2001–02 budget to finalise the design and business plan and arrange for the tender for this project, bearing 8,218 signatures (*Mr Plowman*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 35 and 16 signatures (*Mr Ryan and Mr Leighton respectively*)

**Gippsland Lakes System** — Requesting that the House fully resources Gippsland Ports to purchase new equipment and develop a permanent solution to maintain the Gippsland Lakes system in the interests of all Victorians, bearing 117 signatures (*Mr Ryan*)

**Religious Instruction in Victorian Government Schools — Legislative Changes** — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 15 signatures (*Mr Wells*).

Petitions ordered to be tabled.

- 6 **PETITION — WODONGA RAIL BYPASS PROJECT** — Motion made and question — That the petition presented by the Member for Benambra be taken into consideration tomorrow (*Mr Plowman*) — put and agreed to.
- 7 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 8 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Ryan*) — put and agreed to.
- 9 **PETITION — GIPPSLAND LAKES SYSTEM** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Ryan*) — put and agreed to.
- 10 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Commonwealth Games Arrangements Act 2001* — Orders under s 18 (four orders)

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

Cardinia Planning Scheme — No C33  
 Colac Otway Planning Scheme — No C13  
 East Gippsland Planning Scheme — No C33  
 Golden Plains Planning Scheme — No C19  
 Greater Geelong Planning Scheme — No C97  
 Manningham Planning Scheme — No C30  
 Maribyrnong Planning Scheme — Nos C38, C41  
 Monash Planning Scheme — No C16  
 Moonee Valley Planning Scheme — No C64  
 Port Phillip Planning Scheme — No C48  
 Whitehorse Planning Scheme — Nos C59, C61

*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).

- 11 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Local Government (Further Amendment) Bill without amendment.

- 12 **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:

House Contracts Guarantee (Amendment) Bill  
 Local Government (Further Amendment) Bill  
 Melbourne College of Divinity (Amendment) Bill  
 Racing and Gaming Acts (Police Powers) Bill  
 Vagrancy (Repeal) and Summary Offences (Amendment) Bill  
 Working with Children Bill.

- 13 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Land Tax Bill  
 Treasury Legislation (Repeal) Bill  
 Primary Industries Acts (Further Amendment) Bill.

- 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 15 September 2005:

Groundwater (Border Agreement) (Amendment) Bill  
 Melbourne Lands (Yarra River North Bank) (Amendment) Bill  
 Racing and Gambling Acts (Amendment) Bill  
 Royal Victorian Institute for the Blind and other Agencies (Merger) Bill  
 Sentencing and Mental Health Acts (Amendment) Bill  
 Sports Anti-doping Bill

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

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

- 16 **GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the interstate agreement is amended so that the designated area, and the management thereof, correlates with the boundaries of the aquifers affected, and not just a 40 kilometre wide zone which encapsulates only sections of the aquifers affected' *(Mr Walsh)* — 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.

- 17 **ROYAL VICTORIAN INSTITUTE FOR THE BLIND AND OTHER AGENCIES (MERGER) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

The Acting Speaker announced that the Speaker had ruled the Bill to be a private bill.

Motion made and question — That this Bill be treated as a public bill and that fees be dispensed with (*Ms Allan*) — put and agreed to.

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

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

Bill sent to the Legislative Council and their agreement requested.

18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Residential Tenancies (Further Amendment) Bill without amendment.

19 **RACING AND GAMBLING ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Holding 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 standing orders.*

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

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 133 — Wednesday 14 September 2005

1 The Speaker took the Chair and read the Prayer.

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

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 147 signatures (*Dr Sykes*)

**Country Taxi Operator Costs** — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of

wheelchair friendly taxi services as Melbourne taxis and public transport, bearing 208 and 97 signatures (*Mr Ryan and Mr Delahunty, Lowan respectively*)

**Twin Residential Towers — Northcote Plaza** — Requesting that the House seeks to reject the ministerial approval of the development of eight and 10 storey twin residential towers on the Northcote Plaza, adjacent to the All Nations Park, the construction of which would be a complete denial that neighbourhood character would be respected, as set out in the Melbourne 2030 planning framework, bearing 1,315 signatures (*Mr Langdon*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 16 and 92 signatures (*Mr Langdon and Mr Delahunty, Lowan respectively*)

**Bus Service — Deer Park to Taylors Lakes** — Requesting that funds be provided for a bus service to run from the Western Highway, Deer Park along Station Road and Kings Road to Keilor/Melton Highway, Taylors Lakes to provide access to Brimbank and Watergardens Shopping Centres, bearing 95 signatures (*Mr Seitz*)

**Preschool Education — Recognition of Importance** — Requesting that the House recognises that preschool is the critical first step of education and moves responsibility for preschools to the Department of Education and Training, bearing 280 signatures (*Ms Beard*)

**Religious Instruction in Victorian Government Schools — Legislative Changes** — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 26 signatures (*Mr Doyle*).

Petitions ordered to be tabled.

- 3 **PETITION — COUNTRY TAXI OPERATOR COSTS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 4 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 5 **PETITION — BUS SERVICE — DEER PARK TO TAYLORS LAKES** — Motion made and question — That the petition presented by the Member for Keilor be taken into consideration tomorrow (*Mr Seitz*) — put and agreed to.
- 6 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Ms Beard*) — put and agreed to.

- 7 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

8 **DOCUMENTS**

**AUSTRALIAN CATHOLIC UNIVERSITY** — Motion made, by leave, and question — That the Report of the Australian Catholic University for the year 2004 be tabled (*Ms Kosky*) — put and agreed to.

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

Auditor-General — Performance Audit Report — Franchising Melbourne's train and tram system — Ordered to be printed

*Commonwealth Games Arrangements Act 2001* — Orders under s 18 (two orders).

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

Fisheries (Abalone) Bill  
Land (Miscellaneous Matters) Bill.

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

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

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

Family and Community Development Committee's Report on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing

Rural and Regional Services and Development Committee's Report on the Inquiry into Country Football

Economic Development Committee's Final Report on the Inquiry into Labour Hire Employment in Victoria.

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Sustainable Urban Design for New Communities in Outer Suburban Areas.

- 13 **PROPERTY (CO-OWNERSHIP) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

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



Ordered — That the debate be adjourned until Wednesday 28 September 2005.

- 14 **TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

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

Ordered — That the debate be adjourned until Wednesday 28 September 2005.

- 15 **MELBOURNE LANDS (YARRA RIVER NORTH BANK) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 16 **QUESTIONS** — (Under SO 55).

- 17 **MELBOURNE LANDS (YARRA RIVER NORTH BANK) (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 18 **GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the interstate agreement is amended so that the designated area, and the management thereof, correlates with the boundaries of the aquifers affected, and not just a 40 kilometre wide zone which encapsulates only sections of the aquifers affected'; debate resumed.

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

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

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

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

AYES 75

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Seitz; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 7

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

Question agreed to.

Bill considered in detail (*see p 820*).

- 19 **RACING AND GAMBLING ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time, considered in detail and agreed to with an amendment, read a third time (*see pp 820–1*).

Bill sent to the Legislative Council and their agreement requested.

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

Radiation Bill  
Pipelines Bill.

- 21 **SENTENCING AND MENTAL HEALTH ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing 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 10.42 pm.

## No 134 — Thursday 15 September 2005

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

**Gordon Railway Station** — Requesting that train services be scheduled to provide a service at Gordon Railway Station between Ballarat and Melbourne, bearing 558 signatures (*Mr Howard*)

**Preschool Education — Recognition of Importance** — Requesting that the House recognises that preschool is the critical first step of education and moves responsibility for preschools to the Department of Education and Training, bearing 22 and 780 signatures (*Mr Smith and Ms Green respectively*)

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 210 signatures (*Dr Sykes*)

**Country Taxi Operator Costs** — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of wheelchair friendly taxi services as Melbourne taxis and public transport, bearing 14 signatures (*Mr Ryan*)

**Natural Gas to Lakes Entrance** — Requesting that the House supports the provision and reticulation of natural gas to Lakes Entrance, bearing 40 signatures (*Mr Ryan*)

**City of Casey Council** — Requesting that the House — (a) appoints an independent administrator to the City of Casey; and (b) ensures that an audit of Casey expenditure is tabled before Parliament, bearing 1,097 signatures (*Mr Donnellan*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 24 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 3 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 4 **PETITION — GORDON RAILWAY STATION** — Motion made and question — That the petition presented by the Member for Ballarat East be taken into consideration tomorrow (*Mr Howard*) — put and agreed to.

5 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — 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 — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

7 **DOCUMENTS**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on the review of the Auditor-General's report on Parliamentary control and management of appropriations, 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:

*Commonwealth Games Arrangements Act 2001* — Orders under s 18 (two orders)

*Police Regulation Act 1958* — Director, Police Integrity — Investigation into the publication of One Down, One Missing — Ordered to be printed

Victorian Law Reform Commission — Interim Report on Family Violence Police Holding Powers — Ordered to be printed.

8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 4 October 2005 (*Mr Cameron*) — put and agreed to.

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

10 **SPORTS ANTI-DOPING BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

11 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the government business program agreed to by this House on 13 September 2005 be amended by omitting the Order of the Day, Government Business, relating to the Groundwater (Border Agreement) (Amendment) Bill (*Mr Batchelor*) — put, after debate, and agreed to.

12 **SENTENCING AND MENTAL HEALTH ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 13 **QUESTIONS** — (Under SO 55).
- 14 **SENTENCING AND MENTAL HEALTH ACTS (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Ms Morand*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 13 September 2005 and as amended on Thursday 15 September 2005 had expired.*
- 15 **SENTENCING AND MENTAL HEALTH ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 16 **SPORTS ANTI-DOPING BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 17 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 18 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.03 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 132, 133 and 134**

**No 133 — Wednesday 14 September 2005**

**RACING AND GAMBLING ACTS (AMENDMENT) BILL**

**Clauses 1 to 5** agreed to.

**Clause 6**, Mr Pandazopoulos moved an amendment (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 7 to 11** agreed to.

Bill agreed to as amended.

**GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL**

**Clauses 1 to 6** agreed to.

**Clause 7** — debate commenced.

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

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

## **SCHEDULE OF AMENDMENT MOVED**

### **RACING AND GAMBLING ACTS (AMENDMENT) BILL**

Amendment moved by Mr Pandazopoulos

Clause 6, lines 23 and 24, omit "for valuable consideration" and insert "in the course of business".





## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 135, 136 and 137

#### No 135 — Tuesday 4 October 2005

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **DEPUTY ELECTORAL COMMISSIONER** — The Speaker advised that, on 20 September 2005, she administered to Elizabeth Williams, the Deputy Electoral Commissioner, the oath required by s 16(4) of the *Electoral Act 2002*.
- 4 **RAIL SAFETY BILL** — Mr Batchelor obtained leave to bring in a Bill '*to provide for safe rail operations in Victoria, to amend the Transport Act 1983, the Public Transport Competition Act 1995, the Rail Corporations Act 1996, the Electricity Industry Act 2000, the Gas Industry Act 2001, the Magistrates' Court Act 1989, the Road Management Act 2004, the Water Act 1989, the Water Industry Act 1994 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend the Transport Act 1983 to provide for the independent investigation of matters relating to public transport and marine safety matters and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **VETERANS BILL** — Mr Bracks obtained leave to bring in a Bill '*to establish the Victorian Veterans Council and the Victorian Veterans Fund, to re-enact with amendments the law relating to patriotic funds, to repeal the Patriotic Funds Act 1958, the Defence Reserves Re-Employment Act 1995 and the Discharged Servicemen's Preference Act 1943 and to amend certain Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PRISONERS (INTERSTATE TRANSFER) (AMENDMENT) BILL** — Mr Holding obtained leave to bring in a Bill '*to amend the Prisoners (Interstate Transfer) Act 1983 and the Corrections Act 1986 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **FIREARMS (FURTHER AMENDMENT) BILL** — Mr Holding obtained leave to bring in a Bill '*to amend the Firearms Act 1996 to make further provision in relation to firearms collectors, handguns, paintball gaming and other matters, and to amend the Control of*

*Weapons Act 1990 and the Magistrates' Court Act 1989 and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 9 **CONGESTION LEVY BILL** — Mr Brumby obtained leave to bring in a Bill '*to impose a levy on long stay parking spaces in the central business district and inner Melbourne to reduce traffic congestion, to amend the Taxation Administration Act 1997 and for other purposes'*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **MOTOR CAR TRADERS AND FAIR TRADING ACTS (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Motor Car Traders Act 1986 and the Fair Trading Act 1999 and for other purposes'*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **MINERAL RESOURCES DEVELOPMENT (BROWN COAL ROYALTIES) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the Mineral Resources Development Act 1990 to make provision with respect to royalties for lignite and for other purposes'*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 12 **MINES (ALUMINIUM AGREEMENT) (BROWN COAL ROYALTIES) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the Mines (Aluminium Agreement) Act 1961 to make provision with respect to royalties for lignite and for other purposes'*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 13 **RETAIL LEASES (AMENDMENT) BILL** — Mr Pandazopoulos, on behalf of Mr Haermeyer, obtained leave to bring in a Bill '*to amend the Retail Leases Act 2003, the Retail Tenancies Reform Act 1998, the Retail Tenancies Act 1986 and the Property Law Act 1958 and to repeal the Small Business Victoria (Repeal) Act 1996 and for other purposes'*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 14 **MAJOR EVENTS (CROWD MANAGEMENT) AND COMMONWEALTH GAMES ARRANGEMENTS ACTS (CROWD SAFETY AMENDMENT) BILL** — Mr Pandazopoulos obtained leave to bring in a Bill '*to amend the Major Events (Crowd Management) Act 2003 to provide for increased powers for authorised officers, police and venue managers in relation to crowd safety and crowd behaviour, to broaden the application of the Act to other venues and events and to provide for additional enforcement powers, to amend the powers relating to bag searches in the Commonwealth Games Arrangements Act 2001 and for other purposes'*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 15 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 48, 21, 229, 37, 420 and 18 signatures (*Mr Lockwood, Mr Cameron, Ms Lobato, Mr Ryan, Ms Duncan and Mr Walsh respectively*)

**Country Taxi Operator Costs** — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of wheel chair friendly taxi services as Melbourne taxis and public transport, bearing 82 signatures (*Mr Ryan*)

**Loddon River** — Requesting that the House urges the Government to implement the recommendations of the Loddon River Environmental Flows Scientific Panel, bearing 395 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

## 16 DOCUMENTS

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 10 of 2005 on the:

Crimes (Contamination of Goods Offences) Bill  
 Groundwater (Border Agreement) (Amendment) Bill  
 Local Government (Further Amendment) Bill  
 Magistrates' Court (Judicial Registrars and Court Rules) Bill  
 Melbourne Lands (Yarra River North Bank) (Amendment) Bill  
 Pipelines Bill  
 Radiation Bill  
 Royal Victorian Institute for the Blind and other Agencies (Merger) Bill  
 Sentencing and Mental Health Acts (Amendment) Bill  
 Sports Anti-doping Bill  
 Sustainability Victoria Bill

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:

Forensic Leave Panel — Report for the year 2004

*Freedom of Information Act 1982* — Statement of reasons for seeking leave to appeal under s 65AB

*Parliamentary Committees Act 2003* — Response of the Treasurer on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes

Parliamentary Contributory Superannuation Fund — Actuarial Investigation — Report for the year 2004–05

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

Ballarat Planning Scheme — No C76  
 Glen Eira Planning Scheme — No C42  
 Greater Dandenong Planning Scheme — No C64  
 Greater Shepparton Planning Scheme — No C61  
 Hume Planning Scheme — No C62  
 Melbourne Planning Scheme — No C111  
 Moreland Planning Scheme — No C29  
 Nillumbik Planning Scheme — No C36  
 Southern Grampians Planning Scheme — Nos C8, C9  
 Stonnington Planning Scheme — No C12 Part 2  
 Surf Coast Planning Scheme — No C7 Part 2  
 Victoria Planning Provisions — No VC34  
 Wyndham Planning Scheme — No C69

*Retail Leases Act 2003* — Ministerial Determination under s 5

*Rural Finance Act 1988* — Direction by the Treasurer to the Rural Finance Corporation to administer a Financial Assistance Scheme to the Central Victoria region including Whittlesea and the North East region

Statutory Rules under the following Acts:

*County Court Act 1958* — SR No 107  
*Drugs, Poisons and Controlled Substances Act 1981* — SR No 117  
*Estate Agents Act 1980* — SR No 108  
*Health Act 1958* — SR Nos 114, 115, 116  
*Health Services Act 1988* — SR Nos 112, 113  
*Mental Health Act 1986* — SR No 111  
*Prevention to Cruelty to Animals Act 1986* — SR No 121  
*Residential Tenancies Act 1997* — SR No 109  
*Road Safety Act 1986* — SR Nos 119, 120  
*Tobacco Act 1987* — SR No 118  
*Victorian Institute of Teaching Act 2001* — SR No 110

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rule Nos 107, 111, 112, 113, 114, 115, 116, 117  
 Ministers' exemption certificates in relation to Statutory Rule Nos 93, 108, 109, 110, 118, 120, 121

*Survey Co-ordination Act 1958* — Report of the Surveyor-General for the year 2004–05.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

*Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004* — Section 49 on 29 September 2005 (*Gazette G39, 29 September 2005*)  
*Sustainability Victoria Act 2005* — Remaining provisions on 1 October 2005 (*Gazette G39, 29 September 2005*).

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

National Parks (Otways and Other Amendments) Bill  
 Royal Victorian Institute for the Blind and other Agencies (Merger) Bill  
 Sustainability Victoria Bill.

- 18 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 20 September 2005, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Fisheries (Abalone) Bill  
 Land (Miscellaneous Matters) Bill  
 National Parks (Otways and Other Amendments) Bill  
 Pipelines Bill  
 Radiation Bill  
 Residential Tenancies (Further Amendment) Bill  
 Royal Victorian Institute for the Blind and other Agencies (Merger) Bill  
 Sustainability Victoria Bill.

- 19 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Property (Co-ownership) Bill.

- 20 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended to allow the matter of public importance due to be proposed on Wednesday 19 October 2005 by the Government under SO 39, to be proposed by the Opposition and the matter of public importance due on Wednesday 16 November 2005 be omitted from the order of business on that day (*Mr Batchelor*) — put, after debate, 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 6 October 2005:

Crimes (Contamination of Goods) Bill  
 Defamation Bill  
 Primary Industries Acts (Further Amendment) Bill  
 Property (Co-ownership) Bill  
 Treasury Legislation (Miscellaneous Amendments) Bill  
 Treasury Legislation (Repeal) Bill

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

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

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

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

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

- 24 **CRIMES (CONTAMINATION OF GOODS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

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

Racing and Gambling Acts (Amendment) Bill

Melbourne Lands (Yarra River North Bank) (Amendment) Bill.

- 26 **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.

- 27 **PROPERTY (CO-OWNERSHIP) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

*Business having been interrupted at 10.00 pm under standing orders.*

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

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 136 — Wednesday 5 October 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **WATER (RESOURCE MANAGEMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the Water Act 1989, the Environment Protection Act 1970 and the Valuation of Land Act 1960 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **CRIMES (HOMICIDE) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the law in relation to homicide offences, to amend the Crimes Act 1958 and the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 and make consequential amendments to*

*certain other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 4 **ENVIRONMENT EFFECTS (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill *'to amend the **Environment Effects Act 1978** to improve the operation of 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.
- 5 **CHILD WELLBEING AND SAFETY BILL** — Ms Garbutt obtained leave to bring in a Bill *'to establish principles for the wellbeing of children, to establish the Victorian Children's Council and the Children's Services Co-ordination Board, to provide for the Child Safety Commissioner and to confer functions and powers on the Child Safety Commissioner in relation to the safety of children, to provide for the notification of births to municipal councils, to repeal Part IX of the **Health Act 1958** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CHILDREN, YOUTH AND FAMILIES BILL** — Ms Garbutt obtained leave to bring in a Bill *'to provide for community services to support children and their families, to provide for the protection of children, to make provision in relation to children who have been charged with, or who have been found guilty of, offences, to continue The Children's Court of Victoria as a specialist court dealing with matters relating to children, to repeal the **Children and Young Persons Act 1989**, to amend the **Community Services Act 1970** and other Acts and for other purposes*'; and 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:

**Police School Involvement Program** — Requesting that the House supports the reinstatement of the Police School Involvement Program to build a secure environment for the children of Victoria, bearing 20 signatures (*Mr Kotsiras*)

**Preschool Education — Recognition of Importance** — Requesting that the House recognises that preschool is the critical first step of education and moves responsibility for preschools to the Department of Education and Training, bearing 20 signatures (*Mr Herbert*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 94, 15, 36 and 31 signatures (*Mr Herbert, Mr Robinson, Mr Dixon and Mr Hardman respectively*)

**Wellington Shire Council** — Requesting that the House reviews — (a) the operation of the Wellington Shire Council with particular reference to the Planning Department and the communications policies of the Council; and (b) the present lack of wards for Council elections to ensure that local issues are adequately addressed and that the Council is responsible and accountable to the local community, bearing 120 signatures (*Mr Ingram*)

**Gippsland Lakes System** — Requesting that the House fully resources Gippsland Ports to purchase new equipment and develop a permanent solution to maintain the Gippsland Lakes

system in the interests of all Victorians, bearing 783 and 967 signatures (*Mr Ingram and Mr Ryan respectively*)

**Alberton Shire** — Requesting that the House — (a) acts to conduct a poll of the electors of Yarram and Districts within the boundaries of the old Alberton Shire; and (b) proclaims the region as the Alberton Shire comprising five wards, the North, South, East, West and Central Wards, with one elected councillor in each ward representing the electors in each ward, a total of five councillors in the new Alberton Shire, bearing 99 signatures (*Mr Ryan*)

**Motor Vehicle Registration Fees — Pensioner Concession** — Requesting that the Government reverses its decision to halve the pensioner concession on car registration fees, bearing 13 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

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

*Audit Act 1994* — Report of the Auditor-General — Results of special reviews and other investigations — Ordered to be printed

Auditor-General — Performance Audit Reports:

Community planning services in Glenelg Shire Council: 1998–2005 — Ordered to be printed  
Health procurement in Victoria — Ordered to be printed

*Financial Management Act 1994* — Report from the Minister for Agriculture that he had received the 2004–05 annual report of PrimeSafe

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 119.

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

10 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — COUNTRY VICTORIANS** — The House was informed that Mrs Powell had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Government for its failure to honour its undertaking to govern for all Victorians by ignoring the needs of country Victorians, particularly with regard to the application of laws pertaining to planning and natural resource management.'

Mrs Powell addressed the House — Discussion followed.

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

Environment and Natural Resources Committee's Report on the Inquiry into Sustainable Communities



Rural and Regional Services and Development Committee's Report on the Inquiry into Country Football

Family and Community Development Committee's Report on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing

Road Safety Committee's Report on the Inquiry into Crashes Involving Roadside Objects

Economic Development Committee's Final Report on the Inquiry into Labour Hire Employment in Victoria

Scrutiny of Acts and Regulations Committee's Final Report on Discrimination in the Law, Inquiry under section 207 of the *Equal Opportunity Act 1995*.

- 12 **EASTLINK PROJECT** — Motion made and question — That this House rejects the Leader of the Opposition's half toll plan for the Eastlink project as unworkable, and a policy that would result in Government services being cut across the State (*Mr Brumby*) — and, after debate —

*Business having been interrupted at 2.00 pm under standing orders.*

- 13 **QUESTIONS** — (Under SO 55).

- 14 **EASTLINK PROJECT** — Debate resumed on question — That this House rejects the Leader of the Opposition's half toll plan for the Eastlink project as unworkable, and a policy that would result in Government services being cut across the State.

Question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 64

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 15<sup>1</sup>

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Thompson; Mr Wells.

Question agreed to.

<sup>1</sup> Division corrected after the Speaker informed the House that the Clerk had identified a discrepancy between the number of votes cast by the Opposition Whip and the number of Opposition members actually present. Upon investigation it was found that the votes cast for the 'Noes' should have been 15 rather than 16.

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Sentencing and Mental Health Acts (Amendment) Bill without amendment.
- 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 **VETERANS BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

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

Ordered — That the debate be adjourned until Wednesday 19 October 2005.

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

Question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 56

Ms Allan; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 21

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 19 **PRISONERS (INTERSTATE TRANSFER) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

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

Ordered — That the debate be adjourned until Wednesday 19 October 2005.

- 20 **FIREARMS (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).
- Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 19 October 2005.
- 21 **CONGESTION LEVY BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 19 October 2005.
- 22 **MOTOR CAR TRADERS AND FAIR TRADING ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 19 October 2005.
- 23 **MINERAL RESOURCES DEVELOPMENT (BROWN COAL ROYALTIES) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 19 October 2005.
- 24 **MINES (ALUMINIUM AGREEMENT) (BROWN COAL ROYALTIES) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 19 October 2005.
- 25 **TREASURY LEGISLATION (REPEAL) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Plowman*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.

26 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 10, be postponed until later this day.

27 **TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

*Business having been interrupted at 10.00 pm under standing orders.*

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

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

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

29 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.06 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 137 — Thursday 6 October 2005

1 The Speaker took the Chair and read the Prayer.

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

**Country Taxi Operator Costs** — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of wheelchair friendly taxi services as Melbourne taxis and public transport, bearing 735, 432 and 94 signatures (*Dr Sykes, Mr Ryan and Mr Delahunty, Lowan respectively*)

**Police School Involvement Program Continuation** — Requesting that the House supports the continuation of the Police School Involvement Program, in its present form, for the year 2006 and beyond, bearing 127 signatures (*Mr Savage*)

**Toxic Waste Reduction/Landfill Technology** — Requesting that the Government implements its 2000 election promise to reduce the toxic waste stream and abandons landfill technology, bearing 38 signatures (*Mr Savage*)

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 235 signatures (*Mr Savage*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 24, 52 and 18 signatures (*Mr Savage, Mrs Powell and Mr Crutchfield respectively*).

Petitions ordered to be tabled.

- 3 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM CONTINUATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 4 **PETITION — TOXIC WASTE REDUCTION/LANDFILL TECHNOLOGY** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 5 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 6 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 7 **PETITION — COUNTRY TAXI OPERATOR COSTS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 8 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 9 **PETITION — WELLINGTON SHIRE COUNCIL** — Motion made and question — That the petition presented by the Member for Gippsland East on Wednesday 5 October 2005 be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

- 10 **PETITION — COUNTRY TAXI OPERATOR COSTS** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 11 **PETITION — COUNTRY TAXI OPERATOR COSTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 12 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Crown Land (Reserves) Act 1978* — Section 17DA Order granting under s 17B licences for the Dromana Foreshore Reserve
- Electoral Boundaries Commission Act 1982* — Report on the 2005 Redivision of Legislative Council Electoral Boundaries for Victoria
- Financial Management Act 1994* — Financial Report for the State of Victoria, incorporating the Quarterly Financial Report No 4, for the year 2004–05 — Ordered to be printed
- Victorian Law Reform Commission — Final Report on Workplace Privacy — Ordered to be printed.
- 13 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 18 October 2005 (*Mr Cameron*) — put and agreed to.
- 14 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 15 **TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Ms Duncan*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 16 **PRIMARY INDUSTRIES ACTS (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted — (a) to retain the provisions relating to the *Prevention of Cruelty to Animals Act 1986*; and (b) following the Government undertaking consultation, to reflect the outcomes of such consultation with key stakeholders, including the Municipal Association of Victoria and individual local councils, regarding the financial impact of the legislation on local councils' (*Dr Naphine*) — and, after debate —
- Under standing orders, Mr Walsh announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That this Bill be now read a second time.

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

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

- 17 **TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 18 **QUESTIONS** — (Under SO 55).

- 19 **TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Debate continued on question — That this Bill be now read a second time.

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

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

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Sports Anti-doping Bill without amendment.

- 21 **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.

- 22 **MAJOR EVENTS (CROWD MANAGEMENT) AND COMMONWEALTH GAMES ARRANGEMENTS ACTS (CROWD SAFETY AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

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

Ordered — That the debate be adjourned until Thursday 20 October 2005.

- 23 **DOCUMENT**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented, in lieu of Alert Digest No 10 tabled on 4 October 2005, a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 11 of 2005 on the:

- Defamation Bill
- Fair Trading (Telephone Marketing) Bill
- Land Tax Bill
- Primary Industries Acts (Further Amendment) Bill
- Property (Co-ownership) Bill
- Serious Offenders Monitoring Bill
- Statute Law Revision Bill
- Treasury Legislation (Miscellaneous Amendments) Bill
- Treasury Legislation (Repeal) Bill

Working with Children Bill

together with appendices.

Ordered to be tabled and printed.

- 24 **WATER (RESOURCE MANAGEMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

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

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

Amendment proposed — That the word 'two' be omitted with the view of inserting in its place the word 'four' (*Mr Ryan*) — and, after debate —

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Ordered — That the debate be adjourned until Thursday 20 October 2005.

- 25 **PRIMARY INDUSTRIES ACTS (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted — (a) to retain the provisions relating to the *Prevention of Cruelty to Animals Act 1986*; and (b) following the Government undertaking consultation, to reflect the outcomes of such consultation with key stakeholders, including the Municipal Association of Victoria and individual local councils, regarding the financial impact of the legislation on local councils'; debate resumed.



*Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 4 October 2005 had expired.*

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 55

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 55

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Walsh; Mr Wells.

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.

26 **TREASURY LEGISLATION (REPEAL) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 27 **TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 28 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Crimes (Contamination of Goods) Bill without amendment.

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

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

Ordered — That the debate be adjourned until Thursday 20 October 2005.

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

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

Ordered — That the debate be adjourned until Thursday 20 October 2005.

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

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

Ordered — That the debate be adjourned until Thursday 20 October 2005.

- 32 **TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

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

Ordered — That the debate be adjourned until Thursday 20 October 2005.

- 33 **CHILD WELLBEING AND SAFETY BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

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

Ordered — That the debate be adjourned until Thursday 20 October 2005.

- 34 **CHILDREN, YOUTH AND FAMILIES BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

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

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

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

Amendment proposed — That the word 'two' be omitted with the view of inserting in its place the word 'four' (*Mrs Shardey*) — and, after debate —

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 46

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 9

Mr Delahunty (*Lowan*); Mr Dixon; Mr Ingram; Mr Kotsiras; Mr McIntosh; Dr Napthine; Mr Plowman; Mrs Shardey; Mr Smith.

Question agreed to.

Ordered — That the debate be adjourned until Thursday 20 October 2005.

- 35 **RETAIL LEASES (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

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

Ordered — That the debate be adjourned until Thursday 20 October 2005.

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

37    **ADJOURNMENT** — The Speaker left the Chair, after debate, at 7.37 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 138, 139, 140 and 141

#### No 138 — Tuesday 18 October 2005

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF THE HONOURABLE ALAN RAYMOND WOOD** — Motion made and question — That this House expresses its sincere sorrow at the death of the Honourable Alan Raymond Wood, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as Member of the Legislative Assembly for the Electoral District of Swan Hill from 1973 to 1983 and Minister of Immigration and Ethnic Affairs from 1979 to 1981, Assistant Minister for State Development, Decentralisation and Tourism in 1980, Minister of Public Works and Minister for Property and Services from 1980 to 1982 (*Mr Bracks*) — put, after the Speaker and other honourable members had addressed the House in support of the motion and, honourable members rising in their places to signify their assent, agreed to unanimously.
- 3 **DEATH OF THE HONOURABLE BRUCE ANTHONY CHAMBERLAIN, AM** — Motion made and question — That this House expresses its sincere sorrow at the death of the Honourable Bruce Anthony Chamberlain, AM, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as Member of the Legislative Assembly for the Electoral District of Dundas from 1973 to 1976, Member of the Legislative Council for Western Province from 1976 to 2002, President of the Legislative Council from 1992 to 2003 and Leader of the Opposition in the Legislative Council from 1986 to 1988 (*Mr Bracks*) — put, after the Speaker and other honourable members had addressed the House in support of the motion and, honourable members rising in their places to signify their assent, agreed to unanimously.
- 4 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable Alan Raymond Wood and the late Honourable Bruce Anthony Chamberlain, AM, the House now adjourns until 8.00 pm this day (*Mr Bracks*) — put and agreed to.

And the House, at 4.38 pm adjourned until 8.00 pm today.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 139 — Tuesday 18 October 2005 (8.00 PM)

1 The House met according to the adjournment — The Speaker took the Chair.

2 **QUESTIONS** — (Under SO 55).

3 **INVESTIGATIVE, ENFORCEMENT AND POLICE POWERS ACTS (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Crimes (Assumed Identities) Act 2004, the Crimes (Controlled Operations) Act 2004, the Fisheries Act 1995, the Major Crime Legislation (Office of Police Integrity) Act 2004, the Major Crime (Investigative Powers) Act 2004, the Police Regulation Act 1958, the Surveillance Devices (Amendment) Act 2004, the Telecommunications (Interception) (State Provisions) Act 1988 and the Magistrates' Court Act 1989 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

4 **CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Crimes (Family Violence) Act 1987 to provide police with holding powers in family violence situations and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

5 **TRANSPORT LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend the Melbourne City Link Act 1995, the Mitcham-Frankston Project Act 2004, the Public Transport Competition Act 1995, the Rail Corporations Act 1996, the Road Management Act 2004, the Road Safety Act 1986, the Tobacco (Amendment) Act 2005 and the Transport Act 1983 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

6 **GAMBLING REGULATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Pandazopoulos obtained leave to bring in a Bill '*to amend the Gambling Regulation Act 2003, the Gambling Regulation (Further Amendment) Act 2004 and the Casino Control Act 1991 to enhance the regulatory role of the Victorian Commission for Gambling Regulation and for other purposes*'; and 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:

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 193 signatures (*Dr Sykes*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 25, 208, 24 and 94 signatures (*Mr Stensholt, Mr Perton, Mr Ryan and Ms Green respectively*)

**Religious Instruction in Victoria Government Schools — Legislative Changes —**

Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 19 signatures (*Mr Perton*)

**Police School Involvement Program —** Requesting that the House supports the reinstatement of the Police School Involvement Program to build a secure environment for the children of Victoria, bearing 890 signatures (*Mr Perton*)

**Fluoride in Horsham Water Supply —** Requesting that the House takes action to prohibit fluoride being added to the Horsham water supply, bearing 1,267 signatures (*Mr Delahunty, Lowan*).

Petitions ordered to be tabled.

- 8 **PETITION — FLUORIDE IN HORSHAM WATER SUPPLY —** Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 9 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS —** Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 10 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS —** 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 — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS —** Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 12 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES —** Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 13 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM —** Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

14 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —** Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 12 of 2005 on the:

Child Wellbeing and Safety Bill  
 Children, Youth and Families Bill  
 Congestion Levy Bill  
 Crimes (Homicide) Bill

Environment Effects (Amendment) Bill  
 Firearms (Further Amendment) Bill  
 Major Events (Crowd Management) and Commonwealth Games Arrangements Acts (Crowd Safety Amendment) Bill  
 Mineral Resources Development (Brown Coal Royalties) Bill  
 Mines (Aluminium Agreement) (Brown Coal Royalties) Bill  
 Motor Car Traders and Fair Trading Acts (Amendment) Bill  
 Prisoners (Interstate Transfer) (Amendment) Bill  
 Rail Safety Bill  
 Retail Leases (Amendment) Bill  
 Transport Legislation (Safety Investigations) Bill  
 Veterans Bill  
 Water (Resource Management) Bill

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 for the year ended 31 October 2004

*Financial Management Act 1994:*

Reports from the Minister for Agriculture that he had received the 2004–05 annual reports of the:

Dairy Food Safety Victoria  
 Murray Valley Wine Grape Industry Development Committee  
 Veterinary Practitioners Registration Board  
 Victorian Broiler Industry Negotiation Committee  
 Victorian Strawberry Industry Development Committee

Report from the Minister for Sport and Recreation that he had not received the 2004–05 annual report of the Melbourne Cricket Ground Trust together with an explanation for the delay in tabling

Fisheries Co-Management Council — Report for the year 2004–05

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 92

Melbourne Market Authority — Report for the year 2004–05

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2004

Mount Buller Alpine Resort Management Board — Report for the year ended 31 October 2004 (two documents)



Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2004

Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2004 (two documents)

National Parks Advisory Council — Report for the year 2004–05

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

- Ballarat Planning Scheme — No C75
- Bass Coast Planning Scheme — No C23
- Brimbank Planning Scheme — No C78
- Campaspe Planning Scheme — No C33
- Cardinia Planning Scheme — No C65
- Glen Eira Planning Scheme — No C46
- Mildura Planning Scheme — No C31
- Wellington Planning Scheme — No C27
- Whitehorse Planning Scheme — No C52 Part 2

Recreational Fishing Licence Trust Account — Report on Revenue and Disbursements for the year 2004–05

Statutory Rules under the following Acts:

- Agricultural and Veterinary Chemicals (Control of Use) Act 1992* — SR No 122
- Firearms Act 1996* — SR No 124
- Fisheries Act 1995* — SR No 123
- Supreme Court Act 1986* — SR No 125

*Subordinate Legislation Act 1994*:

- Minister's exception certificate in relation to Statutory Rule No 125
- Ministers' exemption certificates in relation to Statutory Rule Nos 123, 124

*Terrorism (Community Protection) Act 2003* — Report by the Chief Commissioner for the year 2004–05.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

*Melbourne College of Divinity (Amendment) Act 2005* — Whole Act on 20 October 2005 (*Gazette G41, 13 October 2005*).

- 15 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 11 October 2005, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

- Crimes (Contamination of Goods) Bill
- Melbourne Lands (Yarra River North Bank) (Amendment) Bill

Sentencing and Mental Health Acts (Amendment) Bill  
Sports Anti-doping Bill.

- 16 **ROYAL ASSENT — RACING AND GAMBLING ACTS (AMENDMENT) BILL** — The Speaker announced that on 11 October 2005 the Clerk of the Parliaments presented the Racing and Gambling Acts (Amendment) Bill for Royal Assent. The Governor, acting on the advice from the Government, declined to assent to that Bill. The Clerk of the Parliaments has been informed that Assent of this Bill will be delayed for a six-week period.

- 17 **MESSAGES FROM THE LIEUTENANT-GOVERNOR** — The Speaker announced the presentation of messages from the Lieutenant-Governor recommending appropriations for the purposes of the following bills:

Child Wellbeing and Safety Bill  
Children, Youth and Families Bill  
Congestion Levy Bill  
Environment Effects (Amendment) Bill  
Major Events (Crowd Management) and Commonwealth Games Arrangements Acts (Crowd Safety Amendment) Bill  
Prisoners (Interstate Transfer) (Amendment) Bill  
Rail Safety Bill  
Retail Leases (Amendment) Bill  
Transport Legislation (Safety Investigations) Bill  
Veterans Bill  
Water (Resource Management) Bill.

- 18 **CONCURRENT DEBATE — MINERAL RESOURCES DEVELOPMENT (BROWN COAL ROYALTIES) BILL AND MINES (ALUMINIUM AGREEMENT) (BROWN COAL ROYALTIES) BILL** — Motion made, by leave, and question — That, this House authorises and requires the Speaker to permit the second reading and subsequent stages of the Mineral Resources Development (Brown Coal Royalties) Bill and the Mines (Aluminium Agreement) (Brown Coal Royalties) Bill to be moved and debated concurrently (*Mr Batchelor*) — put and agreed to.

- 19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 10.00 pm on Thursday 20 October 2005:

Congestion Levy Bill  
Firearms (Further Amendment) Bill  
Land Tax Bill  
Mineral Resources Development (Brown Coal Royalties) Bill  
Mines (Aluminium Agreement) (Brown Coal Royalties) Bill  
Motor Car Traders and Fair Trading Acts (Amendment) Bill  
Prisoners (Interstate Transfer) (Amendment) Bill  
Veterans Bill

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 54

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

21 **POSTPONEMENT OF ORDERS OF THE DAY** — Motion made and question — That the consideration of Government Business, Orders of the Day, Nos 1 to 3 inclusive, be postponed until later this day (*Mr Pandazopoulos*) — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 74

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Mr Dixon; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Mr McIntosh; Ms McTaggart; Mr Maughan; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mrs Powell; Mr Ryan; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Dr Sykes; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wells; Mr Wilson; Mr Wynne.

NOES 2

Mr Ingram; Mr Savage.

Question agreed to.

22 **LAND TAX BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

*Business having been interrupted at 10.00 pm under standing orders.*

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question 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 House refuses to read this Bill a second time until the Government makes clear its intentions in relation to the proposed new land tax regime for trusts announced as part of the 2005–06 Budget' (*Mr Clark*) — and, after debate —

And the House having continued to sit after 12 midnight —

WEDNESDAY 19 OCTOBER 2005

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 50

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 50

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill considered in detail and agreed to without amendment, read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly (*see p 860*).

Bill sent to the Legislative Council and their agreement requested.

- 23 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 24 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 1.10 am.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 140 — Wednesday 19 October 2005

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

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 148 signatures (*Dr Sykes*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 14 signatures (*Mr Ryan*)

**Country Taxi Operator Costs** — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of wheel chair friendly taxi services as Melbourne taxis and public transport, bearing 29 signatures (*Mr Ryan*)

**Preschool Education — Recognition of Importance** — Requesting that the House recognises that preschool is the critical first step of education and moves responsibility for preschools to the Department of Education and Training, bearing 269, 390 and 622 signatures (*Ms McTaggart, Mr Cooper and Mr Dixon respectively*).

Petitions ordered to be tabled.

- 3 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 4 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Ms McTaggart*) — put and agreed to.
- 5 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 6 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Members of Parliament (Register of Interests) Act 1978* — Summary of Returns June 2005 and Summary of Variations notified between 16 June and 30 September 2005 — Ordered to be printed

*Parliamentary Committees Act 2003*:

Response of the Minister for Police and Emergency Services on the action taken with respect to the recommendations made by the Drugs and Crime Prevention Committee's Inquiry into Violence Associated with Motor Vehicle Use

Response of the Minister for Transport on the action taken with respect to the recommendations made by the Road Safety Committee's Inquiry into Crashes Involving Roadside Objects

Statutory Rules under the following Acts:

*Mental Health Act 1986* — SR No 127

*Public Transport Competition Act 1995* — SR No 128

*Road Safety Act 1986* — SR Nos 126, 129

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 129.

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

8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — ENVIRONMENT EFFECTS STATEMENT PROCESS** — The House was informed that Mr Honeywood had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House expresses its deep concern with the flawed environment effects statement (EES) process that has resulted in Nowingi being targeted as the site of Victoria's long-term toxic waste containment facility.'

Mr Honeywood addressed the House — Discussion followed.

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

Drugs and Crime Prevention Committee's Report on the Inquiry into Violence Associated with Motor Vehicle Use

Scrutiny of Acts and Regulations Committee's Final Report on Discrimination in the Law, Inquiry under section 207 of the *Equal Opportunity Act 1955*

Family and Community Development Committee's Report on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing

Road Safety Committee's Report on the Inquiry into the Country Road Toll

Environment and Natural Resources Committee's Report on the Inquiry into Sustainable Communities.

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

*Business having been interrupted at 2.00 pm under standing orders.*

11 **QUESTIONS** — (Under SO 55).

12 **VETERANS BILL** — 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.

- 13 **PRISONERS (INTERSTATE TRANSFER) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

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

Under standing orders, Dr Sykes 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 Savage 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.

Bill read a second time, considered in detail and agreed to with an amendment, read a third time (*see pp 860–1, 862*).

Bill sent to the Legislative Council and their agreement requested.

- 15 **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.

- 16 **MOTOR CAR TRADERS AND FAIR TRADING ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 17 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 6 and 7, be postponed until tomorrow.

- 18 **INVESTIGATIVE, ENFORCEMENT AND POLICE POWERS ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 2 November 2005.

- 19 **CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL** —

*Business having been interrupted at 10.00 pm under standing orders.*



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

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

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

Ordered — That the debate be adjourned until Wednesday 2 November 2005.

- 20 **TRANSPORT LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

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

Ordered — That the debate be adjourned until Wednesday 2 November 2005.

- 21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Property (Co-ownership) Bill without amendment.

- 22 **GAMBLING REGULATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

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

Ordered — That the debate be adjourned until Wednesday 2 November 2005.

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

- 24 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 10.51 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 141 — Thursday 20 October 2005

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

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

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 169 and 205 signatures (*Dr Sykes and Mr Savage respectively*)

**Preschool Education — Recognition of Importance** — Requesting that the House recognises that preschool is the critical first step of education and moves responsibility for preschools to the Department of Education and Training, bearing 213 and 372 signatures (*Mr Harkness and Mr Savage respectively*)

**Flemington Racecourse Flood Retention Wall** — Requesting that the House suspends the building of the Flemington Racecourse flood retention wall until an independent and comprehensive hydraulic modelling of the Maribyrnong River is undertaken and the impact of the construction on all stakeholders established, bearing 3,317 signatures (*Mr Baillieu*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 28 and 11 signatures (*Ms D'Ambrosio and Mr Crutchfield respectively*)

**Police Presence — Geelong and Surf Coast Region** — Requesting that the House devotes more resources to police in the Geelong and Surf Coast region as a matter of urgency, bearing 362 signatures (*Mr Wells*).

Petitions ordered to be tabled.

- 3 **PETITION — POLICE PRESENCE — GEELONG AND SURF COAST REGION** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 4 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Mr Harkness*) — put and agreed to.
- 5 **PETITION — FLEMINGTON RACECOURSE FLOOD RETENTION WALL** — Motion made and question — That the petition presented by the Member for Hawthorn be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.
- 6 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 7 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.

8 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

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

Public Record Office Victoria — Report for the year 2004–05

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 126.

10 **CONCURRENT DEBATE — RAIL SAFETY BILL AND TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL** — Motion made, by leave, and question — That this House authorises and requires the Speaker to permit the second reading and subsequent stages of the Rail Safety Bill and the Transport Legislation (Safety Investigations) Bill to be moved and debated concurrently (*Mr Batchelor*) — put and agreed to.

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

12 **MINERAL RESOURCES DEVELOPMENT (BROWN COAL ROYALTIES) BILL AND MINES (ALUMINIUM AGREEMENT) (BROWN COAL ROYALTIES) BILL** — Order read for resuming debate on question — That these Bills be now read a second time.

The Acting Speaker announced that the Speaker had ruled the Mines (Aluminium Agreement) (Brown Coal Royalties) Bill to be a private bill.

Motion made and question — That the Mines (Aluminium Agreement) (Brown Coal Royalties) Bill be treated as a public bill and that fees be dispensed with (*Mr Cameron*) — put and agreed to.

Debate resumed on question — That these Bills be now read a second time.

Question — That the Mineral Resources Development (Brown Coal Royalties) Bill be now read a second time — put.

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

AYES 56

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

## NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That the Mines (Aluminium Agreement) (Brown Coal Royalties) Bill be now read a second time — put.

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

## AYES 56

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

## NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

By leave, Bills immediately read a third time.

Bills sent to the Legislative Council and their agreement requested.

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

*Business having been interrupted at 2.00 pm under standing orders.*

- 14 **QUESTIONS** — (Under SO 55).

- 15 **CONGESTION LEVY BILL** — Debate continued on question — That this Bill be now read a second time.

Question — put.

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

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill considered in detail and agreed to without amendment, read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly (*see p 861*).

Bill sent to the Legislative Council and their agreement requested.

- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Defamation Bill with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

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

Treasury Legislation (Repeal) Bill

Treasury Legislation (Miscellaneous Amendments) Bill

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

- 19 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 6.14 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### CONSIDERATION IN DETAIL Supplement to Votes Nos 138, 139, 140 and 141

#### No 139 — Tuesday 18 October 2005

##### LAND TAX BILL

**Clauses 1 to 118** agreed to.

**Schedules 1 to 3** agreed to.

Question — That the House agrees to the Bill without amendment — put.

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

AYES 50

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

#### No 140 — Wednesday 19 October 2005

##### FIREARMS (FURTHER AMENDMENT) BILL

**Clauses 1 to 7** agreed to.

**Clause 8**, Mr Savage moved an amendment (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 9 to 68** agreed to.

Bill agreed to as amended.

## **No 141 — Thursday 20 October 2005**

### **CONGESTION LEVY BILL**

**Clauses 1 to 37** agreed to.

**Schedules 1 and 2** agreed to.

Bill agreed to without amendment.

## SCHEDULE OF AMENDMENT MOVED

### FIREARMS (FURTHER AMENDMENT) BILL

Amendment moved by Mr Savage

Clause 8, after line 20 insert—

"() After section 10(2)(b)(i) of the **Firearms Act 1996** insert—

"(ia) the applicant must be a member of a shooting club or shooting organisation which is approved by the Chief Commissioner; or".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 142, 143 and 144

#### No 142 — Tuesday 25 October 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the Prahlan Mechanics' Institute Act 1899 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **DUTIES AND LAND TAX ACTS (AMENDMENT) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the Duties Act 2000, the Land Tax Act 1958 and the Land Tax 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 **WORKPLACE RIGHTS ADVOCATE BILL** — Mr Brumby, on behalf of Mr Hulls, obtained leave to bring in a Bill '*to establish the office of the Workplace Rights Advocate, to amend the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes*'; and 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:

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 71 signatures (*Dr Sykes*)

**Country Taxi Operator Costs** — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of wheelchair friendly taxi services as Melbourne taxis and public transport, bearing 28 and 19 signatures (*Dr Sykes and Mr Ryan respectively*)

**Footpath Access — East Warburton** — Requesting that the House supports the urgent appeal for safe footpath access where Woods Point Road crosses the Yarra River at East Warburton, for the benefit of local residents, visitors to the Upper Yarra and all those persons using the walking track from Warburton, bearing 222 signatures (*Ms Lobato*).

Petitions ordered to be tabled.

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

*Financial Management Act 1994* — Report from the Minister for Finance that he had received the 2004–05 annual report of VicFleet Pty Ltd

Intellectual Disability Review Panel — Report for the year 2004–05 (two documents)

*National Parks Act 1975* — Report on the working of the Act for the year 2004–05

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

Casey Planning Scheme — No C79

Greater Bendigo Planning Scheme — No C58

Melbourne Planning Scheme — No C112

Port Phillip Planning Scheme — No C41

Small Business Commissioner — Report of the Office for the year 2004–05

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 127

Tattersall's Gaming Pty Ltd, Tattersall's Sweeps Pty Ltd, Tattersall's Club Keno Pty Ltd, Footy Consortium Pty Ltd — Financial statements for the year 2004–05

Treasury and Finance, Department of — Report for the year 2004–05

Victorian Government Purchasing Board — Report for the year 2004–05

Victorian Multicultural Commission — Report for the year 2004–05.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

*Land (Miscellaneous Matters) Act 2005* — Part 2 on 21 October 2005 (*Gazette G42, 20 October 2005*)

*Victoria State Emergency Service Act 2005* — Part 1 (other than ss 1 and 2) and Parts 2 to 5 on 1 November 2005 (*Gazette G42, 20 October 2005*).

- 8 **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:

Property (Co-ownership) Bill

Treasury Legislation (Miscellaneous Amendments) Bill

Treasury Legislation (Repeal) Bill.

- 9 **VICTORIAN HEALTH PROMOTION FOUNDATION** — The Speaker announced that she had received the following letter:

30 August 2005

The Hon Judy Maddigan 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 positions of the current members will expire on 26 March 2006. The currently elected members are:

<b>NAME</b>	<b>TERM EXPIRY DATE</b>
Mr Hugh Delahunty MLA	26 March 2006
The Hon Bill Forwood MLC	26 March 2006
Ms Maxine Morand MLA	26 March 2006

I would be grateful if you could place this matter on the agenda for a Joint Sitting of both Houses in the Spring Sitting of Parliament 2005. 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 Bronwyn Pike 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 26 October 2005 at 6.15 pm (*Mr Batchelor*) — put and agreed to.

Ordered — That a message be sent to the Legislative Council informing them of the resolution and requesting their agreement.

- 10 **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 2005:

Child Wellbeing and Safety Bill  
 Children, Youth and Families Bill  
 Crimes (Homicide) Bill  
 Defamation Bill — Amendments of the Legislative Council  
 Environment Effects (Amendment) Bill  
 Groundwater (Border Agreement) (Amendment) Bill  
 Major Events (Crowd Management) and Commonwealth Games Arrangements Acts (Crowd Safety Amendment) Bill  
 Retail Leases (Amendment) Bill  
 Water (Resource Management) Bill

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

- 11 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 12 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 5 inclusive, be postponed until later this day.
- 13 **GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL** — Order read for the further consideration of the Bill in detail.

Bill further considered in detail and agreed to with an amendment, read a third time (*see pp 883, 894–9*).

Bill sent to the Legislative Council and their agreement requested.

- 14 **CHILDREN, YOUTH AND FAMILIES BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to address the many serious concerns expressed by community service organisations, and specifically — (a) the shift in responsibility and liability from government to community service organisations; (b) the lack of adequate funding for community service organisations to discharge their additional responsibilities; (c) the lack of a strategic approach to planning and managing the reform of out of home care; (d) the ability of the Government to prescribe "purposes" for voluntary organisations; and (e) the capacity of Government to appoint administrators and dismiss a board of directors of non-government agencies' (*Mr Maughan*) — and, after debate —

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

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

- 15 **CHILD WELLBEING AND SAFETY BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until consultation has been undertaken with the community in relation to the need to appoint an independent commissioner for children and youth, and the need for a report on the deaths of children in state care to be tabled in Parliament each year' (*Mrs Shardey*) — and, after debate —

*Business having been interrupted at 10.00 pm under standing orders.*

- 16 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.32 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 143 — Wednesday 26 October 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **HOUSE COMMITTEE** — The Speaker announced that she had received the resignation of Mr Savage from the House Committee, effective from 19 October 2005.
- 3 **SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the **Emergency Services Superannuation Act 1986**, the **Government Superannuation Act 1999**, the **Parliamentary Salaries and Superannuation Act 1968**, the **State Employees Retirement Benefits Act 1979**, the **State Superannuation Act 1988**, the **Superannuation (Portability) Act 1989** and the **Transport Superannuation Act 1988** to reform the governance of public sector superannuation schemes and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **HEALTH PROFESSIONS REGISTRATION BILL** — Ms Garbutt, on behalf of Ms Pike, obtained leave to bring in a Bill '*to protect the public by providing for the registration of health practitioners and for a common system of investigations into the professional conduct, professional performance and ability to practise of registered health practitioners, to repeal various Acts relating to the registration of health practitioners and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **COMMISSIONER FOR LAW ENFORCEMENT DATA SECURITY BILL** — Ms Allan, on behalf of Mr Holding, obtained leave to bring in a Bill '*to establish the office of the Commissioner for Law Enforcement Data Security, to amend the **Public Administration Act***

*2004 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 6 **ROAD SAFETY AND OTHER ACTS (VEHICLE IMPOUNDMENT AND OTHER AMENDMENTS) BILL** — Ms Allan, on behalf of Mr Holding, obtained leave to bring in a Bill *'to amend the Road Safety Act 1986 to enable the seizure, impoundment, immobilisation and forfeiture of motor vehicles in certain circumstances and to create a new offence relating to the improper use of a motor vehicle, to make miscellaneous amendments to the Children and Young Persons Act 1989, the Children, Youth and Families Act 2005, the Magistrates' Court Act 1989, the Crimes Act 1958, the Commonwealth Games Arrangements Act 2001, the Bail Act 1977, the Drugs, Poisons and Controlled Substances Act 1981, the Sentencing Act 1991 and the Working with Children Act 2005 and for other purposes*'; and 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:

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 159 signatures (*Dr Sykes*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 28 signatures (*Ms Beard*)

**Public Education System** — Requesting that the House ensures that any new education and training legislation dealing with the public education system — (a) is separate and distinct from any dealing with private schools; (b) defines public education as free, secular and universal; (c) gives primacy to public education in any and all areas; and (d) provides separate legislation for registration of private schools, bearing 40 signatures (*Ms Pike*)

**Traffic Lights at the Intersection of Princes Highway, Station Street and Tivendale Road, Officer** — Requesting that the House urges the Government to immediately install traffic lights at the intersection of Princes Highway, Station Street and Tivendale Road in Officer, bearing 171 signatures (*Mr Mulder*)

**Tatura Police Station** — Requesting that the House directs the Minister for Police and Emergency Services to investigate and correct the lack of resources at the Tatura Police Station, bearing 659 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 8 **PETITION — TATURA POLICE STATION** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

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- 9 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 10 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla on Tuesday 25 October 2005 be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 11 **PETITION — COUNTRY TAXI OPERATOR COSTS** — Motion made and question — That the petition presented by the Member for Benalla on Tuesday 25 October 2005 be taken into consideration tomorrow (*Dr Sykes*) — 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* — Section 17DA Order granting under s 17D a lease over the Lorne Foreshore Reserve
- Rural Finance Corporation — Report for the year 2004–05
- Treasury Corporation — Report for the year 2004–05
- Victorian Commission for Gambling Regulation — Report for the year 2004–05
- Young Farmers' Finance Council — Report for the year 2004–05.
- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Primary Industries Acts (Further Amendment) Bill without amendment.
- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Informing the Legislative Assembly that they have agreed to meet the Assembly for the purpose of sitting and voting together to elect three members of Parliament to the Victorian Health Promotion Foundation as proposed by the Assembly.
- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 16 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 17 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:
- Road Safety Committee's Report on the Inquiry into Crashes Involving Roadside Objects
- Public Accounts and Estimates Committee's Report on the 2003–04 Budget Estimates
- Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Sustainable Urban Design for New Communities in Outer Suburban Areas
- Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes.

- 18 **RETAIL LEASES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 19 **QUESTIONS** — (Under SO 55).

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

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

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

- 21 **DEFAMATION BILL** — Order read for the consideration of the amendments made by the Legislative Council.

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

Message sent to the Legislative Council informing them accordingly.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 23 **MAJOR EVENTS (CROWD MANAGEMENT) AND COMMONWEALTH GAMES ARRANGEMENTS ACTS (CROWD SAFETY AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 24 **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.

- 25 **CRIMES (HOMICIDE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 26 **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 Hugh Francis Delahunty MP, the



Honourable William Forwood MLC and Ms Maxine Morand, MP were elected to the Victorian Health Promotion Foundation.

27 **WATER (RESOURCE MANAGEMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Autumn 2006 sitting, to allow for the economic and social impacts of the legislation to be fully considered by the water industry, irrigators and local government' (*Mr Plowman*) — and, after debate —

Amendment proposed to Mr Plowman's amendment — That all the words after 'in their place the words' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to provide — (a) for a better balance between environmental objectives and social and economic costs; (b) for compensation to be provided to those adversely affected in cases where the Minister permanently qualifies water rights; (c) that water held within the environmental reserve carries the same obligations to contribute to the costs associated with its storage and delivery as other water; and (d) for clarification that the environmental manager is liable to damage, injury or economic loss arising from release of water from the environmental reserve' (*Mr Walsh*) — and, after debate —

*Business having been interrupted at 10.00 pm under standing orders.*

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

Debate resumed on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Autumn 2006 sitting, to allow for the economic and social impacts of the legislation to be fully considered by the water industry, irrigators and local government' — *and on the amendment to the amendment* — That all the words after 'in their place the words' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to provide — (a) for a better balance between environmental objectives and social and economic costs; (b) for compensation to be provided to those adversely affected in cases where the Minister permanently qualifies water rights; (c) that water held within the environmental reserve carries the same obligations to contribute to the costs associated with its storage and delivery as other water; and (d) for clarification that the environmental manager is liable to damage, injury or economic loss arising from release of water from the environmental reserve'.

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 53

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 53

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill read a second time.

And the House having continued to sit after 12 midnight —

THURSDAY 27 OCTOBER 2005

Bill considered in detail (*see pp 883–5, 899–907*).

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

29 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 1.08 am.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 144 — Thursday 27 October 2005

1 The Speaker took the Chair and read the Prayer.

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

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 28 and 171 signatures (*Mr Lockwood and Mr Hudson respectively*)

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 143 signatures (*Dr Sykes*)

**Natural Gas to Lakes Entrance** — Requesting that the House supports the provision and reticulation of natural gas to Lakes Entrance, bearing 543 signatures (*Mr Ryan*)

**Preschool Education — Recognition of Importance** — Requesting that the House recognises that preschool is the critical first step of education and moves responsibility for preschools to the Department of Education and Training, bearing 10 signatures (*Mr Savage*)

**Noise Attenuation Barriers — Mornington Peninsula Freeway** — Requesting that the House instructs VicRoads to build noise attenuation barriers along the Mornington Peninsula Freeway, bearing 298 signatures (*Mr Dixon*)

**Ironbark Road, Diamond Creek, and Ironbark and Pioneer Roads, Yarrambat** — Requesting that the House urges the Government and the Minister for Planning to include in the amended new Melbourne 2030 Urban Growth Boundary of Nillumbik Shire section all of the Ironbark Road, Diamond Creek acreage properties and all of the Ironbark Road and Pioneer Road, Yarrambat acreage, bearing 5 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 3 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 4 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.
- 5 **PETITION — IRONBARK ROAD, DIAMOND CREEK, AND IRONBARK AND PIONEER ROADS, YARRAMBAT** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 6 **PETITION — NATURAL GAS TO LAKES ENTRANCE** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Ryan*) — put and agreed to.
- 7 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Bentleigh be taken into consideration tomorrow (*Mr Hudson*) — put and agreed to.
- 8 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

9 **DOCUMENTS**

**VICTORIAN IMPLEMENTATION REVIEW OF THE RECOMMENDATIONS FROM THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY** — Motion made, by leave, and question — That the Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody (Review Report — Volume 1) and Statistical Information (Volume 2) be tabled (*Mr Hulls*) — put and agreed to.

Ordered to be printed.

**PUBLIC SECTOR ASSET INVESTMENT PROGRAM — BUDGET INFORMATION PAPER NO 1** — Motion made, by leave, and question — That the Public Sector Asset Investment Program 2005–06 Budget Information Paper No 1 be tabled (*Mr Brumby*) — put and agreed to.

**PARLIAMENTARY DEPARTMENTS REPORTS** — Motion made, by leave, and question — That the Reports of the Department of the Legislative Assembly and the Department of Parliamentary Services for the year 2004–05 be tabled (*Mr Loney*) — put and agreed to.

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

Adult Parole Board — Report for the year 2004–05

*Audit Act 1994* — Auditor-General — Report on Follow-up of selected performance audits tabled in 2002 and 2003 — Ordered to be printed

Auditor-General — Report of the Office for the year 2004–05

Barwon Region Water Authority — Report for the year 2004–05

Building Commission — Report for the year 2004–05

Central Gippsland Region Water Authority — Report for the year 2004–05 (two documents)

Central Highlands Region Water Authority — Report for the year 2004–05

City West Water Limited — Report for the year 2004–05

Coliban Region Water Authority — Report for the year 2004–05 (two documents)

*Duties Act 2000* — Reports of exemptions and refunds for the year 2004–05 (two documents)

East Gippsland Region Water Authority — Report for the year 2004–05

EcoRecycle Victoria — Report for the year 2004–05

Environment Protection Authority — Report for the year 2004–05

*Financial Management Act 1994* — Reports from the Minister for Planning that he had received the 2004–05 annual reports of the:

Architects Registration Board

Surveyors Board

Surveyors Registration Board

First Mildura Irrigation Trust — Report for the year 2004–05

Gippsland and Southern Rural Water Authority — Report for the year 2004–05 (two documents)

Glenelg Region Water Authority — Report for the year 2004–05

Goulburn-Murray Rural Water Authority — Report for the year 2004–05

Goulburn Valley Region Water Authority — Report for the year 2004–05

Grampians Wimmera Mallee Water Authority — Report for the year 2004–05 (two documents)

Greyhound Racing Control Board — Report for the year 2004–05

Harness Racing Victoria — Report for the year 2004–05

Human Services, Department of — Report for the year 2004–05 (two documents)

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- Infrastructure, Department of — Report for the year 2004–05
- Justice, Department of — Report for the year 2004–05
- Lower Murray Urban and Rural Water Authority — Report for the year 2004–05
- Melbourne 2006 Commonwealth Games Corporation — Report for the year 2004–05
- Melbourne Water Corporation — Report for the year 2004–05
- North East Regional Water Authority — Report for the year 2004–05
- Ombudsman — Report of the Office for the year 2004–05 — Ordered to be printed
- Phillip Island Nature Park Board of Management — Report for the year 2004–05 (three documents)
- Plumbing Industry Commission — Report for the year 2004–05
- Port of Hastings Corporation — Report for the year 2004–05
- Port of Melbourne Corporation — Report for the year 2004–05
- Portland Coast Region Water Authority — Report for the year 2004–05
- Public Transport Ticketing Body — Report for the year 2004–05
- Roads Corporation — Report for the year 2004–05
- Rolling Stock Holdings (Victoria) Pty Limited — Report for the year 2004–05
- Rolling Stock Holdings (Victoria–VL) Pty Ltd — Report for the year 2004–05
- Rolling Stock (VL–1) Pty Ltd — Report for the year 2004–05
- Rolling Stock (VL–2) Pty Ltd — Report for the year 2004–05
- Rolling Stock (VL–3) Pty Ltd — Report for the year 2004–05
- Royal Botanic Gardens Board — Report for the year 2004–05
- South East Water Limited — Report for the year 2004–05
- South Gippsland Region Water Authority — Report for the year 2004–05
- South West Water Authority — Report for the year 2004–05
- Southern and Eastern Integrated Transport Authority — Report for the year 2004–05
- Spencer Street Station Authority — Report for the year 2004–05

Sustainable Energy Authority Victoria — Report for the year 2004–05 (two documents)

V/Line Passenger Corporation — Report for the year 2004–05

V/Line Passenger Pty Ltd — Report for the year 2004–05

Victorian Communities, Department for — Report for the year 2004–05

Victorian Environmental Assessment Council — Report for the year 2004–05

Victorian Rail Heritage Operations Pty Ltd — Report for the year 2004–05

Victorian Rail Services Pty Ltd — Report for the year 2003–04, together with an explanation for the delay in tabling

Victorian Rail Services Pty Ltd — Report for the year 2004–05

Victorian Rail Track — Report for the year 2004–05

Victorian Regional Channels Authority — Report for the year 2004–05 (two documents)

Western Region Water Authority — Report for the year 2004–05

Westernport Region Water Authority — Report for the year 2004–05

Yarra Bend Park Trust — Report for the year 2004–05

Yarra Valley Water Limited — Report for the year 2004–05 (two documents)

Zoological Parks and Gardens Board — Report for the year 2004–05 (two documents).

- 10 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Investigative, Enforcement and Police Powers Acts (Amendment) Bill  
Transport Legislation (Further Miscellaneous Amendments) Bill.

- 11 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 15 November 2005 (*Ms Pike*) — put and agreed to.

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

- 13 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 3 inclusive, be postponed until later this day.

- 14 **WATER (RESOURCE MANAGEMENT) BILL** — Order read for the further consideration of the Bill in detail.

Bill further considered in detail (*see pp 885–7, 899–907*).

- 15 **ENVIRONMENT EFFECTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

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

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

- 17 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the government business program agreed to by this House on Tuesday 25 October 2005 be amended by omitting the Order of the Day, Government Business, relating to the Water (Resource Management) Bill (*Ms Garbutt*) — put and agreed to.

- 18 **CHILDREN, YOUTH AND FAMILIES BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to address the many serious concerns expressed by community service organisations, and specifically — (a) the shift in responsibility and liability from government to community service organisations; (b) the lack of adequate funding for community service organisations to discharge their additional responsibilities; (c) the lack of a strategic approach to planning and managing the reform of out of home care; (d) the ability of the Government to prescribe "purposes" for voluntary organisations; and (e) the capacity of Government to appoint administrators and dismiss a board of directors of non-government agencies'; debate resumed.

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 71

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Carli; Mr Clark; Mr Crutchfield; Ms D'Ambrosio; Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 7

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.



Question agreed to.

Bill read a second time and considered in detail (*see pp 887–8, 907*).

*Business having been interrupted at 2.00 pm under standing orders.*

19 **QUESTIONS** — (Under SO 55).

20 **CHILDREN, YOUTH AND FAMILIES BILL** — Bill further considered in detail and agreed to without amendment, read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly (*see pp 888, 907*).

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 3 and 4, be postponed until later this day.

22 **ROAD SAFETY AND OTHER ACTS (VEHICLE IMPOUNDMENT AND OTHER AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

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

Ordered — That the debate be adjourned until Thursday 10 November 2005.

23 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 6 to 10 inclusive, be postponed until later this day.

24 **COMMISSIONER FOR LAW ENFORCEMENT DATA SECURITY BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

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

Ordered — That the debate be adjourned until Thursday 10 November 2005.

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

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

Ordered — That the debate be adjourned until Thursday 10 November 2005.

26 **PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Thursday 10 November 2005.

- 27 **CHILD WELLBEING AND SAFETY BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until consultation has been undertaken with the community in relation to the need to appoint an independent commissioner for children and youth, and the need for a report on the deaths of children in state care to be tabled in Parliament each year'; debate resumed.

*Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 25 October 2005 and as amended on Thursday 27 October 2005 had expired.*

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

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

AYES 54

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

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

Bill sent to the Legislative Council and their agreement requested.

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

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

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

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 29 **DUTIES AND LAND TAX ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

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

Ordered — That the debate be adjourned until Thursday 10 November 2005.

- 30 **SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

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

Ordered — That the debate be adjourned until Thursday 10 November 2005.

- 31 **HEALTH PROFESSIONS REGISTRATION BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

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

Ordered — That the debate be adjourned until Thursday 10 November 2005.

- 32 **WATER (RESOURCE MANAGEMENT) BILL** — Order read for the further consideration of the Bill in detail.

Bill further considered in detail and agreed to with amendments (*see pp 888–93, 899–907*).

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 45<sup>1</sup>

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Mr Bracks; Mr Brumby; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Ms Eckstein; Ms Garbutt; Mr Haermeyer; Mr Hardman; Mr Helper; Mr Holding; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 20

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 33 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Congestion Levy Bill without amendment.
- 34 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 35 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 8.42 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

By Authority. Government Printer for the State of Victoria

<sup>1</sup> Division corrected after the Acting Speaker informed the House that the Clerk had identified a discrepancy between the number of votes cast by the Government Whip and the number of Government members actually present. Upon investigation it was found that the Government votes cast for the 'Ayes' should have been 44 rather than 45.

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 142, 143 and 144**

**No 142 — Tuesday 25 October 2005**

**GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL**

*(Debate resumed from Wednesday 14 September 2005)*

**Clause 7**, Mr Thwaites moved an amendment (*see Schedule 1*).

Amendment put and agreed to.

Clause agreed to as amended.

Bill agreed to as amended.

**No 143 — Wednesday 26 October 2005**

**WATER (RESOURCE MANAGEMENT) BILL**

**Clauses 1 to 3** agreed to.

**Clause 4**, Mr Walsh moved amendment No 1 (*see Schedule 2*).

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

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

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clause agreed to.

**Clauses 5 to 10** agreed to.

**Clause 11** — *The Deputy Speaker advised that if Mr Walsh's amendment No 2 is not agreed to, amendment No 3 cannot be moved as it is consequential.*

Mr Walsh moved amendment No 2 (*see Schedule 2*).

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

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

AYES 50

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

And the House having continued to sit after 12 midnight —

THURSDAY 27 OCTOBER 2005

Mr Walsh moved amendment No 4 (*see Schedule 2*).

Amendment put and defeated.

Mr Thwaites moved amendment No 1 (*see Schedule 2*).

Amendment put and agreed to.

*The Deputy Speaker advised that if Mr Walsh's amendment No 5 is not agreed to, amendment No 6 cannot be moved as it is consequential.*

Mr Walsh moved amendment No 5 (*see Schedule 2*).

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

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

AYES 50

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

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

## No 144 — Thursday 27 October 2005

### **WATER (RESOURCE MANAGEMENT) BILL**

**Clause 11**, Mr Thwaites moved amendment Nos 2 and 3 (*see Schedule 2*).

Amendments put and agreed to.

Mr Thwaites, moved amendment No 4 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment No 5 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment No 6 (*see Schedule 2*).

Amendment put and agreed to.

Mr Walsh, by leave, moved amendment No 8 in an amended form (*see Schedule 2*).

Amendment put and defeated.

*The Deputy Speaker advised that if Mr Thwaites' amendment No 7 is agreed to, Mr Walsh will not be able to move amendment No 9.*

Mr Thwaites moved amendment No 7 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment No 8 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment Nos 9 and 10 (*see Schedule 2*).

Amendments put and agreed to.

Mr Thwaites moved amendment Nos 11 and 12 (*see Schedule 2*).

Amendments put and agreed to.

*The Deputy Speaker advised that if Mr Walsh's amendment No 10 is not agreed to, amendment No 13 cannot be moved as it is consequential.*

Mr Walsh moved amendment No 10 (*see Schedule 2*).

Question — That the amendment be agreed to — put.

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

AYES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 52<sup>2</sup>

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

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

<sup>2</sup> Division corrected after the Deputy Speaker informed the House that the Clerk had identified a discrepancy between the number of votes cast by the Government Whip and the number of Government members actually present. Upon investigation it was found that the Government votes cast for the 'Noes' should have been 51 rather than 52.



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

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

## CHILDREN, YOUTH AND FAMILIES BILL

**Clauses 1 to 134** agreed to.

**Clause 135**, Mrs Shardey moved amendment No 1 (*see Schedule 3*).

Question — That the amendment be agreed to — put.

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

AYES 16

Ms Asher; Mr Baillieu; Mr Clark; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

NOES 63

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

Question defeated.

Clause agreed to.

*Mrs Shardey advised that she did not wish to proceed with amendment Nos 2 to 7 inclusive.*

**Clauses 136 to 157** agreed to.

**Clause 158** — *The Deputy Speaker advised that if Mrs Shardey's amendment No 8 is not agreed to, amendment Nos 9 to 11 inclusive cannot be moved as they are consequential.*

Mrs Shardey moved amendment No 8 (*see Schedule 3*).

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

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

AYES 55

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question defeated.

Clause agreed to.

*Mrs Shardey advised that she did not wish to proceed with amendment Nos 12 to 17 inclusive.*

**Clauses 159 to 606** agreed to.

**Schedules 1 to 4** agreed to.

Bill agreed to without amendment.

## **WATER (RESOURCE MANAGEMENT) BILL**

**Clause 11**, Mr Walsh moved amendment No 11 (*see Schedule 2*).

Amendment put and defeated.

Mr Walsh moved amendment No 12 (*see Schedule 2*).

Amendment put and defeated.

*The Deputy Speaker advised that if Mr Walsh's amendment No 14 is not agreed to, amendment No 15 cannot be moved as it is consequential.*

Mr Walsh moved amendment No 14 (*see Schedule 2*).

Amendment put and defeated.

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Mr Thwaites moved amendment Nos 13 and 14 (*see Schedule 2*).

Amendments put and agreed to.

Mr Thwaites moved amendment No 15 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment No 16 (*see Schedule 2*).

Amendment put and agreed to.

Mr Walsh, by leave, moved amendment No 16 in an amended form (*see Schedule 2*).

Amendment put and defeated.

*The Deputy Speaker advised that as Mr Thwaites (amendment No 17) and Mr Walsh (amendment No 17) both seek to amend line 6, page 22, he will test Mr Walsh's amendment by proposing that the word 'Department' be omitted.*

Mr Walsh moved amendment No 17 (*see Schedule 2*).

Question — That the word for 'Department' proposed to be omitted stand part of the Clause — put and defeated.

*The Deputy Speaker advised that, as Mr Walsh's amendment No 17 had been defeated, amendment No 18 could not be moved as it was consequential on amendment No 17.*

Mr Thwaites moved amendment No 17 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment No 18 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 12 and 13** agreed to.

**Clause 14**, Mr Thwaites moved amendment No 19 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment Nos 20 and 21 (*see Schedule 2*).

Amendments put and agreed to.

Mr Walsh moved amendment No 21 (*see Schedule 2*).

Amendment put and defeated.

Mr Thwaites moved amendment No 22 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment No 23 (*see Schedule 2*).

Amendment put and agreed to.

Mr Walsh moved amendment No 23 (*see Schedule 2*).

Amendment put and defeated.

Mr Thwaites moved amendment Nos 24 and 25 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 15 to 17** agreed to.

**Clause 18**, Mr Thwaites moved amendment No 26 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 19 to 23** agreed to.

**Clause 24**, Mr Thwaites moved amendment Nos 27 to 29 (*see Schedule 2*).

Amendments put and agreed to.

Mr Thwaites moved amendment No 30 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment No 31 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment Nos 32 and 33 (*see Schedule 2*).

Amendments put and agreed to.

*The Deputy Speaker advised that if Mr Walsh's amendment No 27 is not agreed to, amendment No 28 cannot be moved as it is consequential.*

Mr Walsh moved amendment No 27 (*see Schedule 2*).

Amendment put and defeated.

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Clause agreed to as amended.

**Clauses 25 to 37** agreed to.

**Clause 38** — *The Deputy Speaker advised that if Mr Walsh's amendment No 29 is not agreed to, amendment Nos 34 to 37 inclusive cannot be moved as they are consequential.*

Mr Walsh moved amendment No 29 (*see Schedule 2*).

Amendment put and defeated.

Mr Thwaites moved amendment No 34 (*see Schedule 2*).

Amendment put and agreed to.

Mr Walsh moved amendment No 30 (*see Schedule 2*).

Amendment put and defeated.

Mr Walsh moved amendment No 31 (*see Schedule 2*).

Amendment put and defeated.

Clause agreed to as amended.

**Clauses 39 and 40** agreed to.

**Clause 41** — *The Acting Speaker advised that if Mr Walsh's amendment No 32 is not agreed to, amendment No 33 cannot be moved as it is consequential.*

Mr Walsh moved amendment No 32 (*see Schedule 2*).

Amendment put and defeated.

Mr Thwaites moved amendment No 35 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 42 to 50** agreed to.

**Clause 51**, Mr Thwaites moved amendment Nos 36 and 37 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 52 and 53** agreed to.

**Clause 54**, Mr Walsh moved amendment Nos 38 to 41 (*see Schedule 2*).

Amendments put and defeated.

*The Acting Speaker advised that as Mr Thwaites (amendment No 38) seeks to make an amendment to proposed divisions 2 to 7 inclusive, and Mr Walsh (amendment No 42) seeks to omit those divisions, he will test the Mr Walsh's amendment by proposing the omission of all words up to the point in the text relevant to the Mr Thwaites' amendment.*

Mr Walsh moved amendment No 42 (*see Schedule 2*).

Question — That all the words on lines 14 to 28 of page 113; all lines of pages 114 to 117; and lines 1 to 19 of page 118, proposed to be omitted, stand part of the Clause — put and defeated.

*The Acting Speaker advised that, as Mr Walsh's amendment No 42 had been defeated, amendment Nos 43 to 60 inclusive could not be moved as they were consequential on amendment No 42.*

Mr Thwaites move amendment Nos 38 and 39 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 55 and 56** agreed to.

**Clause 57**, Mr Thwaites moved amendment Nos 40 and 41 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 58 and 59** agreed to.

**Clause 60**, Mr Walsh moved amendment No 61 (*see Schedule 2*).

Amendment put and defeated.

Mr Thwaites moved amendment No 42 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 61** — *The Deputy Speaker advised that if Mr Walsh's amendment No 62 is not agreed to, amendment Nos 63 and 64 cannot be moved as they are consequential.*

Mr Walsh moved amendment No 62 (*see Schedule 2*).

Amendment put and defeated.

Clause agreed to.

**Clause 62**, Mr Thwaites moved amendment No 43 (*see Schedule 2*).

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Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 63 to 70** agreed to.

**Clause 71**, Mr Thwaites moved amendment Nos 44 to 54 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 72 and 73** agreed to.

Question — That the House agrees to the Bill with amendments — put.

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

AYES 44<sup>3</sup>

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Mr Bracks; Mr Brumby; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Ms Eckstein; Ms Garbutt; Mr Haermeyer; Mr Hardman; Mr Helper; Mr Holding; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 20

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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<sup>3</sup> Division corrected after the Deputy Speaker informed the House that the Clerk had identified a discrepancy between the number of votes cast by the Government Whip and the number of Government members actually present. Upon investigation it was found that the Government votes cast for the 'Ayes' should have been 43 rather than 44.

## SCHEDULES OF AMENDMENTS MOVED

### SCHEDULE 1

#### GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL

Amendment moved by Mr Thwaites

Clause 7, page 3, lines 8 to 17 and pages 4 to 13, omit all words and expressions on lines 8 to 17 of page 3 and on pages 4 to 13 and insert—

### ""SCHEDULE 2

#### BORDER GROUNDWATERS AGREEMENT AMENDMENT AGREEMENT

AN AGREEMENT made this 18 day of 10, Two thousand and five between—

THE STATE OF SOUTH AUSTRALIA of the first part and

THE STATE OF VICTORIA of the second part.

WHEREAS the South Australian and Victorian Governments wish to amend the Agreement made between the parties on 15th October 1985 (which Agreement is herein called "the principal agreement"), in order to provide the necessary capacity and flexibility to effectively manage the shared groundwater resources of western Victoria and the Mallee and south-eastern South Australia.

NOW IT IS HEREBY AGREED as follows—

#### **Interpretation.**

1. Unless the contrary intention appears, expressions used in this Agreement have the same meanings as in the principal agreement except as amended by this Agreement.

#### **Definitions.**

2. (1) The following definitions shall be inserted in place of those in clause 1 of the principal agreement—

‘**“Bore”** with respect to South Australia, means any well as defined by section 3 of the *Natural Resources Management Act 2004* and with respect to Victoria, means any bore as defined by section 3 of the *Water Act 1989*, but in neither case includes any well or bore from which water is extracted or proposed to be extracted for one or more of the following purposes and for no other purposes—

- (a) household purposes;
- (b) watering animals kept for domestic and stock purposes; or
- (c) the irrigation of a garden not exceeding 0.4 hectares in extent used solely in connection with a dwelling and from which no produce is sold.

**“Granting authority”** means—

- (a) in the case of South Australia, the Minister administering the *Natural Resources Management Act 2004*; and
- (b) in the case of Victoria, the Minister administering the *Water Act 1989*.

**“Groundwater”** with respect to South Australia means any underground water as defined by section 3 of the *Natural Resources Management Act 2004* and with respect to Victoria means any groundwater as defined by section 3 of the *Water Act 1989*.

**“Minister”** with respect to South Australia means the Minister administering the *Natural Resources Management Act 2004* and with respect to Victoria means the Minister administering the *Water Act 1989*.

**“Permissible annual volume”** means the permissible annual volume of extraction specified for a particular zone or aquifer within a zone in the Second Schedule, or in relation to a particular zone or aquifer within a zone, such other volume as has been determined by the Committee under clause 28(2).



“**Permissible distance from the border between the State of South Australia and the State of Victoria**” means a distance of one kilometre from that border, or in relation to a particular zone, sub-zone, or aquifer within a zone or sub-zone, such other distance as has been determined by the Committee under clause 28(2).

“**Permit**” means—

- (a) any licence provided for in section 146 of the South Australian *Natural Resources Management Act 2004*;
- (b) any permit provided for in section 135 of the South Australian *Natural Resources Management Act 2004*;
- (c) any licence provided for in Part 5 of the Victorian *Water Act 1989*;
- (d) any licence provided for in section 51 of the Victorian *Water Act 1989*.’.

(2) The following definition shall replace the definition “Permissible level of salinity” in clause 1 of the principal agreement—

‘ “**Permissible salinity**” means—

- (a) a maximum rate of increase; and/or
- (b) a designated maximum level—

of salinity, measured as electro-conductivity of so many microsiemens per centimetre at twenty-five degrees Celsius, that must not be exceeded as may be agreed upon by the Minister of each Contracting Government for a particular zone, sub-zone or aquifer within a zone or sub-zone, pursuant to clause 28(6), or in relation to a particular zone, sub-zone or aquifer within a zone or sub-zone, such other rate and/or level as has been agreed upon by the Minister of each Contracting Government under clause 28(4).’.

(3) The following two definitions shall replace the definition of “Permissible rate of potentiometric surface lowering” in clause 1 of the principal agreement. The first definition shall be inserted immediately before the definition for “Permissible salinity” and the second definition shall be inserted immediately after the definition for “Permit”—

‘ “**Permissible potentiometric surface lowering**” means—

- (a) a rate set out in the Third Schedule or such other rate as has been agreed upon by the Minister for each Contracting Government under clause 28(4), and/or
- (b) the potentiometric surface level as agreed upon by the Minister of each Contracting Government under clause 28(4).

“**Potentiometric surface lowering**” means—

- (a) a rate of potentiometric surface lowering that must not be exceeded, and/or
- (b) a potentiometric surface level that must not be exceeded—

for a particular zone, sub-zone or aquifer within a zone or sub-zone.’.

(4) The following additional terms shall be defined in clause 1 of the Agreement—

The following definition shall be inserted immediately before the definition for “Aquifer”—

‘ “**Allowable annual volume**” means the allowable annual volume of extraction specified for a particular sub-zone or aquifer within a sub-zone as has been determined by the Committee under clause 28(7).’.

The following definition shall be inserted immediately after the definition for “Schedule” and immediately before the definition for “Zone”—

‘ “**Sub-zone**” means a subdivision of a zone with boundaries determined by the Committee under clause 28(7).’.

#### Approval.

3. (1) This Agreement, other than clause 3(2), is subject to approval by the Parliaments of the States of South Australia and Victoria; and shall come into effect when so approved.

(2) The Contracting Governments hereby agree to submit this Agreement for approval to the respective Parliaments of the said States as soon as practicable after the date of this Agreement.

#### Application of legislation.

4. The following clause shall replace clause 25 in the principal agreement—

“25. Subject to the provisions of this Agreement—

- (a) the provisions of the South Australian *Natural Resources Management Act 2004* and of regulations made thereunder shall apply to such portion of the State of South Australia as is within the Designated Area;
- (b) the provisions of the Victorian *Water Act 1989* and of regulations made thereunder shall continue to apply to such portion of the State of Victoria as is within the Designated Area—

and the provisions of those Acts and regulations shall respectively be applied to—

- (i) all bores existing within the Designated Area at the date of this Agreement;
- (ii) all applications to construct, deepen, enlarge or alter bores or to extract water therefrom as are made after the date of this Agreement; and
- (iii) any bores constructed, deepened, enlarged or altered or from which water is extracted, after the date of this Agreement.”.

#### **Management Prescriptions.**

5. The following clause shall replace clause 26 in the principal agreement—

“26. (1) Subject to clause 28 no application for a permit shall be granted and no permit renewed—

- (a) in relation to the construction, deepening, enlarging or altering of any bore which passes or will pass through two or more aquifers unless a condition is attached to such permit which requires that an impervious seal be made and maintained between such aquifers;
- (b) in relation to the construction, deepening, enlarging or altering of any bore, or the extraction of water from any bore, in a particular zone, or aquifer within a zone, where the effect of extracting water from that bore would be to exceed the permissible annual volume for that particular zone, or aquifer within a zone;
- (c) in relation to the construction, deepening, enlarging or altering of any bore, or the extraction of water from any bore, in a particular zone, sub-zone or aquifer within a zone or sub-zone if that bore is situated within, or proposed to be situated within, a distance less than the permissible distance from the border between the State of South Australia and the State of Victoria for that zone, sub-zone or aquifer within a zone or sub-zone unless the Committee has first considered the matter and determined that such application may be granted or such permit may be renewed;
- (d) in relation to the construction, deepening, enlarging or altering of any bore, or the extraction of water from any bore, where the bore is situated, or proposed to be situated, in a particular sub-zone or aquifer within a sub-zone, where the effect of extracting water from that bore would be to exceed the allowable annual volume for a particular sub-zone or aquifer within a sub-zone.”.

6. The following sub-clause shall be inserted immediately after clause 26(1) and immediately before clause 27 in the principal agreement—

“(2) Subject to clause 28—

- (a) no application for a permit shall be granted and no permit renewed; or
- (b) a period of restriction shall be declared subject to clause 29(3)—

where the potentiometric surface lowering has exceeded the permissible potentiometric surface lowering in a particular zone, sub-zone or aquifer within a zone or sub-zone over the preceding five years.”.

#### **Preparation of reports.**

7. The following paragraph shall replace clause 27(1)(d) in the principal agreement—

“(d) details of the potentiometric surface levels obtained from observation bores within each particular zone, sub-zone or aquifer within a zone or sub-zone in the preceding year ending on 30 June; and”.

8. The following paragraph shall replace clause 27(1)(e) in the principal agreement—

“(e) the rate of increase or level of salinity in such bores within a particular zone, sub-zone or aquifer within a zone or sub-zone as shall be specified by the Committee in the preceding year ending on 30 June.”.

9. The following sub-clause shall replace clause 27(3) in the principal agreement—

“(3) In this clause “Observation bore” with respect to South Australia, means any well as defined by section 3 of the *Natural Resources Management Act 2004* and with respect to Victoria, means any bore as defined by section 3 of the *Water Act 1989*.”.

#### **Powers of Review Committee.**

10. The following sub-clause shall replace clause 28(2) in the principal agreement—

“(2) At intervals of not more than five years, the Committee shall review—

- (a) the permissible distance from the border between the State of South Australia and the State of Victoria in relation to a particular zone, sub-zone or aquifer within a zone or sub-zone;
- (b) the permissible annual volume of extraction in relation to a particular zone or aquifer within a zone;
- (c) the allowable annual volume of extraction in relation to a particular sub-zone or aquifer within a sub-zone—

and shall have the power to alter any or all of the same in relation to a particular zone, sub-zone or aquifer within a zone or sub-zone.”.

11. The following sub-clause shall replace clause 28(3) in the principal agreement—

“(3) At intervals of not more than five years, the Committee shall review—

- (a) the permissible potentiometric surface lowering;
- (b) the permissible salinity (if any) established pursuant to sub-clause (6)—

in relation to each particular zone, sub-zone or aquifer within a zone or sub-zone and if the Committee is satisfied that alteration to any or all of the same is desirable in relation to a particular zone, sub-zone or aquifer within a zone or sub-zone, it may recommend any such alteration to the Minister of each Contracting Government.”.

12. The following sub-clause shall replace clause 28(4) in the principal agreement—

“(4) Where the Minister of each Contracting Government agrees with any such recommendation, the permissible potentiometric surface lowering and/or the permissible salinity, for a particular zone, sub-zone or aquifer within a zone or sub-zone shall be deemed to have been altered in accordance with any such recommendation.”.

13. The following sub-clause shall replace clause 28(5) in the principal agreement—

“(5) The Committee may at any time recommend to the Minister of each Contracting Government that a permissible salinity be declared for a particular zone, sub-zone or aquifer within a zone or sub-zone.”.

14. The following sub-clause shall replace clause 28(6) in the principal agreement—

“(6) Where the Minister of each Contracting Government agrees with any such recommendation, a permissible salinity shall be deemed to have been declared for that particular zone, sub-zone or aquifer within that zone or sub-zone in accordance with that recommendation.”.

15. The following sub-clause shall be inserted immediately after clause 28(6) and immediately before clause 29 of the principal agreement—

“(7) The Committee, having regard to the size and variability of a zone, may—

- (a) divide the zone or the aquifer within a zone into two or more sub-zones;
- (b) determine the boundaries of a particular sub-zone or aquifer within a sub-zone;
- (c) determine the allowable annual volume for the sub-zone or aquifer within a sub-zone that does not exceed that permissible annual volume of which the sub-zone forms part;
- (d) determine the permissible distance from the border between the State of South Australia and the State of Victoria for a particular sub-zone or aquifer within a zone or sub-zone—

and shall have the power to alter any or all the same in relation to a particular sub-zone or aquifer within a sub-zone.”.

**Periods of Restriction.**

16. The following sub-clause shall replace clause 29(3) in the principal agreement—

“(3) A period of restriction may be declared in relation to any zone, sub-zone or aquifer within a zone or sub-zone notwithstanding that the permissible annual volume or the allowable annual volume or the permissible salinity (if any) or the permissible potentiometric surface lowering for that zone or sub-zone, or any or all of them, has not been exceeded in any previous year.”.

**Publication of declarations, etc.**

17. The following clause shall replace clause 31 in the principal agreement—

“31. Any alteration made under clause 28(2) or 28(4) or 28(7) or any declaration made under clause 28(6) or 29(1) with respect to any zone or sub-zone shall be published in the Government Gazette of the Contracting Government within whose jurisdiction such zone is situate and in a newspaper circulating in that zone or sub-zone and shall take effect from the date of such publication in the Government Gazette.”.

18. The following Schedule shall replace the SECOND SCHEDULE of the principal agreement—

SECOND SCHEDULE

Zone	Permissible annual volume (Megalitres)	
	Tertiary Limestone Aquifer	Tertiary Confined Sand Aquifer
1A	30900	9200
1B	45720	14500
2A	25000	2900
2B	25000	5100
3A	24000	1900
3B	16500	1000
4A	20000	710
4B	14000	300
5A	18500	540
5B	11949	570
6A	8850	360
6B	9838	360
7A	7500	350
7B	6600	350
8A	7700	340
8B	6760	330
9A	11595	570
9B	5960	630
10A	9400	320
10B	6720	560
11A	6861	0
11B	1823	0

19. The following Schedule shall replace the THIRD SCHEDULE of the principal agreement—

THIRD SCHEDULE

Zone	Permissible potentiometric surface lowering Rate (metres per annum)	
	Tertiary Limestone Aquifer	Tertiary Confined Sand Aquifer
1A	0.25	0.25
1B	0.25	0.25
2A	0.25	0.25
2B	0.25	0.25
3A	0.25	0.25
3B	0.25	0.25
4A	0.25	0.25
4B	0.25	0.25
5A	0.25	0.25
5B	0.25	0.25
6A	0.05	0.05
6B	0.05	0.05
7A	0.05	0.05
7B	0.05	0.05
8A	0.05	0.05
8B	0.65	0.65
9A	0.65	0.65
9B	0.65	0.65

10A	0.65	0.65
10B	0.65	0.65
11A	0.65	0.65
11B	0.65	0.65

20. Clause 24(2) in the principal agreement shall be deleted.

IN WITNESS WHEREOF this Agreement has been executed by the parties hereto as at the day and year first above-written.

SIGNED on behalf of THE STATE OF VICTORIA by the Honourable STEVE BRACKS, Premier of Victoria, in the presence of—  
Rosa Silvestro

} STEVE BRACKS

SIGNED on behalf of THE STATE OF SOUTH AUSTRALIA by the Honourable MIKE RANN, Premier of South Australia, in the presence of—  
Nick Alexandrides

} MIKE RANN

!"

**SCHEDULE 2**

**WATER (RESOURCE MANAGEMENT) BILL**

Amendments moved by Mr Walsh

1. Clause 4, lines 25 to 32, omit all words and expressions on these lines and insert—
  - "(1) The environmental water reserve objective is the objective that, subject to meeting essential domestic and stock use, the environmental water reserve be maintained to protect the environmental values and health of water ecosystems for the benefit of all Victorians in a way which balances environmental, economic and social costs and benefits."
2. Clause 11, page 9, line 30, omit "strategy." and insert "strategy; and".
4. Clause 11, page 10, after line 11 insert—
  - "(3) A Sustainable Water Strategy must set out—
    - (a) targets for water quality and waterway health for the region to which it relates; and
    - (b) an estimate of the direct and indirect economic and social costs associated with implementing the Strategy and the implementation plan for the Strategy; and
    - (c) a program of measuring actual changes in water quality and waterway health compared to targets established in the Strategy and implementation plan for the Strategy."
5. Clause 11, page 13, line 28, omit "Strategy." and insert "Strategy; or".

8. Clause 11, page 14, after paragraph (2) inserted by Government amendment 6 insert—  
 "(3) A report on a Sustainable Water Strategy under sub-section (1) must include measurements of water quality and waterway health as at the time of publication and a comparison of those measurements with the targets set out in the Strategy.". (*Shown in amended form, as moved*)
10. Clause 11, page 17, line 23, before "If" insert "(1)".
11. Clause 11, page 17, line 24, after "identified" insert "and documented".
12. Clause 11, page 17, lines 31 to 32, omit all words and expressions on these lines and insert—  
 "(b) a quantifiable deterioration in waterway health—".
14. Clause 11, page 18, after line 32 insert—  
 "(c) a majority of the members of the committee must represent the communities and industries directly affected by the review;".
16. Clause 11, page 20, after paragraph (8) inserted by Government amendment 16 insert—  
 "(9) The membership of a panel under this section must include—  
 (a) persons who are actively involved in irrigation and water use; and  
 (b) persons who are members of communities directly affected by the review; and  
 (c) persons who represent industries benefiting from water use.". (*Shown in amended form, as moved*)
17. Clause 11, page 22, line 6, omit 'Department.' and insert "Department".
21. Clause 14, page 24, line 34, before "the review" insert "the remedial plan as set out in"
23. Clause 14, page 25, line 26, after "qualification" insert "and must specify any consideration given by the Minister to using other means to improve the environmental values and health of the relevant water systems".
27. Clause 24, page 42, line 15, omit "report.'" and insert "report.".
29. Clause 38, page 61, lines 27 to 31, and page 62, lines 1 to 9, omit all words and expressions on these lines and insert—  
 "**non water user limit**" in relation to a class of water shares of a particular reliability and in relation to a water system means ten per cent of—  
 (a) the sum of the maximum volumes of entitlement for water shares of that class in that water system, as determined by the Minister under section 33AR(1), from time to time; and  
 (b) the sum of the maximum volumes (at the time of surrender) of water shares of that class in that water system that have been surrendered to the Crown under section 33AA;".
30. Clause 38, page 64, lines 11 to 13, omit all words and expressions on these lines.
31. Clause 38, page 64, lines 29 to 31, omit all words and expressions on these lines.
32. Clause 41, page 82, line 15, after this line insert—  
 "(b) if the proposed transfer or assignment is to be to Melbourne Water or Barwon Region Water Authority, as constituted under Part 6; or".

38. Clause 54, page 111, lines 27 to 32, omit all words and expressions on these lines and insert—  
     "Penalty: For a first offence, 30 penalty units;  
         For a second or subsequent offence, 60 penalty units."
39. Clause 54, page 113, line 6, omit "; and" and insert ".".
40. Clause 54, page 113, line 7, omit all words and expressions on this line.
41. Clause 54, page 113, lines 8 to 13, omit all words and expressions on these lines.
42. Clause 54, page 113, lines 14 to 28 and pages 114 to 128, omit all words and expressions on these lines and pages and insert—

### **"Division 2—Water-Use Licences**

#### **64L. Power to grant water-use licences**

- (1) The Minister, on receiving an application under this Division from an owner of land, may grant to that person a licence that authorises the use of water (authorised to be taken under Part 3A) on the land owned by the person that is specified in the licence.
- (2) The Minister must set out in the licence—
  - (a) the name and address of the licence holder; and
  - (b) a description of the land specified in the licence; and
  - (c) the conditions to which the licence is subject (including annual use limit); and
  - (d) the date on which the licence takes effect.

#### **64M. Matters to which a Minister must have regard in granting water-use licences**

The Minister, in granting a water-use licence must consider the following matters—

- (a) whether there are works or systems in place or likely to be installed in the near future for delivering water to the land; and
- (b) whether the use of water for the purpose set out in the application is prohibited by or under an Act; and
- (c) whether the maximum volume of water proposed in the application is reasonable for use for the purpose set out in the application; and
- (d) the impact the proposed use of water may have on other persons or the environment (in particular waterlogging, salinity and nutrient impacts); and
- (e) any other matters the Minister considers relevant.

#### **64N. Conditions on water-use licences**

The Minister may impose conditions on a water-use licence as to all or any of the following matters—

- (a) the maximum volumes of water per hectare that may be applied to land specified in the licence over any 12 month period; and

- (b) any requirements to minimize the impact of the use of water on other persons and the environment.

**64O. Applications for water-use licences**

- (1) An owner of land may apply for a water-use licence to authorise the use of water on that land.
- (2) An application for a water use licence must—
  - (a) be in the form and made in the manner approved by the Minister; and
  - (b) contain any prescribed particulars; and
  - (c) be accompanied by any documents or information required by the Minister.

**64P Change of ownership of land specified in licence**

- (1) In the case of a transfer of ownership of the whole of the land specified in a water-use licence, the person to whom ownership is transferred is deemed to be the holder of the licence.
- (2) In the case of a transfer of ownership of part only of the land specified in a water-use licence, the licence is to be taken to be cancelled on the day on which transfer of the ownership of the land takes place."

- 61. Clause 60, page 175, lines 5 to 7, omit all words and expression on these lines and insert—
  - "(c) has ensured that there are arrangements in place to continue to meet the ongoing domestic and stock use requirements for each property."
- 62. Clause 61, page 179, lines 5 to 18, omit all words and expressions on these lines and insert—
  - "(a) must provide the service of delivering to the owner or occupier (where the owner is not the occupier) of each serviced property in its irrigation district, water for domestic and stock use on a scale of volumes fixed by the Authority; and
  - (b) must provide the service of delivering water to the owner or occupier (where the occupier is not the owner) of each serviced property in its irrigation district for the purposes of irrigation for the periods that are determined by the Authority in accordance with this Part; and"

Amendments moved by Mr Thwaites

- 1. Clause 11, page 11, lines 27 to 29, omit all words and expressions on these lines and insert—
  - "(1) The Minister may, by instrument, appoint a panel of persons to consider comments made under section 22E(f) on a draft Strategy, and the persons appointed to the panel must be persons who have knowledge of or experience in the matters that the panel is to consider."
- 2. Clause 11, page 13, after line 30 insert—
  - "(3) A review under this section must determine whether or not the timelines and targets in the implementation plan of the Strategy being reviewed have been met."



3. Clause 11, page, 14, line 1, omit "(3)" and insert "(4)".
4. Clause 11, page 14, line 7, before "A report on" insert "(1)".
5. Clause 11, page 14, line 8, after "Strategies" insert "and on any current draft Strategies".
6. Clause 11, page 14, after line 9 insert—
  - "(2) A report under sub-section (1) must—
    - (a) specify the measures being taken to implement the Strategy; and
    - (b) identify the priorities that apply to actions required by the implementation plan."
7. Clause 11, page 14, lines 14 to 18, omit all words and expressions in these lines and insert—
  - "The Minister must cause a program of the preparation of long-term water resources assessments to be commenced—
    - (a) by the end of 12 years from the commencement of section 14 of the **Water (Resource Management) Act 2005**; and
    - (b) after that, by the end of the twelfth year in each consecutive 15 year period, where the first such period commences immediately after the fifteenth anniversary of the commencement of section 14 of the **Water (Resource Management) Act 2005**."
8. Clause 11, page 16, after line 27 insert—
  - "(4) The Environment Protection Authority must ensure that the report under sub-section (3)(a) is made within the period specified by the Minister, which must be not later than 4 months after the draft assessment is submitted to the Authority under sub-section (1)."
9. Clause 11, page 17, line 1, omit "**Publication**" and insert "**Consideration and publication**"
10. Clause 11, page 17, after line 2, insert—
  - "(1) The Minister, after considering the report of the Environment Protection Authority under section 22N, may—
    - (a) endorse a long-term water resources assessment; or
    - (b) endorse a long-term water resources assessment with any amendments the Minister considers appropriate; or
    - (c) refuse to endorse a long-term water resources assessment."
11. Clause 11, page 17, line 3, before "As soon as practicable" insert "(2)".
12. Clause 11, page 17, after line 20 insert—
  - "(3) If a long-term water resources assessment has not been completed within 12 months of the publication of a notice under section 22M(a) for that assessment, the Minister must, on publication of the assessment, publish reasons for the delay in the preparation of the assessment."
13. Clause 11, page 19, line 10, before "In conducting" insert "(1)".
14. Clause 11, page 20, after line 6 insert—
  - "(2) The Minister must ensure that any review under section 22P—

- (a) that is conducted as a result of a long-term water resources assessment commenced under section 22K(a) is conducted in such a manner as to be completed not more than 14 years and 6 months after the commencement of section 14 of the **Water (Resource Management) Act 2005**; and
- (b) that is conducted as a result of a long-term water resources assessment commenced under section 22K(b) is conducted in such a manner as to be completed 6 months before the end of the 15 year period in which it commenced.
- (3) Failure to comply with sub-section (2) does not affect the validity of the review or of any action the Minister takes under the review, including, but not limited to any action under section 33AAB."
15. Clause 11, page 20, lines 8 to 10, omit all words and expressions on these lines and insert—
- "(1) The Minister, by instrument, must appoint a panel of persons to consider comments made under section 22R(f) on a draft review, and the persons appointed to the panel must be persons who have knowledge of or experience in the matters that the panel is to consider."
16. Clause 11, page 20, after line 28 insert—
- "(8) A panel appointed under this section must ensure that its report under sub-section (3) is made within the period specified by the Minister which must be not later than 6 months after the panel is appointed under sub-section (1)."
17. Clause 11, page 22, line 6, omit "'."
18. Clause 11, page 22, after line 6 insert—
- '22V. Program of implementation of review**
- (1) Within 6 months of the publication of a notice under section 22T(2)(c) the Minister must determine a program of implementation of the review and publish a statement of the actions required to implement that program.
- (2) If, as part of a program of implementation of a review, the Minister determines to qualify rights under section 33AAB, the Minister must set out notice of that determination in the statement published under sub-section (1)."
19. Clause 14, page 23, line 18, omit "**insert**" and insert "**substitute**".
20. Clause 14, page 24, line 8, omit "**33AA**" and insert "**33AAA**".
21. Clause 14, page 24, line 28, omit "**33AB**" and insert "**33AAB**".
22. Clause 14, page 25, lines 5 to 10, omit all words and expressions on these lines and insert—
- "(2) A permanent qualification of rights to water under sub-section (1) must not take effect in relation to an area or water system—
- (a) within 15 years of the commencement of section 14 of the **Water (Resource Management) Act 2005**; or
- (b) if such a permanent qualification has taken effect in relation to that area or water system within the preceding 15 years."

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23. Clause 14, page 25, line 11, omit "33AC" and insert "33AAC".
24. Clause 14, page 25, line 28, omit "33AA" and insert "33AAA".
25. Clause 14, page 26, line 8, omit "33AA" and insert "33AAA".
26. Clause 18, page 27, line 23, after "43A" insert "of the **Water Act 1989**"
27. Clause 24, page 32, line 22, omit "(2)" and insert "(1)".
28. Clause 24, page 32, lines 24 to 27, omit all words and expressions on these lines and insert—
- "(1) The Minister may, by instrument,".
29. Clause 24, page 33, after line 11 insert—
- "(2) The Minister may allocate an environmental entitlement under sub-section (1) for the purpose of—
- (a) maintaining the environmental water reserve in accordance with the environmental water reserve objective; or
- (b) improving the environmental values and health of water ecosystems, including their biodiversity, ecological functioning and water quality, and the other uses that depend on environmental condition.".
30. Clause 24, page 33, line 14, omit "sub-section (1)" and insert "section 48B".
31. Clause 24, page 34, lines 2 to 4, omit all words and expressions on these lines and insert—
- "(1) The Minister may, by instrument, appoint a panel of persons to consider submissions made under section 48D(2) on the request, and the persons appointed to the panel must be persons who have knowledge of or experience in the matters that the panel is to consider.".
32. Clause 24, page 35, line 14, after this line insert—
- "(g) any relevant Sustainable Water Strategy that has been endorsed under section 22G(1);".
33. Clause 24, page 35, line 15, omit "(g)" and insert "(h)".
34. Clause 38, page 64, line 10, omit "64GA" and insert "64GB".
35. Clause 41, page 97, lines 5 to 15, omit all words and expressions on these lines and insert—
- "(4) Before giving notice, under sub-section (8)(b), of a determination that is proposed to be made, the Minister must—
- (a) appoint a consultative committee; and
- (b) consult with the consultative committee before preparing the determination.
- (5) The Minister must ensure that, as far as is reasonably possible, the membership of a committee under sub-section (4) is comprised of persons that the Minister reasonably believes represent the interests of persons that are likely to be affected by the making of the determination.
- (6) Before making a determination under sub-section (4), the Minister must appoint a panel of persons that have relevant knowledge or experience to report on the determination.

- (7) The provisions of section 22F(2) to (7) (with such modifications as are necessary) apply to a panel appointed under sub-section (6).
- (8) Before making a determination under sub-section (1), the Minister must—
- (a) give notice that the determination is proposed to be made to any Authority that has responsibilities in the area that will be affected by the determination; and
  - (b) publish a notice in a newspaper circulating generally throughout the State that the determination is proposed to be made and publish such a notice in a newspaper circulating generally in the area that will be affected by the determination, being a notice inviting public comment by a set date; and
  - (c) consider any comments made in response to notices under paragraph (a) or (b) by the set date; and
  - (d) consider any comments made by the panel appointed under sub-section (6); and
  - (e) make any appropriate changes to the determination that is proposed to be made."

36. Clause 51, page 107, line 13, omit "**64AA**" and insert "**64AAA**".

37. Clause 51, page 107, line 15, omit "**64AA**" and insert "**64AAA**".

38. Clause 54, page 118, lines 20 to 22, omit all words and expressions on these lines and insert—

- "(b) consult with those persons or bodies that the Authority considers represent the interests of persons who are likely to be affected by the recommendation and then prepare draft objectives and make the draft objectives available for inspection by the public for at least 2 months after their preparation;"

39. Clause 54, page 122, line 28, before "comply with" insert "consult with those persons or bodies that the Authority considers represent the interests of persons who are likely to be affected by the recommendation and".

40. Clause 57, page 149, line 15, omit "33AC" and insert "33S".

41. Clause 57, page 149, line 25, omit "33AC" and insert "33S".

42. Clause 60, page 175, lines 33 to 35, omit all words and expressions on these lines and insert—

- "(1) The Minister may, by instrument, appoint a panel of persons to give advice under section 161G(2) on an adopted reconfiguration plan, and the persons appointed to the panel must be persons who have knowledge of or experience in the matters that the panel is to give advice on."

43. Clause 62, page 190, line 15, omit "for".

44. Clause 71, page 219, line 4, after "Part 11" insert "of this Act".

45. Clause 71, page 236, line 6, omit "33AT" and insert "33S".

46. Clause 71, page 236, line 14, omit "33AT" and insert "33S".

47. Clause 71, page 239, line 19, after "Part 13" insert "of this Act".

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48. Clause 71, page 239, line 28, after "Part 13" insert "of this Act".
  49. Clause 71, page 242, line 21, after "**Part 4**" insert "**of this Act**".
  50. Clause 71, page 242, line 26, after "Part 4" insert "of this Act".
  51. Clause 71, page 242, line 31, after "**Part 4**" insert "**of this Act**".
  52. Clause 71, page 243, line 13, after "Part 4" insert "of this Act".
  53. Clause 71, page 243, line 16, after "**Part 4**" insert "**of this Act**".
  54. Clause 71, page 243, line 32, after "Part 4" insert "of this Act".

### SCHEDULE 3

#### CHILDREN, YOUTH AND FAMILIES BILL

Amendments moved by Mrs Shardey

1. Clause 135, after line 20 insert—
  - ( ) An agreement under sub-section (1) is of no effect unless—
    - (a) it contains a statement that the parent of the child and, if the child is mature enough to give instructions, the child have been provided with independent legal advice from a legal practitioner as to the legal effect of the agreement; and
    - (b) a certificate is attached to the agreement, signed by the person who provided the legal advice and stating that the advice was provided.
  - ( ) The service provider must register a copy of an agreement under sub-section (1) (including a copy of the certificate of independent legal advice relating to the agreement) with the Family Division within 7 days after the agreement is entered into."
8. Clause 158, lines 18 and 19, omit "**Victorian Civil and Administrative Tribunal**" and insert "**Children's Court**".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 145, 146 and 147

#### No 145 — Tuesday 15 November 2005

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL** — Mr Bracks obtained leave to bring in a Bill '*to amend the **Terrorism (Community Protection) Act 2003** to provide for the making of preventative detention orders, to give members of the police force special powers in connection with terrorist acts and to expand the circumstances in which covert search warrants may be issued, to amend the **Corrections Act 1986** to provide for the detention of persons subject to preventative detention orders and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Appeal Costs Act 1998**, the **Constitution Act 1975**, the **County Court Act 1958**, the **Courts Legislation (Judicial Conduct) Act 2005**, the **Crimes Act 1958**, the **Evidence Act 1958**, the **Public Notaries Act 2001**, the **Serious Sex Offenders Monitoring Act 2005**, the **Sex Offenders Registration Act 2004**, the **Victorian Civil and Administrative Tribunal Act 1998** and the **Working with Children Act 2005** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **CRIMES (DOCUMENT DESTRUCTION) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Crimes Act 1958** with respect to the destruction of documents or other things that are, or are reasonably likely to be, required as evidence in legal proceedings and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CRIMES (SEXUAL OFFENCES) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Crimes Act 1958**, the **Crimes (Criminal Trials) Act 1999**, the **Evidence Act 1958** and the **Magistrates' Court Act 1989** in relation to sexual offences and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **INFRINGEMENTS BILL** — Mr Hulls obtained leave to bring in a Bill '*to provide for a new framework for the issuing and serving of infringement notices for offences and the enforcement of infringement notices, to amend the **Magistrates' Court Act 1989**, the **Road***

*Safety Act 1986 and the Subordinate Legislation Act 1994 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

8 **GUARDIANSHIP AND ADMINISTRATION (FURTHER AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Guardianship and Administration Act 1986 regarding consent to medical research procedures and for other purposes, to make consequential amendments to the Mental Health Act 1986 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

9 **LIQUOR CONTROL REFORM (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Liquor Control Reform Act 1998 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

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

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 417 signatures (*Dr Sykes*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 144 signatures (*Ms Allan*)

**Ethiopia — Mistreatment of People** — Requesting that the House contacts the Ethiopian Government asking them to desist from mistreatment of the people of Ethiopia by President Meles Zenawi, bearing 61 signatures (*Mr Languiller*)

**VCE English Standard** — Requesting that the House urges the Government to reverse the proposal to lower the VCE English standard requiring students to read only one book in their final year of school, bearing 17 signatures (*Mr Perton*)

**Police School Involvement Program** — Requesting that the House supports the reinstatement of the Police School Involvement Program to build a secure environment for the children of Victoria, bearing 12 signatures (*Mr Perton*)

**Country Taxi Operator Costs** — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of wheel chair friendly taxi services as Melbourne taxis and public transport, bearing 28 signatures (*Mr Ryan*)

**Reproductive Health Choices for Women** — Requesting that the House takes action to support women in their reproductive health choices, bearing 450 signatures (*Ms Pike*).

Petitions ordered to be tabled.



- 11 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 12 **PETITION — ETHIOPIA — MISTREATMENT OF PEOPLE** — Motion made and question — That the petition presented by the Member for Derrimut be taken into consideration tomorrow (*Mr Languiller*) — put and agreed to.
- 13 **PETITION — VCE ENGLISH STANDARD** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 14 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

15 **DOCUMENTS**

**OFFICE OF THE PUBLIC ADVOCATE** — Motion made, by leave, and question — That the Report of the Office of the Public Advocate for the year 2004–05 be tabled (*Mr Hulls*) — put, after debate, and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 13 of 2005 on the:

- Commissioner for Law Enforcement Data Security Bill
- Crimes (Family Violence) (Holding Powers) Bill
- Crimes (Homicide) Bill
- Duties and Land Tax Acts (Amendment) Bill
- Firearms (Further Amendment) Bill
- Gambling Regulation (Miscellaneous Amendments) Bill
- Health Professions Registration Bill
- Investigative, Enforcement and Police Powers Acts (Amendment) Bill
- Prahran Mechanics' Institute (Amendment) Bill
- Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Bill
- Superannuation Legislation (Governance Reform) Bill
- Transport Legislation (Further Miscellaneous Amendments) Bill
- Veterans Bill
- Workplace Rights Advocate Bill

together with an extract from the proceedings and appendices.

Question — That the report, extract from the proceedings and appendices be tabled — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Walsh; Mr Wells.

Question agreed to.

Ordered to be printed.

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

2007 World Swimming Championships Corporation — Report for the year 2004–05

Accident Compensation Conciliation Service — Report for the year 2004–05

Adult, Community and Further Education Board — Report for the year 2004–05

Agriculture Victoria Services Pty Ltd — Report for the year 2004–05

Australian Centre for the Moving Image — Report for the year 2004–05

Australian Grand Prix Corporation — Report for the year 2004–05

*Commissioner for Environmental Sustainability Act 2003* — Direction under s 10(3)

*Commonwealth Games Arrangements Act 2001* — Orders under s 18 (two orders)

Corangamite Catchment Management Authority — Report for the year 2004–05

Country Fire Authority — Report for the year 2004–05

*Crown Land (Reserves) Act 1978* — Section 17DA Order granting under s 17B licences over Mordialloc and Mentone Beach Park

East Gippsland Catchment Management Authority — Report for the year 2004–05

Eastern Regional Waste Management Group — Report for the year 2004–05

Education and Training, Department of — Report for the year 2004–05

Emerald Tourist Railway Board — Report for the year 2004–05

Emergency Communications Victoria — Report for the year 2004–05

Emergency Services Superannuation Scheme — Report for the year 2004–05

Equal Opportunity Commission — Report for the year 2004–05 — Ordered to be printed

Essential Services Commission — Report for the year 2004–05

Film Victoria — Report for the year 2004–05

*Financial Management Act 1994* — Quarterly Financial Report for the Victorian General Government Sector — 30 September 2005

*Financial Management Act 1994:*

Reports from the Minister for Agriculture that he had received the 2004–05 annual reports of the:

Murray Valley Citrus Board

Phytogene Pty Ltd

Report from the Minister for Agriculture that he had not received the 2004–05 annual report of the Northern Victorian Fresh Tomato Industry Development Committee, together with an explanation for the delay in tabling

Report from the Minister for Environment that he had received the 2003–04 annual report of the Trust for Nature

Reports from the Minister for Environment that he had received the 2004–05 annual reports of the:

Barwon Regional Waste Management Group

Calder Regional Waste Management Group

Central Murray Regional Waste Management Group

Commissioner for Environmental Sustainability

Desert Fringe Regional Waste Management Group

Gippsland Regional Waste Management Group

Goulburn Valley Regional Waste Management Group

Grampians Regional Waste Management Group

Highlands Regional Waste Management Group

Mildura Regional Waste Management Group

Mornington Peninsula Regional Waste Management Group

North East Victorian Regional Waste Management Group

Northern Regional Waste Management Group

South Eastern Regional Waste Management Group

South Western Regional Waste Management Group

Reports from the Minister for Planning that he had received the 2004–05 annual reports of the:

Dandenong Development Board

Heritage Council

*Freedom of Information Act 1982* — Statement of reasons for seeking leave to appeal under s 65AB

Gambling Research Panel — Report for the period 1 July 2004 to 22 December 2004

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- Geelong Performing Arts Centre Trust — Report for the year 2004–05
- Geoffrey Gardiner Dairy Foundation Limited — Report for the year 2004–05 (two documents)
- Glenelg Hopkins Catchment Management Authority — Report for the year 2004–05 (two documents)
- Goulburn Broken Catchment Management Authority — Report for the year 2004–05
- Government Superannuation Office — Report for the year 2004–05
- Judicial College — Report for the year 2004–05
- Legal Ombudsman — Report of the Office for the year 2004–05 — Ordered to be printed
- Legal Practice Board — Report for the year 2004–05
- Legal Practitioners Liability Committee — Report for the year 2004–05
- Library Board — Report for the year 2004–05
- Mallee Catchment Management Authority — Report for the year 2004–05
- Melbourne and Olympic Parks Trust — Report for the year 2004–05
- Melbourne Convention and Exhibition Trust — Report for the year 2004–05
- Melbourne Cricket Ground Trust — Report for the year ended 31 March 2005
- Members of Parliament (Register of Interests) Act 1978* — Cumulative Summary of Returns 30 September 2005 — Ordered to be printed
- Metropolitan Fire and Emergency Services Board — Report for the year 2004–05
- Mitcham-Frankston Project Act 2004* — Variation Statement under s 21(3)
- Museums Board — Report for the year 2004–05
- National Gallery, Council of Trustees — Report for the year 2004–05
- North Central Catchment Management Authority — Report for the year 2004–05
- North East Catchment Management Authority — Report for the year 2004–05 (three documents)
- Parliamentary Contributory Superannuation Fund — Report for the year 2004–05
- Parks Victoria — Report for the year 2004–05 (two documents)
- Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:
- Bass Coast Planning Scheme — No C32 Part 1

Cardinia Planning Scheme — No C74  
Greater Geelong Planning Scheme — No C106  
Greater Shepparton Planning Scheme — No C53  
Hepburn Planning Scheme — No C27  
Horsham Planning Scheme — No C20  
Maroondah Planning Scheme — No C41  
Melbourne Planning Scheme — No C103  
Northern Grampians Planning Scheme — No C13  
Whitehorse Planning Scheme — No C65  
Yarra Planning Scheme — No C92  
Yarra Ranges Planning Scheme — No C51

Police Integrity — Report of the Office for the year 2004–05 — Ordered to be printed

Port Phillip and Westernport Catchment Management Authority — Report for the year 2004–05

Premier and Cabinet, Department of — Report for the year 2004–05

Primary Industries, Department of — Report for the year 2004–05

Queen Victoria Women's Centre Trust — Report for the year 2004–05

Residential Tenancies Bond Authority — Report for the year 2004–05

Sentencing Advisory Council — Report for the year 2004–05

Shrine of Remembrance Trustees — Report for the year 2004–05

State Electricity Commission — Report for the year 2004–05

State Services Authority — Report for the period 4 April 2005 to 30 June 2005 (incorporating the Public Employment Office — Report for the period 1 July 2004 to 4 April 2005)

State Sport Centres Trust — Report for the year 2004–05

State Trustees Limited — Report for the year 2004–05 (together with Financial Statements of the Common Funds) (two documents)

Statutory Rules under the following Acts:

*Adoption Act 1984* — SR Nos 130, 133

*Electricity Safety Act 1998* — SR No 131

*Metropolitan Fire Brigades Act 1958* — SR No 132

*Supreme Court Act 1986* — SR No 133

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule No 133

Sustainability and Environment, Department of — Report for the year 2004–05

Tourism Victoria — Report for the year 2004–05

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- Transport Accident Commission — Report for the year 2004–05
- Tricontinental Holdings Limited — Report for the year 2004
- VicForests — Report for the year 2004–05
- Victoria Grants Commission — Report for the year ended 31 August 2005
- Victoria Legal Aid — Report for the year 2004–05
- Victoria Police — Report of the Office of the Chief Commissioner for the year 2004–05 (two documents)
- Victorian Arts Centre Trust — Report for the year 2004–05
- Victorian Catchment Management Council — Report for the year 2004–05
- Victorian Coastal Council — Report for the year 2004–05
- Victorian Curriculum and Assessment Authority — Report for the year 2004–05
- Victorian Electoral Commission — Report for the year 2004–05
- Victorian Energy Networks Corporation — Report for the year 2004–05
- Victorian Funds Management Corporation — Report for the year 2004–05
- Victorian Institute of Forensic Medicine — Report for the year 2004–05
- Victorian Institute of Sport — Report for the year 2004–05 (two documents)
- Victorian Institute of Teaching — Report for the year 2004–05
- Victorian Law Reform Commission — Report for the year 2004–05 — Ordered to be printed
- Victorian Learning and Employment Skills Commission — Report for the year 2004–05
- Victorian Managed Insurance Authority — Report for the year 2004–05
- Victorian Privacy Commissioner — Report of the Office for the year 2004–05 — Ordered to be printed
- Victorian Qualifications Authority — Report for the year 2004–05
- Victorian Relief Committee — Report for the year 2004–05
- Victorian Urban Development Authority — Report for the year 2004–05
- Victorian WorkCover Authority — Report for the year 2004–05
- West Gippsland Catchment Management Authority — Report for the year 2004–05 (two documents)
- Western Regional Waste Management Group — Report for the year 2004–05

Wimmera Catchment Management Authority — Report for the year 2004–05.

- 16 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 2 November 2005, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Congestion Levy Bill  
 Defamation Bill  
 Primary Industries Acts (Further Amendment) Bill.

- 17 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Commissioner for Law Enforcement Data Security Bill  
 Duties and Land Tax Acts (Amendment) Bill  
 Health Professions Registration Bill  
 Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Bill  
 Superannuation Legislation (Governance Reform) Bill  
 Workplace Rights Advocate Bill.

- 18 **SITTING OF THE HOUSE IN GEELONG** — Motion made, by leave, and question — That so much of standing orders be suspended so as to allow, on Thursday 17 November 2005:

- (1) The House to invite Councillor Shane Dowling, Mayor of the City of Greater Geelong, to attend on the floor of the House at 10.30 am to address the House, and to remain on the floor of the House, save in the event of a division, until the conclusion of all responses.
- (2) The Premier, the Leader of the Opposition, and the Leader of The Nationals to speak, for no more than ten minutes each, in response.
- (3) At the conclusion of the addresses the House will proceed with business as set out in standing orders.

*(Mr Batchelor)* — put and agreed to.

- 19 **SITTING OF THE HOUSE** — 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 Wednesday 16 November 2005, adjourns until Thursday 17 November 2005 at Costa Hall, Geelong, the Speaker taking the Chair at 10.30 am *(Mr Batchelor)* — 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 10.00 pm on Thursday 17 November 2005:

Commissioner for Law Enforcement Data Security Bill  
 Crimes (Family Violence) (Holding Powers) Bill  
 Duties and Land Tax Acts (Amendment) Bill  
 Health Professions Registration Bill

Investigative, Enforcement and Police Powers Acts (Amendment) Bill  
 Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Bill  
 Superannuation Legislation (Governance Reform) Bill  
 Transport Legislation (Further Miscellaneous Amendments) Bill  
 Workplace Rights Advocate Bill

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 63

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 18

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mr Savage; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

Question agreed to.

- 21 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 22 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 6 inclusive, be postponed until later this day.
- 23 **TRANSPORT LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Bill read a second time, considered in detail and agreed to without amendment (*see pp 940–1, 943*).

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



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

AYES 48

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield, Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Ingram; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 24 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Prisoners (Interstate Transfer) (Amendment) Bill without amendment.

- 25 **INVESTIGATIVE, ENFORCEMENT AND POLICE POWERS ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 26 **COMMISSIONER FOR LAW ENFORCEMENT DATA SECURITY BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

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

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

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

Bill sent to the Legislative Council and their agreement requested.

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

Firearms (Further Amendment) Bill  
Crimes (Homicide) Bill.

- 28 **HEALTH PROFESSIONS REGISTRATION BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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 proper consultation has taken place with the Victorian community, including registered health professionals and other key stakeholders, about the effect of the legislation, and the Government releases full departmental estimates and background documents including registration board estimates of the impact of the proposed changes on the registration fees of each of the health professional groups referred to in the bill' (*Mrs Shardey*) — and, after debate —

Under standing orders, Mr Delahunty (*Lowan*) 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 — *and on the amendment*.

And the House having continued to sit after 12 midnight —

WEDNESDAY 16 NOVEMBER 2005

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 48

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Buchanan; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 48

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Buchanan; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill considered in detail (*see pp 941, 943*).

- 29 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 30 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 3.02 am.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 146 — Wednesday 16 November 2005

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

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 329 signatures (*Dr Sykes*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 11 signatures (*Mr Clark*)

**Preschool Education — Recognition of Importance** — Requesting that the House recognises that preschool is the critical first step of education and moves responsibility for preschools to the Department of Education and Training, bearing 344, 24 and 249 signatures (*Mr Perera, Ms Beard and Ms Morand respectively*)

**Deer Park Train Line** — Requesting that the Deer Park train line be electrified as part of the metropolitan services, bearing 502 signatures (*Mr Haermeyer*)

**Sandringham Line Rail Commuters** — Requesting that the Government instigates immediate action so that Sandringham line commuters are not left stranded on station platforms, bearing 109 signatures (*Mr Thompson*)

**Sandringham and District Memorial Hospital** — Requesting that the Government provides sufficient funding for the efficient management of the Sandringham and District Memorial Hospital without the need for the impost of a range of car parking fees which will see hospital employees paying up to \$480 a year to subsidise projects which should be funded by the State Government, bearing 7 signatures (*Mr Thompson*)

**Tatura Police Station** — Requesting that the House directs the Minister for Police and Emergency Services to investigate and correct the lack of resources at the Tatura Police Station, bearing 51 signatures (*Mrs Powell*)

**Ironbark Road and Pioneer Road, Diamond Creek, and Ironbark Road and Pioneer Road, Yarrambat** — Requesting that the House urges the Government and the Minister for Planning to — (a) include the lands in Ironbark Road and Pioneer Road, Diamond Creek and in Ironbark Road and Pioneer Road, Yarrambat in the amended New Urban Growth Boundary; (b) ensure equity and justice now for any properties that may have been discriminately treated differently; (c) further investigate the matter with new information provided to ensure equitable and fair corrections to those affected; and (d) meet with residents/petitioners to discuss and clarify new evidence, bearing 5 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 3 **PETITION — SANDRINGHAM LINE RAIL COMMUTERS** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 4 **PETITION — SANDRINGHAM AND DISTRICT MEMORIAL HOSPITAL** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 5 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 6 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Mount Waverley be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

7 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — 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**

**DRUG PREVENTION COUNCIL** — Motion made, by leave, and question — That the Report from the Premier's Drug Prevention Council for the year 2004–05 be tabled (*Mr Bracks*) — put and agreed to.

**HEALTH SERVICES COMMISSIONER** — Motion made, by leave, and question — That the Report of the Health Services Commissioner for the year 2004–05 be tabled (*Ms Pike*) — put and agreed to.

**LAW REFORM COMMITTEE** — Mr Hudson, Chair, presented a report from the Law Reform Committee on the Inquiry into Warrant Powers and Procedures, together with appendices and minutes 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:

Alexandra District Hospital — Report for the year 2004–05

Alpine Health — Report for the year 2004–05 (three documents)

Ambulance Service Victoria — Metropolitan Region — Report for the year 2004–05

*Audit Act 1994* — Auditor-General — Report on the Finances of the State of Victoria, 2004–05 — Ordered to be printed

Austin Health — Report for the year 2004–05 (two documents)

Bairnsdale Regional Health Service — Report for the year 2004–05 (two documents)

Ballarat Health Services — Report for the year 2004–05

Barwon Health — Report for the year 2004–05

Bayside Health — Report for the year 2004–05

Benalla and District Memorial Hospital — Report for the year 2004–05 (two documents)

Bendigo Health Care Group — Report for the year 2004–05

Calvary Health Care Bethlehem Limited — Report for the year 2004–05 (two documents)

Casterton Memorial Hospital — Report for the year 2004–05 (four documents)

Central Gippsland Health Service — Report for the year 2004–05 (two documents)

Cobram District Hospital — Report for the year 2004–05 (two documents)

Cohuna District Hospital — Report for the year 2004–05

Colac Area Health — Report for the year 2004–05

Coleraine District Health Services — Report for the year 2004–05

Djerriwarrh Health Services — Report for the year 2004–05 (two documents)

Eastern Health — Report for the year 2004–05

Echuca Regional Health — Report for the year 2004–05

Fed Square Pty Ltd — Report for the year 2004–05

*Financial Management Act 1994:*

Report from the Minister for Environment that he had received the 2004–05 annual report of the Alpine Resorts Co-ordinating Council

Reports from the Minister for Health that she had received reports for the period 1 January 2004 to 30 June 2005 of the:

Anderson's Creek Cemetery Trust

Ballaarat General Cemeteries Trust

Bendigo Cemeteries Trust

Cheltenham and Regional Cemeteries Trust

Geelong Cemeteries Trust

Lilydale Memorial Park and Cemeteries Trust

Preston Cemetery Trust

Templestowe Cemetery Trust

Wyndham Cemeteries Trust

Reports from the Minister for Health that she had received the 2004–05 annual reports of the:

Boort District Hospital

Dunmunkle Health Service

Maldon Hospital

Manangatang and District Hospital

Nathalia District Hospital

O'Connell Family Centre

Optometrists Registration Board

Osteopaths Registration Board

Physiotherapists Registration Board

Podiatrists Registration Board

Timboon and District Healthcare Service

Tweddle Child and Family Health Service

Yea and District Memorial Hospital

Goulburn Valley Health — Report for the year 2004–05 (two documents)

Hepburn Health Service — Report for the year 2004–05

Hesse Rural Health Service — Report for the year 2004–05

Heywood Rural Health — Report for the year 2004–05

Infertility Treatment Authority — Report for the year 2004–05

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- Inglewood and District Health Service — Report for the year 2004–05 (two documents)
- Innovation, Industry and Regional Development, Department of — Report for the year 2004–05
- Kerang District Health — Report for the year 2004–05
- Kooweerup Regional Health Service — Report for the year 2004–05 (two documents)
- Kyabram and District Health Services — Report for the year 2004–05 (two documents)
- Kyneton District Health Service — Report for the year 2004–05
- Lorne Community Hospital — Report for the year 2004–05 (three documents)
- McIvor Health and Community Services — Report for the year 2004–05
- Mallee Track Health and Community Service — Report for the year 2004–05
- Mansfield District Hospital — Report for the year 2004–05 (three documents)
- Maryborough District Health Service — Report for the year 2004–05 (two documents)
- Melbourne Health — Report for the year 2004–05
- Mercy Public Hospitals Incorporated — Report for the year 2004–05 (14 documents)
- Moyne Health Services — Report for the year 2004–05
- Mt Alexander Hospital — Report for the year 2004–05
- Necropolis Springvale, Trustees of the — Report for the year 2004–05
- Northeast Health Wangaratta — Report for the year 2004–05 (two documents)
- Numurkah District Health Service — Report for the year 2004–05 (two documents)
- Nurses Board — Report for the year 2004–05
- Otway Health and Community Services — Report for the year 2004–05
- Peninsula Health — Report for the year 2004–05 (two documents)
- Peter MacCallum Cancer Centre — Report for the year 2004–05
- Planning and Environment Act 1987* — Urban Growth Boundary — Amendments modifying the following Planning Schemes:
- Cardinia Planning Scheme — No C81
- Casey Planning Scheme — No C85
- Hume Planning Scheme — No C66
- Melton Planning Scheme — No C51
- Whittlesea Planning Scheme — No C83
- Wyndham Planning Scheme — No C80

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- Portland District Health — Report for the year 2004–05
- Prince Henry's Institute of Medical Research — Report for the year 2004–05
- Queen Elizabeth Centre — Report for the year 2004–05
- Radiation Advisory Committee — Report for the year ended 30 September 2005
- Regional Development Victoria — Report for the year 2004–05
- Robinvale District Health Services — Report for the year 2004–05
- Rochester and Elmore District Health Service — Report for the year 2004–05
- Royal Children's Hospital — Report for the year 2004–05
- Royal Victorian Eye and Ear Hospital — Report for the year 2004–05
- Royal Women's Hospital — Report for the year 2004–05
- Rural Ambulance Victoria — Report for the year 2004–05
- Seymour District Memorial Hospital — Report for the year 2004–05
- South West Healthcare — Report for the year 2004–05
- Southern Health — Report for the year 2004–05
- St Vincent's — Report for the year 2004–05 (four documents)
- Statutory Rules under the following Acts:
- Non-Emergency Patient Transport Act 2003* — SR No 135
- Subordinate Legislation Act 1994* — SR No 134
- Transport Act 1983* — SR Nos 136, 137, 138
- Stawell Regional Health — Report for the year 2004–05
- Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule No 134
- Swan Hill District Hospital — Report for the year 2004–05
- Tallangatta Health Service — Report for the year 2004–05 (two documents)
- Terang and Mortlake Health Service — Report for the year 2004–05
- Upper Murray Health and Community Services — Report for the year 2004–05 (two documents)
- Victorian Health Promotion Foundation — Report for the year 2004–05
- Victorian Industry Participation Policy Act 2003* — Report on the implementation of the VIPP for the year 2004–05



Victorian Institute of Forensic Mental Health — Report for the year 2004–05

Western District Health Service — Report for the year 2004–05

Western Health — Report for the year 2004–05

Wodonga Regional Health Service — Report for the year 2004–05 (three documents)

Yarrawonga District Health Service — Report for the year 2004–05 (two documents).

- 9 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question proposed — That the government business program agreed to by this House on 15 November 2005 be amended by omitting the Order of the Day, Government Business, relating to the Crimes (Family Violence) (Holding Powers) Bill and adding the motion to ratify amendments to the Urban Growth Boundary (*Mr Batchelor*) — and, after debate —

Amendment proposed — That the words 'Crimes (Family Violence) (Holding Powers) Bill' be omitted with the view of inserting in their place the words 'Workplace Rights Advocate Bill' (*Mr Cooper*).

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

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

AYES 53

Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh.

Question agreed to.

Original question — put.

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

AYES 53

Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh.

Question agreed to.

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

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

Road Safety Committee's Report on the Inquiry into the Country Road Toll

Rural and Regional Services and Development Committee's Report on the Inquiry into Country Football

Road Safety Committee's Report on the Inquiry into Crashes Involving Roadside Objects

Environment and Natural Resources Committee's Report on the Inquiry into Sustainable Communities

Family and Community Development Committee's Report on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing.

12 **DUTIES AND LAND TAX ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Major Events (Crowd Management) and Commonwealth Games Arrangements Acts (Crowd Safety Amendment) Bill without amendment.

14 **SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Kosky 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.*

15 **QUESTIONS** — (Under SO 55).

16 **SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) BILL** — Debate continued on question — That this Bill be now read a second time.

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

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

17 **TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

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

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

Ordered — That the debate be adjourned until Wednesday 30 November 2005.

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

Groundwater (Border Agreement) (Amendment) Bill  
Retail Leases (Amendment) Bill.

19 **JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 30 November 2005.

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

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

Ordered — That the debate be adjourned until Wednesday 30 November 2005.

- 21 **CRIMES (SEXUAL OFFENCES) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 30 November 2005.

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

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

Ordered — That the debate be adjourned until Wednesday 30 November 2005.

- 23 **GUARDIANSHIP AND ADMINISTRATION (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 30 November 2005.

- 24 **LIQUOR CONTROL REFORM (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 30 November 2005.

- 25 **DUTIES AND LAND TAX ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 26 **SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 27 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.
- 28 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 5.49 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 147 — Thursday 17 November 2005

- 1 The House met in the City of Geelong in accordance with the Proclamation of the Governor and the terms of the resolution of the House on 15 November 2005 — The Speaker took the Chair and read the Prayer.

The Proclamation was read by the Speaker:

### CONSTITUTION ACT 1975

#### PROCLAMATION

A. By proclamation made on 4 February 2003 by me, John Landy, Governor of Victoria, pursuant to section 8 of the *Constitution Act 1975*, fixed 25 February 2003 at 11.00 am as the time for the commencement and holding of the first session of the 55th Parliament of Victoria for the dispatch of business, at the Parliament Houses, Melbourne.

B. Pursuant to section 8(1) of the *Constitution Act 1975* the Governor is empowered to vary and alter the places fixed within Victoria and the times fixed for holding every session of the Legislative Council and of the Legislative Assembly.

I, John Landy, Governor of Victoria, acting under section 8 of the *Constitution Act 1975* and all other powers vested in me:

1. hereby vary and alter the place for holding the first session of the Legislative Council:
  - i. from 17 November 2005 to the Colac Otway Performing Arts and Cultural Centre at Rae Street, in the City of Colac; and
  - ii. thereafter, when the Legislative Council has completed its business on that day or on the following day if necessary, to the Houses of Parliament, Melbourne.
2. hereby vary and alter the place for holding the first session of the Legislative Assembly:

- iii. from 17 November 2005 to the Deakin University Geelong Waterfront Campus at 1-11 Gheringhap Street in the City of Geelong; and
- iv. thereafter, when the Legislative Assembly has completed its business on that day or on the following day if necessary, to the Houses of Parliament, Melbourne.

Given under my hand and the seal of Victoria at Melbourne, this 15<sup>th</sup> day of November 2005.

JOHN LANDY  
Governor  
By His Excellency's Command

STEVE BRACKS MP  
Premier

2 **ADDRESS BY COUNCILLOR SHANE DOWLING, MAYOR OF THE CITY OF GREATER GEELONG** — In accordance with the resolution of the House of 15 November 2005 Councillor Shane Dowling addressed the House, to which members responded, and was then escorted from the Chamber by the Serjeant-at-Arms.

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

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 380 signatures (*Dr Sykes*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 12, 54 and 256 signatures (*Mrs Shardey, Mr Perton and Mr Delahunty (Lowan) respectively*)

**VCE English Standard** — Requesting that the House urges the Government to reverse the proposal to lower the VCE English standard requiring students to read only one book in their final year of school, bearing 110 signatures (*Mr Perton*)

**Police School Involvement Program** — Requesting that the House supports the reinstatement of the Police School Involvement Program to build a secure environment for the children of Victoria, bearing 100 signatures (*Mr Perton*)

**Religious Instruction in Victorian Government Schools — Legislative Changes** — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 13 signatures (*Mr Perton*)

**Greenvale High School** — Requesting that the House urges the Government to reverse the proposed action to sell land on the corner of Barrymore Road and Glencairn Drive in Greenvale reserved for a secondary school and establish a Greenvale High School, bearing 391 signatures (*Mr Perton*)

**Industrial Relations Changes** — Requesting that the House takes all action possible to protect Victorian employees and their families from the impact of the Industrial Relations changes proposed by the Federal Government, bearing 360 signatures (*Ms Green*)

Petitions ordered to be tabled.

4 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Caulfield be taken into consideration tomorrow (*Mrs Shardey*) — put and agreed to.

5 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

6 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

7 **PETITION — VCE ENGLISH STANDARD** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

8 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

9 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

10 **PETITION — GREENVALE HIGH SCHOOL** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

11 **PETITION — INDUSTRIAL RELATIONS CHANGES** — 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

**RESPONSE TO AUDITOR-GENERAL'S REPORTS** — Motion made, by leave, and question — That the Response of the Minister for Finance to the Auditor-General's Reports issued during 2004–05 be tabled (*Mr Batchelor*) — put and agreed to.

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — Ms Neville presented a report from the Family and Community Development Committee on the Regulation of the Funeral Industry, together with extracts from the proceedings, a minority report and minutes of evidence.

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

### **DOCUMENTS TABLED BY COMMAND OF THE GOVERNOR**

Mr Hulls presented by Command of the Governor:

County Court — Reports for the years 2002–03 and 2003–04

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* — Report from the Treasurer that he had received the 2004–05 annual report of South Eastern Medical Complex Limited

*Freedom of Information Act 1982* — Report of the Attorney-General on the operation of the Act for the year 2004–05

Gippsland Southern Health Service — Report for the year 2004–05 (two documents)

*Health Services Act 1988* — Report of the Community Visitors for the year 2004–05 — Ordered to be printed

Housing Guarantee Fund Limited — Report for the year 2004–05 (including the Domestic Building (HIH) Indemnity Fund Financial Statement)

*Intellectually Disabled Persons' Services Act 1986* — Report of the Community Visitors for the year 2004–05

*Parliamentary Committees Act 2003:*

Response of the Premier on the action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee's Report on Victorian Electronic Democracy  
Response of the Minister for Transport on the action taken with respect to the recommendations made by the Road Safety Committee's Inquiry into the Country Road Toll

Police Appeals Board — Report for the year 2004–05

Public Prosecutions — Report of the Director, Committee and Office for the year 2004–05

Special Investigations Monitor — Report of the Office for the year 2004–05

*Subordinate Legislation Act 1994* — Minister's exemption certificates in relation to Statutory Rule Nos 137, 138



Victoria Law Foundation — Report for the year 2004–05

Victorian Civil and Administrative Tribunal — Report for the year 2004–05

Wimmera Health Care Group — Report for the year 2004–05 (two documents).

- 13 **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 Batchelor*) — put and agreed to.

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

- 15 **URBAN GROWTH BOUNDARY — PLANNING SCHEME AMENDMENTS** — Motion made and question proposed — That under s 46AH of the *Planning and Environment Act 1987*, the following six amendments to modify the Urban Growth Boundary be ratified:

Cardinia Planning Scheme — No C81

Casey Planning Scheme — No C85

Hume Planning Scheme — No C66

Melton Planning Scheme — No C51

Whittlesea Planning Scheme — No C83

Wyndham Planning Scheme — No C80

(*Mr Hulls*) — and, after debate —

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to consider the ratification of the planning scheme amendments to modify the urban growth boundary tabled in the House on 16 November 2005 until all such amendments have been placed on public exhibition for a minimum period of four weeks and all affected communities have been notified of the proposed changes and provided with an opportunity to comment' (*Mr Baillieu*) — and, after debate —

*Business having been interrupted at 2.00 pm under standing orders.*

- 16 **QUESTIONS** — (Under SO 55).

*Prior notice having been given under SO 43 on Tuesday 15 November 2005, business was interrupted at 2.43 pm.*

- 17 **MINISTERIAL STATEMENT — 150<sup>TH</sup> ANNIVERSARY OF DEMOCRACY** — Mr Bracks made a ministerial statement relating to the 150<sup>th</sup> anniversary of democracy in Victoria, to which members responded.

- 18 **URBAN GROWTH BOUNDARY — PLANNING SCHEME AMENDMENTS** — Debate resumed on question — That under s 46AH of the *Planning and Environment Act 1987*, the following six amendments to modify the Urban Growth Boundary be ratified:

Cardinia Planning Scheme — No C81

Casey Planning Scheme — No C85

Hume Planning Scheme — No C66

Melton Planning Scheme — No C51

Whittlesea Planning Scheme — No C83  
Wyndham Planning Scheme — No C80

— *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 consider the ratification of the planning scheme amendments to modify the urban growth boundary tabled in the House on 16 November 2005 until all such amendments have been placed on public exhibition for a minimum period of four weeks and all affected communities have been notified of the proposed changes and provided with an opportunity to comment'.

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Original question — put and agreed to.

- 19 **ROAD SAFETY AND OTHER ACTS (VEHICLE IMPOUNDMENT AND OTHER AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 20 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the government business program agreed to by this House on 15 November 2005 be further amended by omitting '10.00 pm' and inserting '9.00 pm' (*Mr Cameron*) — put and agreed to.

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

Land Tax Bill

Motor Car Traders and Fair Trading Acts (Amendment) Bill

Transport Legislation (Further Miscellaneous Amendments) Bill.

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

Question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 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 **HEALTH PROFESSIONS REGISTRATION BILL** — Order read for the further consideration of the Bill in detail (*see pp 942, 943*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 15 November 2005, and as amended on Wednesday 16 November 2005 and Thursday 17 November 2005, had expired.*

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

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

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That clause 80, clauses 81 to 182 inclusive and Schedules 1 to 4 inclusive be agreed to, the Bill be agreed to without amendment and the Bill be now read a third time — put.

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

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

25 **ROAD SAFETY AND OTHER ACTS (VEHICLE IMPOUNDMENT AND OTHER AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 26 **SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 12 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.

- 27 **DUTIES AND LAND TAX ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

AYES 55

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

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

- 29 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 9.54 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### CONSIDERATION IN DETAIL Supplement to Votes Nos 145, 146 and 147

#### No 145 — Tuesday 15 November 2005

##### TRANSPORT LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL

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

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

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

AYES 47<sup>1</sup>

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Buchanan; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Ingram; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clause agreed to.

Clause 2, Mr Walsh moved amendment Nos 2 to 6 (*see Schedule 1*).

Amendments put and defeated.

Clause agreed to.

Clauses 3 to 47 agreed to.

Question — That the House agrees to the Bill without amendment — put.

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<sup>1</sup> Division corrected after the Acting Speaker informed the House that the Clerk had identified a discrepancy between the number of votes cast by the Government Whip and the number of Government members actually present. Upon investigation it was found that the Government votes cast for the 'Ayes' should have been 46 rather than 47.

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

AYES 47

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Buchanan; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Ingram; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

## HEALTH PROFESSIONS REGISTRATION BILL

**Clauses 1 to 4** agreed to.

**Clause 5**, Mrs Shardey moved amendment No 1 (*see Schedule 2*).

Motion made and question — That the debate be adjourned (*Mr Batchelor*) — put.

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

AYES 48

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Buchanan; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Ingram; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

## No 147— Thursday 17 November 2005

### HEALTH PROFESSIONS REGISTRATIONS BILL

**Clause 5** — Question — That the words proposed to be omitted stand part of the Clause — put.

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

AYES 54<sup>2</sup>

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clause agreed to.

**Clauses 6 to 61** agreed to.

**Clause 62**, Mr Delahunty (*Lowan*) moved amendment No 2 (*see Schedule 2*).

Amendment put and defeated.

Clause agreed to.

**Clauses 63 to 79** agreed to.

**Clause 80**, Mrs Shardey moved amendment No 2 (*see Schedule 2*).

*Allocation of time* — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 15 November 2005, and as amended on Wednesday 16 November 2005 and Thursday 17 November 2005, had expired (for remaining stages see pp 937–8).

<sup>2</sup> Division corrected after the Deputy Speaker informed the House that the Clerk had identified a discrepancy between the number of votes cast by the Government Whip and the number of Government members actually present. Upon investigation it was found that the Government votes cast for the 'Ayes' should have been 54 rather than 55.



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## SCHEDULES OF AMENDMENTS MOVED

### SCHEDULE 1

#### TRANSPORT LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Amendments moved by Mr Walsh

1. Clause 1, lines 12 to 14, omit all words and expressions on these lines.
2. Clause 2, line 7, omit "9, 11, 12, 34, 35 and 40 to 47" and insert "31, 32 and 37 to 44".
3. Clause 2, lines 10 and 11, omit "34, 35 and 40" and insert "31, 32 and 37".
4. Clause 2, lines 13 and 14, omit all words and expressions on these lines.
5. Clause 2, line 15, omit "41 to 47" and insert "38 to 44".
6. Clause 2, lines 17 and 18, omit ", (3) or (4)" and insert "or (3)".

### SCHEDULE 2

#### HEALTH PROFESSIONS REGISTRATION BILL

Amendments moved by Mrs Shardey

1. Clause 5, page 14, lines 7 to 33, omit all words and expressions on these lines.
2. Clause 80, page 93, in the Table, omit "psychologist registered psychologist".

Amendment moved by Mr Delahunty (*Lowan*)

2. Clause 62, line 30, omit "no" and insert "a".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 148, 149 and 150

#### No 148 — Tuesday 7 February 2006

- 1 The House met in accordance with the terms of the resolution of 17 November 2005, the Speaker having fixed this day at 2.00 pm as the time of meeting — The Speaker took the Chair and read the Prayer.
- 2 **CONDOLENCES — BUSHFIRE VICTIMS** — Motion made, by leave, and question — That this House:
  - (1) Expresses its sincere sorrow at the death of volunteer CFA firefighter Captain Trevor Day near Yea on 23 January 2006;
  - (2) Extends its condolences to the family, friends and colleagues of Captain Day;
  - (3) Expresses its sincere sorrow at the deaths of Malcolm Wilson and his 12 year old son Zeke in the Grampians on 22 January 2006;
  - (4) Extends its condolences to the family and friends of Mr Wilson and young Zeke; and
  - (5) Thanks the brave men and women who fought the bushfires that raged across Victoria last month;

(*Mr Bracks*) — put, and after Mr Doyle and Mr Ryan had addressed the House in support of the motion, honourable members rising in their places to signify their assent, agreed to unanimously and in silence.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to make miscellaneous amendments to the **Interpretation of Legislation 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 **BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Building and Construction Industry Security of Payment Act 2002** to make further provision with respect to payments for construction work and for the supply of related goods and services under construction contracts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 6 **LAND (ST KILDA TRIANGLE) BILL** — Mr Hulls obtained leave to bring in a Bill '*to provide for the revocation of reservations over certain land at St Kilda and to re-reserve that land and reserve other land at St Kilda for public purposes, to provide for the Port Phillip City Council to be the committee of management of that land and to provide leasing powers over part of that land and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to protect employment entitlements of certain public sector employees, to amend the Workplace Rights Advocate Act 2005 and the Commonwealth Powers (Industrial Relations) Act 1996 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (EXTENSION OF PROVISIONS) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 to extend the operation of that Act and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **EDUCATION AND TRAINING REFORM BILL** — Ms Kosky obtained leave to bring in a Bill '*to reform the law relating to education and training in Victoria to provide for a high standard of education and training for all Victorians and for other purposes*'; and 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:

**Child Molesters and Rapists — Harsh Penalties** — Requesting that the House takes steps to ensure the protection of women and children by guaranteeing a harsh penalty to anyone found guilty of offences against them, bearing 102 signatures (*Mr Lockwood*)

**Country Taxi Operator Costs** — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of wheel chair friendly taxi services as Melbourne taxis and public transport, bearing 56 signatures (*Dr Sykes*)

**VCE English Standard** — Requesting that the House urges the Government to reverse the proposal to lower the VCE English standard requiring students to read only one book in their final year of school, bearing 11 signatures (*Mr Perton*)

**Police School Involvement Program** — Requesting that the House supports the reinstatement of the Police School Involvement Program to build a secure environment for the children of Victoria, bearing 6 signatures (*Mr Perton*)

**Greenvale High School** — Requesting that the House urges the Government to reverse the proposed action to sell land on the corner of Barrymore Road and Glencairn Drive in Greenvale reserved for a secondary school and establish a Greenvale High School, bearing 53 signatures (*Mr Perton*)

**Home Education** — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority, bearing 27, 16, 16 and 73 signatures (*Mr Lockwood, Mr Perton, Ms Morand and Mr Delahunty (Lowan) respectively*)

**Natural Gas to Warburton** — Requesting that the House supports the appeal for the supply of natural gas to Warburton and district communities so that residents may benefit from lower energy costs and a cleaner environment, bearing 101 signatures (*Ms Lobato*)

**Road Works — Strzelecki Highway** — Requesting that the House calls upon the Government to undertake urgent road works upon the Strzelecki Highway comprising the construction of multiple overtaking lanes at appropriate points along the 52 kilometre length of the Highway in order to minimise the risk of further accidents, bearing 855 signatures (*Mr Ryan*)

**Police School Involvement Program Continuation** — Requesting that the House supports the continuation of the Police School Involvement Program, in its present form, for the year 2006 and beyond, bearing 40 signatures (*Mr Savage*)

**Channel Deepening in Port Phillip Bay, The Rip and the Yarra River** — Requesting that the House ensures that — (a) the proposal to deepen shipping channels in Port Phillip Bay, The Rip and the Yarra River is rejected; (b) alternative solutions making better use of a mix of interstate rail from existing deep water ports and sea transport are engaged; and (c) the Minister for Planning makes public the findings of the Environment Effects Statement Independent Panel, due for release in February 2005, as soon as the Panel provides its report to the Government, bearing 1,539 signatures (*Mr Dixon*)

**Court Complex, Nepean Highway, Highett** — Requesting that the House calls on the Government to rename the court complex to be constructed on the former Gas and Fuel site, Nepean Highway, Highett, the Highett Court House and advise when a new court house will be built in Moorabbin as promised at the last election, bearing 15 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 11 **PETITION — CHILD MOLESTERS AND RAPISTS — HARSH PENALTIES** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.
- 12 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.
- 13 **PETITION — VCE ENGLISH STANDARD** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 14 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

- 15 **PETITION — GREENVALE HIGH SCHOOL** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 16 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 17 **PETITION — CHANNEL DEEPENING IN PORT PHILLIP BAY, THE RIP AND THE YARRA RIVER** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 18 **PETITION — COUNTRY TAXI OPERATOR COSTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 19 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 20 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Mount Waverley be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 21 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 1 of 2006 on the:

Crimes (Document Destruction) Bill  
 Crimes (Family Violence) (Holding Powers) Bill  
 Crimes (Sexual Offences) Bill  
 Guardianship and Administration (Further Amendment) Bill  
 Infringements Bill  
 Justice Legislation (Miscellaneous Amendments) Bill  
 Liquor Control Reform (Amendment) Bill  
 Terrorism (Community Protection) (Amendment) Bill  
 Transport Legislation (Safety Investigations) Bill

together with appendices.

Ordered to be tabled and printed.

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

Altona Memorial Park Trustees — Report for the period 1 January 2004 to 30 June 2005, together with an explanation for the delay in tabling

*Audit Act 1994* — Auditor-General — Report of Results of 30 June 2005 financial statement and other audits — Ordered to be printed

Bass Coast Regional Health — Report for the year 2004–05 (two documents)

Beechworth Health Service — Report for the year 2004–05, together with an explanation for the delay in tabling

Border Groundwaters Agreement Review Committee — Report for the year 2004–05

Chief Electrical Inspector — Report of the Office for the period ended 9 August 2005

*Commonwealth Games Arrangements Act 2001* — Orders under s 18 (20 orders)

Consumer Utilities Advocacy Centre Ltd — Report for the year 2004–05

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

Mentone and Mordialloc Beach Park

Mount Warrenheip Flora Reserve

Dental Health Services Victoria — Report for the year 2004–05

East Grampians Health Service — Report for the year 2004–05 (two documents)

*Eastlink Project Act 2004* — Variation Statement Nos 3, 4, 5

Edenhope and District Memorial Hospital — Report for the year 2004–05

Equal Opportunity Commission — Report for the year 2004–05 (*in lieu of report previously tabled on Tuesday 15 November 2005*) — Ordered to be printed

Fawkner Crematorium and Memorial Park Trustees — Report for the period 1 January 2004 to 30 June 2005, together with an explanation for the delay in tabling

*Financial Management Act 1994* — Budget Update for the year 2005–06

*Financial Management Act 1994:*

Report from the Minister for Health that she had received the report for the period 1 January 2004 to 30 June 2005 of the Keilor Cemetery Trust, together with an explanation for the delay

Reports from the Minister for Health that she had received the 2004–05 annual reports of the:

Alexandra and District Ambulance Service

Chinese Medicine Registration Board

Chiropractors Registration Board, together with an explanation for the delay

Dental Practice Board

Health Purchasing Victoria

Mental Health Review Board

Omeo District Hospital

Pharmacy Board, together with an explanation for the delay

Psychosurgery Review Board

Report from the Premier that he had received the 2004–05 annual report of VITS LanguageLink

Food Safety Council — Report for the year 2004–05

Gas Safety — Report of the Office for the period ended 9 August 2005

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 151/2005

Kilmore and District Hospital — Report for the year 2004–05

*Melbourne City Link Act 1995:*

Exhibition Street Extension Ninth Amending Deed

City Link and Extension Projects Integration and Facilitation Agreement Thirteenth Amending Deed

Melbourne City Link Twenty-first Amending Deed

Northern Health — Report for the year 2004–05 (two documents)

*Ombudsman Act 1973* — Report of the Ombudsman on the Investigation into the Handling, Storage and Transfer of Prisoner Property in Victorian Prisons — Ordered to be printed

Orbost Regional Health — Report for the year 2004–05, together with an explanation for the delay in tabling

*Parliamentary Committees Act 2003:*

Letter relating to the response of the Minister for Environment on the Environment and Natural Resources Committee's Inquiry into Sustainable Communities

Public Accounts and Estimates Committee — Report on the 2005–06 Budget Estimates, together with appendices and minutes of evidence — Report and appendices ordered to be printed

Response of the Minister for Environment on the action taken with respect to the recommendations made by the Environment and Natural Resources Committee's Inquiry into Sustainable Communities

Response of the Premier on the action taken with respect to the recommendations made by the Public and Accounts and Estimates Committee's report on Corporate Governance in the Victorian Public Sector

Response of the Minister for WorkCover on the action taken with respect to the recommendations made by the Economic Development Committee's Inquiry into Labour Hire Employment in Victoria

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

Alpine Planning Scheme — Nos C14, C17

Bass Coast Planning Scheme — Nos C6, C38, C54

Bayside Planning Scheme — No C37 Part 1

Boroondara Planning Scheme — No C42

Brimbank Planning Scheme — Nos C60, C71



Cardinia Planning Scheme — No C73  
Casey Planning Scheme — Nos C67, C78  
Darebin Planning Scheme — Nos C10 Part 2, C45, C47, C53, C55, C66  
East Gippsland Planning Scheme — No C48  
French Island and Sandstone Island Planning Scheme — No C1  
Gannawarra Planning Scheme — No C15  
Glenelg Planning Scheme — Nos C17 Part 1, C28  
Greater Bendigo Planning Scheme — Nos C61, C67, C69  
Greater Dandenong Planning Scheme — No C50  
Greater Shepparton Planning Scheme — Nos C54, C55, C57, C67  
Hobsons Bay Planning Scheme — No C36, C38  
Hume Planning Scheme — Nos C45 Part 1, C45 Part 2, C61, C67  
Indigo Planning Scheme — Nos C20, C25, C29  
Kingston Planning Scheme — Nos C25, C46 Part 1, C56  
Lalor Planning Scheme — No C43  
Manningham Planning Scheme — Nos C26, C48  
Maroondah Planning Scheme — No C44  
Melbourne Planning Scheme — Nos C60 Part 1A, C104, C114  
Mitchell Planning Scheme — No C27  
Moir Planning Scheme — No C10  
Moonee Valley Planning Scheme — Nos C49, C63  
Moreland Planning Scheme — Nos C38, C48  
Mornington Peninsula Planning Scheme — Nos C55, C83  
Mount Alexander Planning Scheme — No C30  
Nillumbik Planning Scheme — Nos C11, C28  
Northern Grampians Planning Scheme — No C3  
Port Phillip Planning Scheme — Nos C29, C43  
Queenscliffe Planning Scheme — No C17  
Stonnington Planning Scheme — Nos C32, C38, C48, C50  
Strathbogie Planning Scheme — No C22  
Surf Coast Planning Scheme — No C15 Part 1  
Swan Hill Planning Scheme — No C20  
Towong Planning Scheme — No C9 Part 2  
Victoria Planning Provisions — Nos VC35, VC36, VC37  
Whitehorse Planning Scheme — Nos C56, C58, C68  
Whittlesea Planning Scheme — Nos C53 Part 1, C64  
Wodonga Planning Scheme — Nos C27, C35  
Wyndham Planning Scheme — No C74  
Yarra Planning Scheme — No C43 Part 1  
Yarra Ranges Planning Scheme — Nos C8, C46, C49, C52

*Police Regulation Act 1958* — Director, Police Integrity — Review of fatal shootings by Victoria Police — Ordered to be printed

*Rail Corporations Act 1996* — Order under s 38C

Rural Northwest Health — Report for the year 2004–05, together with an explanation for the delay in tabling

South Gippsland Hospital — Report for the year 2004–05

Statutory Rules under the following Acts:

*Adoption Act 1984* — SR No 130 (in lieu of statutory rule tabled on Tuesday 15 November 2005, together with an explanation from the Government Printer)

*Agricultural and Veterinary Chemicals (Control of Use) Act 1992* — SR No 160

*Charities Act 1978* — SR No 141

*Children and Young Persons Act 1989* — SR No 139

*Conservation, Forests and Lands Act 1987* — SR No 172

*County Court Act 1958* — SR Nos 167, 168

*Domestic (Feral and Nuisance) Animals Act 1994* — SR No 151

*Electricity Safety Act 1998* — SR Nos 131 (in lieu of statutory rule tabled on Tuesday 15 November 2005, together with an explanation from the Government Printer), 158

*Estate Agents Act 1980* — SR No 169

*Firearms Act 1996* — SR No 173

*Fisheries Act 1995* — SR No 150

*Food Act 1984* — SR No 143

*Interpretation of Legislation Act 1984* — SR No 147

*Land Tax Act 2005* — SR No 178

*Legal Profession Act 2004* — SR Nos 149, 152

*Liquor Control Reform Act 1998* — SR Nos 170, 171

*Livestock Disease Control Act 1994* — SR No 159

*Magistrates' Court Act 1989* — SR Nos 165, 166

*Marine Act 1988* — SR Nos 154, 155

*Melbourne City Link Act 1995* — SR No 140

*National Parks Act 1975* — SR No 142

*Planning and Environment Act 1987* — SR No 2/2006

*Police Regulation Act 1958* — SR No 156

*Prevention of Cruelty to Animals Act 1986* — SR No 3/2006

*Public Administration Act 2004* — SR No 174

*Residential Tenancies Act 1997* — SR No 4/2006

*Retirement Villages Act 1986* — SR No 162

*Road Safety Act 1986* — SR Nos 145, 176, 177, 1/2006

*Subordinate Legislation Act 1994* — SR Nos 146, 153, 157, 161

*Supreme Court Act 1986* — SR Nos 147, 148

*Transfer of Land Act 1958* — SR No 163

*Transport Act 1983* — SR Nos 144, 164, 175

*Water Act 1989* — SR No 5/2006

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rule Nos 142, 146, 147, 148, 153, 157, 161, 163, 165, 166, 167, 168, 2/2006

Ministers' exemption certificates in relation to Statutory Rule Nos 139, 140, 143, 144, 145, 149, 152, 155, 156, 159, 160, 162, 169, 170, 171, 172, 174, 175, 176, 177, 1/2006, 5/2006

*Victorian Environmental Assessment Council Act 2001* — Terms of reference for the investigation into the Goolengook forest

West Gippsland Healthcare Group — Report for the year 2004–05, together with an explanation for the delay in tabling

West Wimmera Health Service — Report for the year 2004–05, together with an explanation for the delay in tabling

Yarram and District Health Service — Report for the year 2004–05, together with an explanation for the delay in tabling (two documents).

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

*Firearms (Further Amendment) Act 2005* — Sections 3(1) (other than ss 3(1)(a), (1)(c) and (1)(d)), 6(4), (6) and (7), 12(2) (other than s 12(2)(a)), 12(3) (other than s 12(3)(a)), 19, 22, 23, 25, 26, 28, 30(2), 31, 32, 35, 36, 37, 38, 45, 46, 47, 49, 50, 51, 55, 57, 58, 61(1) and (2), 62(1) and (2), 66 and Part 4 on 1 January 2006 (*Gazette G51, 22 December 2005*)

*Higher Education Acts (Amendment) Act 2005* — Sections 114(2) and (3), 122(2), 123 and 125 on 22 December 2005 (*Gazette G50, 15 December 2005*)

*House Contracts Guarantee (Amendment) Act 2005* — Whole Act on 1 February 2006 (*Gazette G4, 25 January 2006*)

*Legal Profession (Consequential Amendments) Act 2005* — Whole Act on 12 December 2005 (*Gazette G48, 1 December 2005*)

*Legal Profession Act 2004* — Remaining provisions on 12 December 2005 (*Gazette G48, 1 December 2005*)

*National Parks (Otways and Other Amendments) Act 2005* — Remaining provisions of Part 2, and Part 3 (except s 20) on 11 December 2005 (*Gazette G49, 8 December 2005*)

*Owner Drivers and Forestry Contractors Act 2005* — Part 1, Division 5 of Part 2, Part 3 (except s 30), Part 7 and Part 8 (except s 65) and Schedule 1 on 1 February 2006 (*Gazette G3, 19 January 2006*)

*Primary Industries Acts (Amendment) Act 2005* — Section 10 on 2 February 2006 (*Gazette G4, 25 January 2006*)

*Primary Industries Acts (Further Amendment) Act 2005* — Sections 6, 8, 9(2), 21(6), 22, 24 and 29 on 1 December 2005 (*Gazette G46, 17 November 2005*)

*Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004* — Sections 30, 35 and 36 on 2 February 2006 (*Gazette G4, 25 January 2006*)

*Property (Co-ownership) Act 2005* — Whole Act on 1 February 2006 (*Gazette G3, 19 January 2006*)

*Retirement Villages (Amendment) Act 2005* — Sections 12, 14 and 16 on 30 January 2006 (*Gazette G50, 15 December 2005*)

*Transport Legislation (Further Miscellaneous Amendments) Act 2005* — Sections 9, 11 and 12 on 13 December 2005 (*Gazette S254, 13 December 2005*)

*Water (Resource Management) Act 2005* — Part 1 and ss 4, 11 and 34 on 15 December 2005 (*Gazette G50, 15 December 2005*).

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

Child Wellbeing and Safety Bill

Children, Youth and Families Bill

Commissioner for Law Enforcement Data Security Bill

Duties and Land Tax Acts (Amendment) Bill

Environment Effects (Amendment) Bill

Health Professions Registration Bill

Investigative, Enforcement and Police Powers Acts (Amendment) Bill

Mineral Resources Development (Brown Coal Royalties) Bill  
 Mines (Aluminium Agreement) (Brown Coal Royalties) Bill  
 Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Bill  
 Superannuation Legislation (Governance Reform) Bill  
 Veterans Bill  
 Water (Resource Management) Bill  
 Workplace Rights Advocate Bill.

- 23 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 22 November 2005, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Crimes (Homicide) Bill  
 Firearms (Further Amendment) Bill  
 Groundwater (Border Agreement) (Amendment) Bill  
 Major Events (Crowd Management) and Commonwealth Games Arrangements Acts (Crowd Safety Amendment) Bill  
 Prisoners (Interstate Transfer) (Amendment) Bill  
 Retail Leases (Amendment) Bill.

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

On 29 November 2005  
 Child Wellbeing and Safety Bill  
 Commissioner for Law Enforcement Data Security Bill  
 Duties and Land Tax Acts (Amendment) Bill  
 Environment Effects (Amendment) Bill  
 Investigative, Enforcement and Police Powers Acts (Amendment) Bill  
 Land Tax Bill  
 Mineral Resources Development (Brown Coal Royalties) Bill  
 Mines (Aluminium Agreement) (Brown Coal Royalties) Bill  
 Motor Car Traders and Fair Trading Acts (Amendment) Bill  
 Racing and Gambling Acts (Amendment) Bill  
 Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Bill  
 Superannuation Legislation (Governance Reform) Bill  
 Transport Legislation (Further Miscellaneous Amendments) Bill

On 7 December 2005  
 Children, Youth and Families Bill  
 Health Professions Registration Bill  
 Veterans Bill  
 Water (Resource Management) Bill  
 Workplace Rights Advocate Bill.

- 25 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Crimes (Sexual Offences) Bill

Infringements Bill  
Terrorism (Community Protection) (Amendment) Bill.

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

- 27 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 9 February 2006:

Crimes (Family Violence) (Holding Powers) Bill  
Crimes (Sexual Offences) Bill  
Guardianship and Administration (Further Amendment) Bill  
Liquor Control Reform (Amendment) Bill  
Prahran Mechanics' Institute (Amendment) Bill  
Terrorism (Community Protection) (Amendment) Bill

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

- 28 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 29 **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.
- 30 **PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

The Acting Speaker announced that the Speaker had ruled the Bill to be a private bill.

Motion made and question — That this Bill be treated as a public bill and that fees be dispensed with (*Mr Cameron*) — put and agreed to.

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.

- 31 **CRIMES (SEXUAL OFFENCES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 32 **GUARDIANSHIP AND ADMINISTRATION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 33 **CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

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

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 149 — Wednesday 8 February 2006

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

2 **DOCUMENT**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on a legislative framework for independent officers of Parliament, together with an appendix and minutes of evidence.

Ordered to be tabled and the report and appendix printed.

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

**Sewerage Connection to Tynong** — Requesting that the House urges the Government and South East Water to act now to ensure that sufficient funding is provided at the earliest possible time to allow the township of Tynong to be connected to sewerage, bearing 540 signatures (*Mr Smith*)

**Primary School, Heritage Springs Estate, Pakenham** — Requesting that the House and the Minister for Education and Training confirm the future of education in the Pakenham region by funding a new primary school in the Heritage Springs Estate in Pakenham in the 2006–07 State Budget, bearing 726 signatures (*Mr Smith*)

**Lake Mokoan and the Broken System** — Requesting that the House urges the Government to — (a) reinstate the members of the Broken System Reliability Reference Committee in

decision making on the decommissioning of Lake Mokoan and the Broken System; (b) undertake an independent assessment of the current reliability of water supply provided by the Broken System including Lake Mokoan; (c) ensure commitments given by the former and current Ministers for Water that irrigators will not be adversely affected by the decommissioning of Lake Mokoan are honoured in full; and (d) investigate the possibility of a permanent wetland in the bed of the lake to enhance reliability of supply to water users, bearing 85 signatures (*Dr Sykes*)

**Home Education** — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority, bearing 11, 44, 4, 150 and 20 signatures (*Mr Clark, Mr Ingram, Mr Robinson, Mr Leighton and Mr Walsh respectively*)

**Peninsula Aero Club** — Requesting that permission will not be granted by the Mornington Peninsula Shire Council to the Peninsula Aero Club for expansion of the certified landing area at Tyabb, bearing 15 signatures (*Ms Buchanan*)

**Bass Coast Shire** — Requesting that the House appoints an Independent Panel to comprehensively review the operation, performance and structure of the Bass Coast Shire, bearing 8 signatures (*Ms Buchanan*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 19 signatures (*Ms Buchanan*)

**Preschool Education — Recognition of Importance** — Requesting that the House recognises that preschool is the critical first step of education and moves responsibility for preschools to the Department of Education and Training, bearing 674 and 64 signatures (*Ms Buchanan and Ms Barker respectively*)

**Traffic Lights — Intersection of Bentons Road and Nepean Highway, Mt Martha** — Requesting that the Minister for Transport funds the installation of traffic lights at the intersection of Bentons Road and Nepean Highway, Mt Martha, as a matter of utmost urgency, bearing 41 signatures (*Mr Cooper*)

**Neighbourhood House Coordinators** — Requesting that the Government commits to \$84 million over five years so that both the hours and the remuneration of Neighbourhood House Coordinators can be increased, bearing 44 and 255 signatures (*Mr Maughan and Mr Walsh respectively*).

Petitions ordered to be tabled.

- 4 **PETITION — SEWERAGE CONNECTION TO TYNONG** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.

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- 5 **PETITION — PRIMARY SCHOOL, HERITAGE SPRINGS ESTATE, PAKENHAM** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 6 **PETITION — PENINSULA AERO CLUB** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 7 **PETITION — BASS COAST SHIRE** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 8 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 9 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 10 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Oakleigh be taken into consideration tomorrow (*Ms Barker*) — put and agreed to.
- 11 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 12 **PETITION — NEIGHBOURHOOD HOUSE COORDINATORS** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 13 **PETITION — TRAFFIC LIGHTS — INTERSECTION OF BENTONS ROAD AND NEPEAN HIGHWAY, MT MARTHA** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 14 **PETITION — COURT COMPLEX, NEPEAN HIGHWAY, HIGHETT** — Motion made and question — That the petition presented by the Member for Sandringham on Tuesday 7 February 2006 be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 15 **PETITION — LAKE MOKOAN AND THE BROKEN SYSTEM** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 16 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.



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

*Parliamentary Committees Act 2003* — Response of the Minister for Employment and Youth Affairs on the action taken with respect to the recommendations made by the Family and Community Development Committee's Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing

Statutory Rules under the following Acts:

*Magistrates' Court Act 1989* — SR No 6

*Human Tissue Act 1982* — SR No 7

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 4

Victorian Law Reform Commission:

Uniform Evidence Law: Report — Ordered to be printed

Implementing the Uniform Evidence Act: Report — Ordered to be printed.

- 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:
- Family and Community Development Committee's Report on the Regulation of the Funeral Industry
- Public Accounts and Estimates Committee's Report on the 2005/2006 Budget Estimates
- Road Safety Committee's Report on the Country Road Toll
- Economic Development Committee's Final Report on Labour Hire Employment in Victoria.
- 21 **INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 22 February 2006.
- 22 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 8 inclusive, be postponed until later this day.
- 23 **PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 22 February 2006.

- 24 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (EXTENSION OF PROVISIONS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

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

Ordered — That the debate be adjourned until Wednesday 22 February 2006.

*Business having been interrupted at 2.00 pm under standing orders.*

- 25 **QUESTIONS** — (Under SO 55).

- 26 **LAND (ST KILDA TRIANGLE) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 22 February 2006.

- 27 **PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 28 **TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Bracks 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 McIntosh*) — put and agreed to.

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

- 29 **PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 31 **CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

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

- 33 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 9.37 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 150 — Thursday 9 February 2006

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

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

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 49 signatures (*Mr Howard*)

**Home Education** — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority, bearing 18, 4, 4 and 47 signatures (*Mr Howard, Ms Beard, Mr Delahunty (Lowan) and Ms Duncan respectively*)

**Primary School, Heritage Springs Estate, Pakenham** — Requesting that the House and the Minister for Education and Training confirm the future of education in the Pakenham

region by funding a new primary school in the Heritage Springs Estate in Pakenham in the 2006–07 State Budget, bearing 452 signatures (*Mr Smith*)

**Compulsory Wearing of Life Jackets** — Requesting that the House rejects the regulations for the compulsory wearing of life jackets or personal floatation devices as a matter of urgency, bearing 1,314 signatures (*Mr Ingram*)

**Natural Gas for Lakes Entrance — Rural Infrastructure Development Fund** — Requesting that the House calls on the Government to provide funding for natural gas for Lakes Entrance to be reticulated through the Rural Infrastructure Development Fund, bearing 1,376 signatures (*Mr Ingram*)

**Melbourne Youth Music** — Requesting that the House urges the Government to restore the Strategic Partnerships Program Grant to Melbourne Youth Music to ensure students continue to gain equitable access to the Program, bearing 3 signatures (*Ms Duncan*)

**Public Education System** — Requesting that the House ensures that any new education and training legislation dealing with the public education system — (a) is separate and distinct from any dealing with private schools; (b) defines public education as free, secular and universal; (c) gives primacy to public education in any and all areas; and (d) provides separate legislation for registration of private schools, bearing 294 signatures (*Ms Pike*)

**Noise Attenuation Barriers — Mornington Peninsula Freeway** — Requesting that the House instructs VicRoads to build noise attenuation barriers along the Mornington Peninsula Freeway, bearing 237 signatures (*Mr Dixon*)

**High Rise Buildings — Sandringham** — Requesting that the House ensures that — (a) planning within Sandringham village conforms to the wishes of residents; (b) a 10.5 metre maximum building height is enforced within the existing shopping centre, except for buildings that abut Beach Road for which a two storey limit should be maintained; and (c) no existing residential areas should be included within higher density zones and all residential areas should be limited to two storeys with a setback, bearing 1,070 signatures (*Mr Thompson*)

**Ambulance Response — Code One** — Requesting that the House immediately acts to ensure that ambulance response for Code One emergencies in the communities of Whittlesea and Kinglake be reduced to not more than 14 minutes in 90 per cent of cases, bearing 3,464 and 2,721 signatures (*Mr Hardman and Ms Green respectively*).

Petitions ordered to be tabled.

- 3 **PETITION — PRIMARY SCHOOL, HERITAGE SPRINGS ESTATE, PAKENHAM** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 4 **PETITION — AMBULANCE RESPONSE — CODE ONE** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Mr Hardman*) — put and agreed to.

- 5 **PETITION — COMPULSORY WEARING OF LIFE JACKETS** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 6 **PETITION — NATURAL GAS FOR LAKES ENTRANCE — RURAL INFRASTRUCTURE DEVELOPMENT FUND** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 7 **PETITION — AMBULANCE RESPONSE — CODE ONE** — 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 — HIGH RISE BUILDINGS — SANDRINGHAM** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 9 **PETITION — NOISE ATTENUATION BARRIERS — MORNINGTON PENINSULA FREEWAY** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 10 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Macedon be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.
- 11 **PETITION — MELBOURNE YOUTH MUSIC** — Motion made and question — That the petition presented by the Member for Macedon be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.

12 **DOCUMENTS**

**ECONOMIC DEVELOPMENT COMMITTEE** — Mr Robinson, Chair, presented a report from the Economic Development Committee on the Viability of the Victorian Thoroughbred/Standardbred Breeding Industries, together with appendices and minutes 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:

Beaufort and Skipton Health Service — Report for the year 2004–05, together with an explanation for the delay in tabling (two documents)

East Wimmera Health Service — Report for the year 2004–05, together with an explanation for the delay in tabling

Latrobe Regional Hospital — Report for the year 2004–05, together with an explanation for the delay in tabling

Medical Practitioners Board — Report for the year ended 30 September 2005

*Rural Finance Act 1988* — Direction by the Treasurer to the Rural Finance Corporation to administer the Regional Victoria 2006 Bushfire Assistance Scheme

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 7.

13 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 28 February 2006 (*Ms Pike*) — put and agreed to.

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

15 **TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL** — Motion made and question — That the scope of the Terrorism (Community Protection) (Amendment) Bill be extended to enable consideration of amendments and new clauses in relation to the *Children and Young Persons Act 1989* and the *Children, Youth and Families Act 2005* to provide for the searching of visitors to juvenile justice facilities and to generally regulate visits to those facilities (*Mr Bracks*) — put, after debate, and agreed to.

16 **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.

17 **TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

18 **QUESTIONS** — (Under SO 55).

19 **TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

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

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

20 **BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

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

Ordered — That the debate be adjourned until Thursday 23 February 2006.

21 **EDUCATION AND TRAINING REFORM BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

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

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

Ordered — That the debate be adjourned until Thursday 23 February 2006.

- 22 **TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 7 February 2006 had expired.*

Question — That this Bill be now read a second time and Government amendment Nos 1 to 206 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.

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

- 24 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.50 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*





## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 151, 152 and 153

#### No 151 — Tuesday 28 February 2006

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55). [*The Speaker having left the Chair at 2.31 pm, resumed it at 2.34 pm*]
- 3 **STATUTE LAW (FURTHER REVISION) BILL** — Mr Bracks obtained leave to bring in a Bill '*to revise further the Statute Law of Victoria*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **SUSTAINABLE FORESTS (TIMBER) (AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the Sustainable Forests (Timber) Act 2004 to provide that transfer of certain licences to management by VicForests does not occur, to consequentially amend the National Parks (Otways and Other Amendments) Act 2005 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **ROAD SAFETY (DRUGS) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend the Road Safety Act 1986 to include "ecstasy" in the random drug testing program for drivers, to amend the Road Safety (Drug Driving) Act 2003 to remove the sunset on that program and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **DISABILITY BILL** — Ms Garbutt obtained leave to bring in a Bill '*to enact a new legislative scheme for persons with a disability, to repeal the Intellectually Disabled Persons' Services Act 1986 and the Disability Services Act 1991, to amend certain other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **MELBOURNE SAILORS' HOME (REPEAL) BILL** — Ms Garbutt obtained leave to bring in a Bill '*to repeal the Melbourne Sailors' Home Act 1986, to close the Sailors' Welfare Fund established under that Act, to provide for the transfer of all money standing to the credit of the Sailors' Welfare Fund to the Consolidated Fund and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AGED CARE SERVICES) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for the administration of drugs of dependence, Schedule 9 poisons, Schedule 8 poisons and Schedule 4 poisons to certain residents in aged care services, to amend the Nurses Act 1993 to create an offence of*

*directing or inciting unprofessional conduct and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 9 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (PROHIBITION OF DISPLAY AND SALE OF COCAINE KITS) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the **Drugs, Poisons and Controlled Substances Act 1981** to provide for a prohibition on the display and sale of cocaine kits and to amend that Act to further provide for offences committed by bodies corporate and for other purposes'*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **VALUATION OF LAND (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Valuation of Land Act 1960**, the **Victorian Civil and Administrative Tribunal Act 1998** and the **County Court Act 1958** and for other purposes'*'; and, 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:

**Home Education** — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority, bearing 25, 12, 15, 22, 6, 48, 6, 17, 11, 1, 6, 49, 2, 6 and 14 signatures (*Mr Lockwood, Ms Allan, Mr Stensholt, Ms McTaggart, Mr Harkness, Ms Lobato, Mr Langdon, Mr Merlino, Mr Jenkins, Ms Morand, Mr Andrews, Mr Dixon, Mr Lupton, Mr Maughan and Ms Gillett respectively*)

**Albion North Primary School** — Requesting that Albion North Primary School be replaced with new school buildings as soon as possible, bearing 265 signatures (*Mr Languiller*)

**Retirement Villages Act 1986** — Requesting that the House ensures that the Government — (a) takes immediate action to proclaim all the amendments to the *Retirement Villages Act 1986*; (b) requires retirement village contracts to specify and protect residents' rights; (c) regulates for contracts to be in a form that can be understood by residents, prospective residents, and their legal or financial advisors; and (d) provides accessible and affordable avenues of redress for residents with current contracts that include unfair provisions, bearing 115 and 1 signatures (*Ms Eckstein and Ms Lobato respectively*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 36 signatures (*Mr Merlino*)

**Rosebud Hospital** — Requesting that the House solves the problem of people having to wait inordinate times for surgery at Peninsula Health, Frankston Hospital and the overworked Emergency Ward at Frankston by upgrading the Rosebud Hospital to treat a wider range of medical conditions, bearing 81 signatures (*Mr Dixon*)

**Neighbourhood House Coordinators** — Requesting that the Government commits to \$84 million over five years so that both the hours and the remuneration of Neighbourhood House Coordinators can be increased, bearing 29 signatures (*Mr Maughan*)

**Ambulance Response — Code One** — Requesting that the House immediately acts to ensure that ambulance response for Code One emergencies in the communities of Whittlesea and Kinglake be reduced to not more than 14 minutes in 90 per cent of cases, bearing 128 signatures (*Ms Green*).

Petitions ordered to be tabled.

- 12 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 13 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Bendigo East be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 14 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 15 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 16 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Gembrook be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 17 **PETITION — RETIREMENT VILLAGES ACT 1986** — Motion made and question — That the petition presented by the Member for Gembrook be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 18 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Ivanhoe be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 19 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Monbulk be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 20 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Monbulk be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 21 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 22 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Mount Waverley be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

- 23 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Mulgrave be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 24 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Prahran be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 25 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 26 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Tarneit be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 27 **PETITION — AMBULANCE RESPONSE — CODE ONE** — 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.
- 28 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 29 **PETITION — ALBION NORTH PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Derrimut be taken into consideration tomorrow (*Mr Languiller*) — put and agreed to.

30 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 2 of 2006 on the:

Building and Construction Industry Security of Payment (Amendment) Bill  
 Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill  
 Education and Training Reform Bill  
 Interpretation of Legislation (Further Amendment) Bill  
 Land (St Kilda Triangle) Bill  
 National Parks (Otways and Other Amendments) Bill  
 Public Sector Employment (Award Entitlements) Bill  
 Retail Leases (Amendment) Bill  
 Terrorism (Community Protection) (Amendment) Bill

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:

*Commonwealth Games Arrangements Act 2001* — Orders under s 18 (25 orders)

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 3

*Land Acquisition and Compensation Act 1986* — Certificate under s 7

*Legal Profession Act 2004* — Practitioner Remuneration Order under s 3.4.24

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

Brimbank Planning Scheme — No C85  
 Buloke Planning Scheme — No C11  
 Frankston Planning Scheme — No C36  
 Gannawarra Planning Scheme — No C13  
 Greater Shepparton Planning Scheme — No C63  
 Hume Planning Scheme — No C76  
 Latrobe Planning Scheme — No C34  
 Macedon Ranges Planning Scheme — No C48  
 Maroondah Planning Scheme — No C48  
 Moira Planning Scheme — No C24 Part 1  
 Nillumbik Planning Scheme — No C43  
 Stonnington Planning Scheme — No C53  
 Strathbogie Planning Scheme — No C20  
 Surf Coast Planning Scheme — No C28  
 Whitehorse Planning Scheme — No C63

Statutory Rules under the following Acts:

*Mineral Resources Development Act 1990* — SR No 8

*Racing Act 1958* — SR No 11

*Transport Act 1983* — SR Nos 9, 10

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rule Nos 8, 10, 11

*Transport Act 1983* — Final Report by the Essential Services Commission on the Review of Accident Towing and Storage Fees 2005

Victorian Privacy Commissioner — Jenny's Case: Report of an Investigation into the Office of Police Integrity pursuant to Part 6 of the *Information Privacy Act 2000* — Ordered to be printed.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

*Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Act 2004* — Section 37 (except paragraph (b)) on 1 March 2006 (*Gazette G8, 23 February 2006*)

*Prisoners (Interstate Transfer) (Amendment) Act 2005* — Section 7(1) on 23 February 2006 (*Gazette G8, 23 February 2006*)

*Transport Legislation (Further Miscellaneous Amendments) Act 2005* — Part 4 and s 35 on 10 February 2006 (*Gazette G6, 9 February 2006*).

31 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Education and Training Reform Bill.

32 **COMPLAINT** — The Speaker informed the House that the Member for Preston had lodged with her written notification of a complaint, that a constituent who had provided information to the Member relating to an issue that he had previously raised in the House, later received a solicitor's letter threatening legal action if the Member repeated certain allegations in 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 Preston on Tuesday 28 February 2006 be referred to the Privileges Committee for examination and report (*Mr Leighton*) — put, after debate, and agreed to.

33 **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 March 2006:

Crimes (Document Destruction) Bill  
 Gambling Regulation (Miscellaneous Amendments) Bill  
 Infringements Bill  
 Justice Legislation (Miscellaneous Amendments) Bill  
 Rail Safety Bill  
 Transport Legislation (Safety Investigations) Bill

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

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

35 **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.

36 **TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL AND RAIL SAFETY BILL** — Order read for resuming debate on question — That these Bills be now read a second time.

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

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

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

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 **CRIMES (DOCUMENT DESTRUCTION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

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

Crimes (Sexual Offences) Bill

Prahran Mechanics' Institute (Amendment) Bill

Guardianship and Administration (Further Amendment) Bill.

- 40 **GAMBLING REGULATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

*Business having been interrupted at 10.00 pm under standing orders.*

- 41 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.49 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 152 — Wednesday 1 March 2006

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

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

**Country Taxi Operator Costs** — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of wheel chair friendly taxi services as Melbourne taxis and public transport, bearing 203 signatures (*Dr Sykes*)

**Lake Mokoan and the Broken System** — Requesting that the House urges the Government to — (a) reinstate the members of the Broken System Reliability Reference Committee in decision making on the decommissioning of Lake Mokoan and the Broken System; (b)

undertake an independent assessment of the current reliability of water supply provided by the Broken System including Lake Mokoan; (c) ensure commitments given by the former and current Ministers for Water that irrigators will not be adversely affected by the decommissioning of Lake Mokoan are honoured in full; and (d) investigate the possibility of a permanent wetland in the bed of the lake to enhance reliability of supply to water users, bearing 995 signatures (*Dr Sykes*)

**Home Education** — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority, bearing 5, 6, 6, 22, 25, 28, 30, 6, 47 and 4 signatures (*Mr Kotsiras, Ms Lindell, Ms Eckstein, Mr Langdon, Mr Delahunty (Lowan), Ms Munt, Mr Cooper, Mr Maxfield, Ms Barker and Mr Leighton respectively*)

**Retirement Villages Act 1986** — Requesting that the House ensures that the Government — (a) takes immediate action to proclaim all the amendments to the *Retirement Villages Act 1986*; (b) requires retirement village contracts to specify and protect residents' rights; (c) regulates for contracts to be in a form that can be understood by residents, prospective residents, and their legal or financial advisors; and (d) provides accessible and affordable avenues of redress for residents with current contracts that include unfair provisions, bearing 64 signatures (*Ms Lindell*)

**Car Parking Facilities — Cranbourne Railway Station** — Requesting that consideration be given to increasing car parking facilities at the Cranbourne Railway Station in order to alleviate the necessity of commuters having to use surrounding streets for parking, bearing 201 signatures (*Mr Perera*)

**Police Presence at Loch Sport** — Requesting that the House calls upon the Government to make funding available to erect a permanent 24 hour police station at Loch Sport, bearing 444 signatures (*Mr Ryan*)

**Public Education System** — Requesting that the House ensures that any new education and training legislation dealing with the public education system — (a) is separate and distinct from any dealing with private schools; (b) defines public education as free, secular and universal; (c) gives primacy to public education in any and all areas; and (d) provides separate legislation for registration of private schools, bearing 443 signatures (*Mr Langdon*)

**Toxic Waste Facility — Mildura Region** — Requesting that the Government abandons its proposal to place a toxic waste facility in the Mildura area, bearing 103 signatures (*Mr Savage*)

**Court Complex, Nepean Highway, Highett** — Requesting that the House calls on the Government to rename the court complex to be constructed on the former Gas and Fuel site, Nepean Highway, Highett, the Highett Court House and advise when a new court house will be built in Moorabbin as promised at the last election, bearing 43 signatures (*Mr Thompson*)

**Mooroopna and District Police Stations** — Requesting that the House directs the Minister for Police and Emergency Services to investigate and correct the lack of resources at the Mooroopna and district police stations, bearing 2,048 signatures (*Mrs Powell*)



**Resident Replacement Police Presence — Town of Murchison** — Requesting that a resident replacement police presence be provided in the town of Murchison during periods when the existing officer is on leave, bearing 143 signatures (*Mrs Powell*)

**Neighbourhood House Coordinators** — Requesting that the Government commits to \$84 million over five years so that both the hours and the remuneration of Neighbourhood House Coordinators can be increased, bearing 26 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 3 **PETITION — COUNTRY TAXI OPERATOR COSTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 4 **PETITION — LAKE MOKOAN AND THE BROKEN SYSTEM** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 5 **PETITION — TOXIC WASTE FACILITY — MILDURA REGION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 6 **PETITION — CAR PARKING FACILITIES — CRANBOURNE RAILWAY STATION** — Motion made and question — That the petition presented by the Member for Cranbourne be taken into consideration tomorrow (*Mr Perera*) — put and agreed to.
- 7 **PETITION — MOOROOPNA AND DISTRICT POLICE STATIONS** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 8 **PETITION — RESIDENT REPLACEMENT POLICE PRESENCE — TOWN OF MURCHISON** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 9 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 10 **PETITION — COURT COMPLEX, NEPEAN HIGHWAY, HIGHETT** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 11 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Bulleen be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.
- 12 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Parliamentary Committees Act 2003* — Response of the Attorney-General on the action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations

Committee's Final Report on Discrimination in the Law, Inquiry under section 207 of the *Equal Opportunity Act 1995*

Victorian Law Reform Commission — Report on the Review of Family Violence Laws — Ordered to be printed.

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

14 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — GOVERNMENT WASTE AND MISMANAGEMENT** — The House was informed that Mr Honeywood had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the waste and mismanagement of the Bracks Government and, in particular, its obsession with self promotion through an annual advertising expenditure of \$80 million while failing to deliver essential services or complete projects on time and on budget.'

Mr Honeywood addressed the House — Discussion followed.

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

Public Accounts and Estimates Committee's Report on Corporate Governance in the Victorian Public Sector

Family and Community Development Committee's Report on the Regulation of the Funeral Industry

Family and Community Development Committee's Report on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing

Road Safety Committee's Report on the Inquiry into Crashes Involving Roadside Objects

Road Safety Committee's Report on the Inquiry into the Country Road Toll

Public Accounts and Estimates Committee's Report on the 2005/06 Budget Estimates

Public Accounts and Estimates Committee's Report on a legislative framework for independent officers of Parliament.

16 **SUSTAINABLE FORESTS (TIMBER) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Wednesday 15 March 2006.

- 17 **ROAD SAFETY (DRUGS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

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

Ordered — That the debate be adjourned until Wednesday 15 March 2006.

- 18 **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.

- 19 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (PROHIBITION OF DISPLAY AND SALE OF COCAINE KITS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

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

Ordered — That the debate be adjourned until Wednesday 15 March 2006.

- 20 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AGED CARE SERVICES) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

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

Ordered — That the debate be adjourned until Wednesday 15 March 2006.

*Business having been interrupted at 2.00 pm under standing orders.*

- 21 **QUESTIONS** — (Under SO 55).

- 22 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 6 to 11 inclusive, be postponed until later this day.

- 23 **STATUTE LAW (FURTHER REVISION) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

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

Ordered — That the debate be adjourned until Wednesday 15 March 2006.

- 24 **VALUATION OF LAND (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 15 March 2006.

- 25 **MELBOURNE SAILORS' HOME (REPEAL) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

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

Ordered — That the debate be adjourned until Wednesday 15 March 2006.

- 26 **DISABILITY BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

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

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

Amendment proposed — That the word 'weeks' be omitted with the view of inserting in its place the word 'months' (*Mrs Shardey*) — and, after debate —

Question — That the word proposed to be omitted stand part of the question — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 15 March 2006.

- 27 **JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 28 **TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL AND RAIL SAFETY BILL** — Order read for resuming debate on question — That these Bills be now read a second time.

Amendment proposed to the **Transport Legislation (Safety Investigations) Bill** — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until a final resolution has been reached by all states in relation to the National Transport Commission's Draft Rail Safety Bill and that further discussion has been entered into via invitation from the Federal Government to simplify regulation for rail operators in all states' (*Mr Mulder*) —

Amendment proposed to the **Rail Safety Bill** — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until a final resolution has been reached by all states in relation to the National Transport Commission's Draft Rail Safety Bill and that further discussion has been entered

into via invitation from the Federal Government to simplify regulation for rail operators in all states' (*Mr Mulder*) — and, after debate —

Question — That, in relation to the **Transport Legislation (Safety Investigations) Bill**, the words proposed to be omitted stand part of the question — put.

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

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Stensholt; Mr Trezise.

NOES 20

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Wells.

Question agreed to.

**Transport Legislation (Safety Investigations) Bill** read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

Question — That, in relation to the **Rail Safety Bill**, the words proposed to be omitted stand part of the question — put.

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

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Stensholt; Mr Thwaites; Mr Trezise.

NOES 20

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Wells.

Question agreed to.

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

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

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Stensholt; Mr Thwaites; Mr Trezise.

NOES 20

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Wells.

Question agreed to.

**Rail Safety Bill** considered in detail and agreed to with amendments, read a third time (*see pp 986–97*).

Bill sent to the Legislative Council and their agreement requested.

- 29 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Terrorism (Community Protection) (Amendment) Bill without amendment.
- 30 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 31 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 10.26 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 153 — Thursday 2 March 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Home Education** — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction

without reference to a statutory authority, bearing 24, 140, 36, 16, 4, 3, 3, 15 and 31 signatures (*Mr Howard, Mr Cameron, Mr Clark, Mr Perton, Ms Marshall, Mr Ingram, Mr Dixon, Ms Campbell and Ms Green respectively*)

**13–25 Yarram Crescent, Clayton** — Requesting that the House — (a) intervenes through the use of any or all of its powers to halt the sale of Council owned land by Monash City Council located at 13–25 Yarram Crescent, Clayton; and (b) instructs the Monash Council to develop the land into a public open space for the enjoyment and use of the residents, rate payers and visitors to Clayton, bearing 484 signatures (*Mr Lim*)

**VCE English Standard** — Requesting that the House urges the Government to reverse the proposal to lower the VCE English standard requiring students to read only one book in their final year of school, bearing 26 signatures (*Mr Perton*)

**Police School Involvement Program** — Requesting that the House supports the reinstatement of the Police School Involvement Program to build a secure environment for the children of Victoria, bearing 85 signatures (*Mr Perton*)

**Greenvale High School** — Requesting that the House urges the Government to reverse the proposed action to sell land on the corner of Barrymore Road and Glencairn Drive in Greenvale reserved for a secondary school and establish a Greenvale High School, bearing 484 signatures (*Mr Perton*)

**Public Education System** — Requesting that the House ensures that any new education and training legislation dealing with the public education system — (a) is separate and distinct from any dealing with private schools; (b) defines public education as free, secular and universal; (c) gives primacy to public education in any and all areas; and (d) provides separate legislation for registration of private schools, bearing 456 signatures (*Mr Perton*)

**Retirement Villages Act 1986** — Requesting that the House ensures that the Government — (a) takes immediate action to proclaim all the amendments to the *Retirement Villages Act 1986*; (b) requires retirement village contracts to specify and protect residents' rights; (c) regulates for contracts to be in a form that can be understood by residents, prospective residents, and their legal or financial advisors; and (d) provides accessible and affordable avenues of redress for residents with current contracts that include unfair provisions, bearing 15 and 154 signatures (*Ms Marshall and Mr Wells respectively*)

**Compulsory Wearing of Life Jackets** — Requesting that the House rejects the regulations for the compulsory wearing of life jackets or personal flotation devices as a matter of urgency, bearing 665 signatures (*Mr Ingram*)

**Rail Level Crossings** — Requesting that the House enshrines in law that all level crossings on all active rail lines within the State be grade separated, bearing 3,761 signatures (*Mr Mulder*).

Petitions ordered to be tabled.

- 3 **PETITION — HOME EDUCATION** — 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.

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- 4     **PETITION — RETIREMENT VILLAGES ACT 1986** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 5     **PETITION — 13–25 YARRAM CRESCENT, CLAYTON** — Motion made and question — That the petition presented by the Member for Clayton be taken into consideration tomorrow (*Mr Lim*) — put and agreed to.
- 6     **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Ballarat East be taken into consideration tomorrow (*Mr Howard*) — put and agreed to.
- 7     **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 8     **PETITION — COMPULSORY WEARING OF LIFE JACKETS** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 9     **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 10    **PETITION — VCE ENGLISH STANDARD** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 11    **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 12    **PETITION — GREENVALE HIGH SCHOOL** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 13    **PETITION — PUBLIC EDUCATION SYSTEM** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 14    **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 15    **PETITION — HOME EDUCATION** — 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.



16 **DOCUMENTS**

**VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS** — Motion made, by leave, and question — That the Victorian Government Indigenous Affairs Report for the year 2004–05 be tabled (*Mr Thwaites*) — put and agreed to.

**EDUCATION AND TRAINING COMMITTEE** — Mr Herbert, Chair, presented a report from the Education and Training Committee on the Inquiry into the promotion of mathematics and science education, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on the Review of the report on the performance audit of the Victorian Auditor-General's Office.

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 for the year ended 31 October 2005

*Mental Health Act 1986* — Report of the Community Visitors for the year 2004–05

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2005

*Parliamentary Committees Act 2003* — Response of the Treasurer on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's report on the review of the Auditor-General's report on Parliamentary Control and Management of Appropriations

Statutory Rules under the following Acts:

*Corrections Act 1986* — SR No 14

*Drugs, Poisons and Controlled Substances Act 1981* — SR No 16

*Fisheries Act 1995* — SR No 12

*Liquor Control Reform Act 1998* — SR No 13

*State Superannuation Act 1988* — SR No 15

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rule Nos 12, 13.

17 **STATUTE LAW (FURTHER REVISION) BILL** — Motion made, by leave, and question — That the proposals contained in the Statute Law (Further Revision) Bill be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report (*Mr Bracks*) — put and agreed to.

18 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 28 March 2006 (*Mr Cameron*) — put and agreed to.

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

20 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Motion made and question — That the House grants leave to permit the Public Accounts and Estimates Committee to meet and take evidence for the purposes of the 2006–07 Budget Estimates Inquiry when the House is actually sitting (*Mr Batchelor*) — after debate, put.

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

AYES 71

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wynne.

NOES 8

Mr Delahunty (*Lowan*); Mr Ingram; Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

Question agreed to.

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

*Business having been interrupted at 2.00 pm under standing orders.*

22 **QUESTIONS** — (Under SO 55).

23 **INFRINGEMENTS BILL** — 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.

24 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Delahunty, Northcote*) — put and agreed to.

25    **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 3.41 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### CONSIDERATION IN DETAIL Supplement to Votes Nos 151, 152 and 153

#### No 152 — Wednesday 1 March 2006

##### **RAIL SAFETY BILL**

**Clauses 1 and 2** agreed to.

**Clause 3**, Mr Batchelor moved amendment Nos 1 to 4 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 4 to 10** agreed to.

**Clause 11**, Mr Batchelor moved amendment Nos 5 to 8 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clause 12**, Mr Batchelor moved amendment Nos 9 and 10 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clause 13** agreed to.

**Clause 14**, Mr Batchelor moved amendment No 11 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 15 to 19** agreed to.

**Clause 20**, Mr Batchelor moved amendment No 12 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 21**, Mr Batchelor moved amendment No 13 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 22**, Mr Batchelor moved amendment No 14 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 23 to 32** agreed to.

**Clause 33**, Mr Batchelor moved amendment Nos 15 to 18 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clause 34** agreed to.

**Clause 35**, Mr Batchelor moved amendment No 19 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 36 to 38** agreed to.

**Clause 39** defeated.

**Clause 40**, Mr Batchelor moved amendment Nos 21 to 23 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 41 to 48** agreed to.

**Clauses 49 to 51** defeated.

**Clause 52** agreed to.

**Clause 53**, Mr Batchelor moved amendment No 25 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 54 to 64** agreed to.

**Clause 65**, Mr Batchelor moved amendment Nos 26 and 27 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clause 66**, Mr Batchelor moved amendment No 28 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 67 to 96** agreed to.

**Clause 97** defeated.

**Clauses 98 to 100** agreed to.

**Heading Part 9, Division 3**, Mr Batchelor moved amendment No 30 (*see Schedule*).

Amendment put and agreed to.

**Clause 101**, Mr Batchelor moved amendment Nos 31 and 32 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 102 and 103** agreed to.

**Clause 104**, Mr Batchelor moved amendment No 33 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Heading Part 9, Division 4**, Mr Batchelor moved amendment No 34 (*see Schedule*).

Amendment put and agreed to.

**Clause 105**, Mr Batchelor moved amendment Nos 35 and 36 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 106 to 116** agreed to.

**Clause 117**, Mr Batchelor moved amendment Nos 37 and 38 (*see Schedule*).

Amendments put and agreed to.

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Clause agreed to as amended.

**Clauses 118 to 124** agreed to.

**Clause 125**, Mr Batchelor moved amendment No 39 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 126** agreed to.

**Clause 127**, Mr Batchelor moved amendment Nos 40 to 42 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 128 to 156** agreed to.

**Clause 157**, Mr Batchelor moved amendment No 43 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 158**, Mr Batchelor moved amendment No 44 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 159 to 170** agreed to.

**New Clauses AA to DD**, agreed to (*see Schedule*).

**New Clause EE and Division Heading**, agreed to (*see Schedule*).

Question — That the House agrees to the Bill with amendments — put.

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

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Stensholt; Mr Thwaites; Mr Trezise.

## NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.



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## SCHEDULE OF AMENDMENTS MOVED

### RAIL SAFETY BILL

Amendments moved by Mr Batchelor

1. Heading to clause 3, after "Definitions" insert "and interpretation".
2. Clause 3, line 15, before "In" insert "(1)".
3. Clause 3, page 3, line 30, omit "a person" and insert "the rail safety worker".
4. Clause 3, page 12, after line 22 insert—
  - ( ) For the purposes of this Act, a rail infrastructure manager is deemed to carry out rail infrastructure operations supplied to the rail infrastructure manager by—
    - (a) a rail contractor engaged directly or indirectly by the rail infrastructure manager to supply those operations to the rail infrastructure manager; or
    - (b) a sub-contractor of the rail contractor referred to in paragraph (a).
  - ( ) For the purposes of this Act, a rolling stock operator is deemed to carry out rolling stock operations supplied to the rolling stock operator by—
    - (a) a rail contractor engaged directly or indirectly by the rolling stock operator to supply those operations to the rolling stock operator; or
    - (b) a sub-contractor of the rail contractor referred to in paragraph (a).
  - ( ) For the purposes of this Act—
    - (a) an accredited rail operator is deemed to carry out rail infrastructure operations or rolling stock operations supplied to the accredited rail operator by—
      - (i) a rail contractor engaged directly or indirectly by the accredited rail operator to supply those operations to the accredited rail operator; or
      - (ii) a sub-contractor of the rail contractor referred to in sub-paragraph (i); and
    - (b) rail infrastructure operations or rolling stock operations referred to in paragraph (a) are deemed to be accredited rail operations."
5. Heading to clause 11, after "Objects" insert "and principles of rail safety".
6. Clause 11, line 11, omit "safety—" and insert "safety."
7. Clause 11, lines 12 and 13, omit all words and expressions on these lines.
8. Clause 11, lines 14 to 16, omit sub-section (2) and insert—
  - ( ) The Parliament does not intend by Part 2 to create in any person any legal right or give rise to any civil cause of action."
9. Clause 12, line 18, before "This" insert "(1)".
10. Clause 12, after line 21, insert—

"( ) To avoid doubt, the Crown is a body corporate for the purposes of this Act or the regulations."

11. Clause 14, lines 21 and 22, omit "That person is the rail operator carrying out those operations."
12. Clause 20, lines 6 to 8, omit "the rail infrastructure manager's rail infrastructure operations" and insert "rail infrastructure operations carried out by the rail infrastructure manager".
13. Clause 21, lines 9 and 10, omit "the rolling stock operator's rolling stock operations" and insert "rolling stock operations carried out by the rolling stock operator".
14. Clause 22, page 24, line 25, after "operations" (where secondly occurring) insert "to a rail operator".
15. Clause 33, line 13, omit "(2)" and insert "(3)".
16. Clause 33, lines 15 to 31, omit all words and expressions on these lines and insert—
 

"( ) If—

  - (a) a rail operator is carrying out, or proposes to carry out, rail operations on land on which there are works of a utility or within the immediate vicinity of the works of a utility; and
  - (b) the Safety Director reasonably believes the rail operations threaten, or are likely to threaten, the works or the safe provision by the utility of (as the case requires) gas, electricity or other like services—

the Safety Director may give the rail operator a written direction to stop, alter or not to start the rail operations.

( ) If the utility referred to in sub-section (1) or (2) is a utility that provides, or intends to provide, gas, electricity or other like services, the Safety Director must consult with Energy Safe Victoria before giving a direction under either of those sub-sections."
17. Clause 33, page 34, line 1, omit "refuse to comply with," and insert "refuse, to comply with".
18. Clause 33, page 34, lines 8 and 9, omit "refuse to comply with, a direction under sub-section (3)" and insert "refuse, to comply with a direction under sub-section (2)".
19. Clause 35, lines 8 and 9, omit "competency and capacity to manage the risks associated with major incidents" and insert "competence and capacity to manage the risks to safety associated with the rail operations for which accreditation was sought".
20. Clause 39, omit this clause.
21. Clause 40, page 40, line 1, omit "competency" and insert "competence".
22. Clause 40, page 40, line 5, omit "complied" insert "taken all reasonable steps to comply".
23. Clause 40, page 40, lines 8 and 9, omit ", so far as it relates to major incidents,".
24. Clauses 49 to 51, omit these clauses.

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25. Clause 53, line 17, after "accredited" insert "rail".
26. Heading to clause 65, omit "assessment" and insert "management".
27. Clause 65, line 16, omit "they comply with Division 3" insert "the accredited rail operator has taken all reasonable steps to comply with the requirements in sections 50 to 52".
28. Heading to clause 66, omit "assessment" and insert "management".
29. Clause 97, omit this clause.
30. Division heading preceding clause 101, omit "3" and insert "4".
31. Clause 101, line 30, after "under" insert "Division 2 or 3 of".
32. Clause 101, page 128, omit sub-section (2) and insert—  
 "Note: See also section 51 of the **Interpretation of Legislation Act 1984**.  
 ( ) If a provision of this Act or the regulations made under this Act is inconsistent with a provision of the **Occupational Health and Safety Act 2004** or the regulations made under that Act, the **Occupational Health and Safety Act 2004** or the regulations made under it prevail to the extent of the inconsistency.  
 ( ) Compliance with this Act or the regulations made under this Act, or with any requirement imposed under this Act or the regulations, is not in itself a defence in any proceedings for an offence against the **Occupational Health and Safety Act 2004** or the regulations made under that Act.  
 ( ) Evidence of a relevant contravention of this Act or the regulations made under this Act is admissible in any proceedings for an offence against the **Occupational Health and Safety Act 2004** or the regulations made under that Act."
33. Clause 104, line 11, omit "Order" and insert "instrument".
34. Division heading preceding clause 105, omit "4" and insert "5".
35. Clause 105, after line 6 insert—  
 "(b) annual accreditation fees and additional fees for the late payment of annual accreditation fees;"
36. Clause 105, line 7, omit "(b)" and insert "(c)".
37. Clause 117, page 152, line 15, omit "Act; and" and insert "Act".
38. Clause 117, page 152, lines 16 and 17, omit all words and expressions on these lines.
39. Clause 125, page 177, after line 19 insert—  
**"228SA. Crown to be bound**  
 (1) This Division binds the Crown, not only in right of Victoria but also, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.  
 (2) To avoid doubt, the Crown is a body corporate for the purposes of this Division."

40. Clause 127, page 233, lines 22 to 29, omit all words and expressions on these lines and insert—

"Note: See also section 51 of the **Interpretation of Legislation Act 1984**.

- (2) If a relevant rail safety duty law is inconsistent with a provision of the **Occupational Health and Safety Act 2004** or the regulations made under that Act, the **Occupational Health and Safety Act 2004** or the regulations made under it prevail to the extent of the inconsistency.
- (3) Compliance with a relevant rail safety duty law, or with any requirement imposed under a relevant rail safety duty law, is not in itself a defence in any proceedings for an offence against the **Occupational Health and Safety Act 2004** or the regulations made under that Act.
- (4) Evidence of a relevant contravention of a relevant rail safety duty law is admissible in any proceedings for an offence against the **Occupational Health and Safety Act 2004** or the regulations made under that Act."
41. Clause 127, page 234, line 3, omit "and 2" and insert "to 3".
42. Clause 127 page 234, line 11, omit "and 2" and insert "to 3".
43. Clause 157, page 244, line 18, after "works," insert "or the safe provision by the electricity corporation of electricity or other like services,".
44. Clause 158, page 247, line 8, after "works," insert "or the safe provision by a gas distribution company or gas transmission company of gas or other like services,".

#### NEW CLAUSES

45. Insert the following New Clause to follow clause 38—

**"AA. Criteria on which accreditation applications by rail infrastructure managers are to be assessed**

The Safety Director must accredit a rail infrastructure manager in respect of the rail infrastructure operations the rail infrastructure manager carries out if the Safety Director is satisfied that—

- (a) the rail infrastructure manager—
- (i) is accredited in another State or a Territory of the Commonwealth to carry out rail infrastructure operations of a similar kind in that State or Territory; or
  - (ii) has the competence and capacity to carry out those operations safely; and
- (b) the rail infrastructure manager has—
- (i) taken all reasonable steps to comply with Division 3; and
  - (ii) demonstrated to the Safety Director that—
    - (A) the rail infrastructure manager's safety management system complies with Division 4 of Part 3; and
    - (B) the rail infrastructure manager has complied with section 26; and

- (iii) the financial capacity, or has public risk insurance arrangements, to meet reasonable potential accident liabilities arising from the carrying out of rail infrastructure operations."

46. Insert the following New Clauses to follow the heading to Division 3 of Part 5—

**'BB. Application of Division**

- (1) This Division applies to every rail infrastructure manager and rolling stock operator who applies under Division 2 to be accredited under this Part in respect of (as the case requires) the rail infrastructure operations or rolling stock operations they carry out or intend to carry out.
- (2) The rail infrastructure manager or rolling stock operator must, as part of their application, include information, in writing, that evidences that they have taken all reasonable steps to comply with the requirements of this Division.

**CC. Identification of incidents and hazards, and risk assessment**

- (1) A rail infrastructure manager must—
  - (a) identify all incidents which could occur on or at rail infrastructure or while carrying out rail infrastructure operations; and
  - (b) identify all hazards that could cause, or contribute to causing, those incidents.
- (2) A rolling stock operator must—
  - (a) identify all incidents which could occur while carrying out rolling stock operations; and
  - (b) identify all hazards that could cause, or contribute to causing, those incidents.
- (3) A rail infrastructure manager or rolling stock operator must document all aspects of any identification required by (as the case requires) sub-section (1) or (2), including the methods and criteria used for identifying the incidents and hazards.
- (4) A rail operator must conduct a comprehensive and systematic assessment in relation to all possible incidents and all hazards identified in accordance with (as the case requires) sub-section (1) or (2).
- (5) An assessment must involve an examination and analysis of the hazards and incidents identified in accordance with (as the case requires) sub-section (1) or (2) that provide the rail operator with a detailed understanding of all aspects of risk to safety associated with the incidents, including—
  - (a) the nature of each hazard and incident; and
  - (b) the likelihood of each hazard causing an incident; and
  - (c) in the event of an incident occurring—
    - (i) its magnitude; and
    - (ii) the severity of its consequences of the incident; and
  - (d) the range of control measures considered.
- (6) In conducting an assessment, the rail operator must—
  - (a) consider hazards cumulatively as well as individually; and

- (b) use assessment methodologies (whether quantitative or qualitative, or both) that are appropriate to the hazards being considered.
- (7) The rail operator must document all aspects of the assessment, and the documentation must—
  - (a) describe the methodology used in the examination and analysis; and
  - (b) state all the matters specified in sub-section (5)(a) to (d); and
  - (c) contain judgments as to the matters specified in sub-section (5)(a) and (b), and reasons for those judgments; and
  - (d) contain, in relation to the range of control measures considered—
    - (i) statements as to their viability and effectiveness; and
    - (ii) reasons for selecting certain control measures and rejecting others.
- (8) In this section—
 

**"incident"** includes major incident.

**DD. Measures to control likelihood, magnitude and severity of consequences of incidents**

A rail operator must adopt measures that eliminate or, if it is not practicable to eliminate, that reduce, so far as is reasonably practicable—

- (a) the likelihood of an incident referred to in section 50 occurring; or
- (b) in the event of an incident referred to in section 50 occurring—
  - (i) the magnitude of the incident; and
  - (ii) the severity of the consequences of the incident.'

47. Insert the following Division heading and New Clause to follow clause 100—

**'Division 3—Proceedings against the Crown**

**EE. Responsible agency for the Crown**

- (1) If proceedings are brought against the Crown for an offence against this Act or the regulations the responsible agency in respect of the offence may be specified in any document initiating, or relating to, the proceedings.
- (2) In this section, the **"responsible agency"** in respect of an offence is the agency of the Crown—
  - (a) whose acts or omissions are alleged to constitute the offence; or
  - (b) if that agency has ceased to exist, that is the successor of that agency; or
  - (c) if that agency has ceased to exist and there is no clear successor, that the court declares to be the responsible agency.
- (3) The responsible agency in respect of an offence is entitled to act in proceedings against the Crown for the offence and, subject to any relevant rules of court, the procedural rights and obligations of the Crown as the accused in the proceedings are conferred or imposed on the responsible agency.
- (4) The person prosecuting the offence may change the responsible agency during the proceedings with the court's leave.

(5) In this section—

"agency" includes the Director within the meaning of the **Transport Act 1983**!





## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 154, 155 and 156

#### No 154 — Tuesday 28 March 2006

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

2 **QUESTIONS** — (Under SO 55).

3 **FINANCIAL MANAGEMENT (MISCELLANEOUS AMENDMENTS) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the **Financial Management Act 1994** in relation to budget management, powers over land and financial regulations and directions and for other purposes*'; and, 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:

**Lake Mokoan and the Broken System** — Requesting that the House urges the Government to — (a) reinstate the members of the Broken System Reliability Reference Committee in decision making on the decommissioning of Lake Mokoan and the Broken System; (b) undertake an independent assessment of the current reliability of water supply provided by the Broken System including Lake Mokoan; (c) ensure commitments given by the former and current Ministers for Water that irrigators will not be adversely affected by the decommissioning of Lake Mokoan are honoured in full; and (d) investigate the possibility of a permanent wetland in the bed of the lake to enhance reliability of supply to water users, bearing 13 signatures (*Dr Sykes*)

**Home Education** — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority, bearing 15, 9, 6, 6, 6 and 15 signatures (*Dr Sykes, Ms Allan, Ms Asher, Mr Loney, Mr Dixon and Dr Naphine respectively*)

**Retirement Villages Act 1986** — Requesting that the House ensures that the Government — (a) takes immediate action to proclaim all the amendments to the *Retirement Villages Act 1986*; (b) requires retirement village contracts to specify and protect residents' rights; (c) regulates for contracts to be in a form that can be understood by residents, prospective residents, and their legal or financial advisors; and (d) provides accessible and affordable avenues of redress for residents with current contracts that include unfair provisions, bearing 82 signatures (*Mr Stensholt*)

**Melbourne Youth Music** — Requesting that the House urges the Government to restore the Strategic Partnerships Program Grant to Melbourne Youth Music to ensure students continue to gain equitable access to the Program, bearing 1,937 and 7 signatures (*Mr Perton and Mr Harkness respectively*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 329 signatures (*Mr Merlino*)

**Rosebud Hospital** — Requesting that the House solves the problem of people having to wait inordinate times for surgery at Peninsula Health, Frankston Hospital and the overworked Emergency Ward at Frankston by upgrading the Rosebud Hospital to treat a wider range of medical conditions, bearing 38 signatures (*Mr Dixon*)

**Motor Vehicle Registration Fees — Pensioner Concession** — Requesting that the Government reverses its decision to halve the pensioner concession on car registration fees, bearing 21 signatures (*Mr Dixon*)

**Racial and Religious Tolerance Act 2001 — Repeal** — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 61 signatures (*Mr Hardman*)

**Toxic Waste Reduction — Landfill Technology** — Requesting that the Government implements its 2000 election promise to reduce toxic waste stream and abandons landfill technology, bearing 627 signatures (*Dr Naphthine*)

**Toxic Waste Facility — Mildura Region** — Requesting that the Government abandons its proposal to place a toxic waste facility in the Mildura region, bearing 103 signatures (*Dr Naphthine*).

Petitions ordered to be tabled.

- 5 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphthine*) — put and agreed to.
- 6 **PETITION — TOXIC WASTE REDUCTION — LANDFILL TECHNOLOGY** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphthine*) — put and agreed to.
- 7 **PETITION — TOXIC WASTE FACILITY — MILDURA REGION** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphthine*) — put and agreed to.
- 8 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001 — REPEAL** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Mr Hardman*) — put and agreed to.

- 9 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 10 **PETITION — ROSEBUD HOSPITAL** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 11 **PETITION — MOTOR VEHICLE REGISTRATION FEES — PENSIONER CONCESSION** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 12 **PETITION — MELBOURNE YOUTH MUSIC** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Mr Harkness*) — put and agreed to.
- 13 **PETITION — RETIREMENT VILLAGES ACT 1986** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 14 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 15 **PETITION — LAKE MOKOAN AND THE BROKEN SYSTEM** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

16 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 3 of 2006 on the:

Disability Bill

Drugs, Poisons and Controlled Substances (Aged Care Services) Bill

Drugs, Poisons and Controlled Substances (Prohibition of Display and Sale of Cocaine Kits) Bill

Melbourne Sailors' Home (Repeal) Bill

Road Safety (Drugs) Bill

Statute Law (Further Revision) Bill

Sustainable Forests (Timber) (Amendment) Bill

Valuation of Land (Amendment) Bill

together with appendices.

Ordered to be tabled and printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Annual Review 2005, together with appendices.

Ordered to be tabled and printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee on the Statute Law (Further Revision) Bill, together with appendices.

Ordered to be tabled and printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented the minutes of evidence relating to Alert Digest No 1 of 2006 from the Scrutiny of Acts and Regulations Committee on the Terrorism (Community Protection) (Amendment) Bill.

Ordered to be tabled.

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

*Commonwealth Games Arrangements Act 2001* — Orders under s 18 (3 orders)

*Conservation, Forests and Lands Act 1987* — Code of Practice for Fire Management on Public Land (Revision No 1)

*Crown Land (Reserves) Act 1978* — Section 17DA Order granting under s 17D a lease over the Sorrento Public Park Reserve

*Financial Management Act 1994* — Budget Sector — Mid-Year Financial Report for the year 2005–06 incorporating the Quarterly Financial Report for the period ended 31 December 2005

*Financial Management Act 1994:*

Report from the Minister for Agriculture that he had received the 2004–05 annual report of the Northern Victorian Fresh Tomato Industry Development Committee, together with an explanation for the delay

Report from the Minister for Health that she had received the report for the period 1 January 2004 to 30 June 2005 of the Mildura Cemetery Trust, together with an explanation for the delay

National Environment Protection Council — Report for the year 2004–05

*Parliamentary Committees Act 2003:*

Drugs and Crime Prevention Committee — Inquiry into Strategies to Reduce Harmful Alcohol Consumption, Volumes 1 and 2, together with appendices and minutes of evidence — Report and appendices ordered to be printed

Response of the Minister for WorkCover on the action taken with respect to the recommendations made by the Rural and Regional Services and Development Committee's Inquiry into the Cause of Fatality and Injury on Victorian Farms

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

Baw Baw Planning Scheme — No C35  
 Boroondara Planning Scheme — Nos C36, C65  
 Brimbank Planning Scheme — No C90  
 Golden Plains Planning Scheme — No C17  
 Greater Bendigo Planning Scheme — No C60  
 Kingston Planning Scheme — No C47  
 Latrobe Planning Scheme — No C32  
 Mansfield Planning Scheme — No C1 Part 1  
 Mildura Planning Scheme — No C29 Part 2  
 Queenscliffe Planning Scheme — No C15  
 Surf Coast Planning Scheme — No C31  
 Victoria Planning Provisions — No VC38

*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)

*Rural Finance Act 1988* — Direction dated 15 March 2006 by the Treasurer to the Rural Finance Corporation to administer the Regional Victoria 2006 Bushfire Assistance Scheme

Statutory Rules under the following Acts:

*Commonwealth Games Arrangements Act 2001* — SR Nos 20, 24  
*Fisheries Act 1995* — SR No 17  
*Legal Profession Act 2004* — SR Nos 19, 27  
*Magistrates' Court Act 1989* — SR Nos 18, 25, 26  
*Road Safety Act 1986* — SR Nos 22, 23  
*Tobacco Act 1987* — SR No 21

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rule Nos 19, 20, 22, 23, 27.

17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Crimes (Family Violence) (Holding Powers) Bill without amendment.

18 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 7 March 2006, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Crimes (Family Violence) (Holding Powers) Bill  
 Crimes (Sexual Offences) Bill  
 Guardianship and Administration (Further Amendment) Bill  
 Prahran Mechanics' Institute (Amendment) Bill  
 Terrorism (Community Protection) (Amendment) Bill.

19 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Disability Bill  
Road Safety (Drugs) Bill.

- 20 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 30 March 2006:

Disability Bill  
Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill  
Education and Training Reform Bill  
Interpretation of Legislation (Further Amendment) Bill  
Public Sector Employment (Award Entitlements) Bill

(*Mr Batchelor*) — and, after debate —

Amendment proposed — That the words 'Disability Bill' be omitted from the question  
(*Mr Savage*) — and, after debate —

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

The House divided (the Speaker, Mrs Maddigan in the Chair) —

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Original question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

22 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 4 inclusive, be postponed until later this day.

23 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (EXTENSION OF PROVISIONS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mrs Shardey 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 Kotsiras*) — 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:

Crimes (Document Destruction) Bill  
Liquor Control Reform (Amendment) Bill.

25 **INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

26 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gambling Regulation (Miscellaneous Amendments) Bill without amendment.

27 **EDUCATION AND TRAINING REFORM BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

*Business having been interrupted at 10.00 pm under standing orders.*

28 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.29 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 155 — Wednesday 29 March 2006

1 The Speaker took the Chair and read the Prayer.

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

**Home Education** — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority, bearing 7, 142, 6, 4 and 5 signatures (*Ms Neville, Ms Buchanan, Ms D'Ambrosio, Mr Merlino and Mr Wells respectively*)

**Car Parking Facilities — Cranbourne Railway Station** — Requesting that consideration be given to increasing car parking facilities at the Cranbourne Railway Station in order to alleviate the necessity of commuters having to use surrounding streets for parking, bearing 15 signatures (*Mr Perera*)



**Racial and Religious Tolerance Act 2001 — Repeal** — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 18 and 19 signatures (*Mr Perera and Ms Buchanan respectively*)

**Retirement Villages Act 1986** — Requesting that the House ensures that the Government — (a) takes immediate action to proclaim all the amendments to the *Retirement Villages Act 1986*; (b) requires retirement village contracts to specify and protect residents' rights; (c) regulates for contracts to be in a form that can be understood by residents, prospective residents, and their legal or financial advisors; and (d) provides accessible and affordable avenues of redress for residents with current contracts that include unfair provisions, bearing 66 signatures (*Ms Marshall*)

**Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 24 signatures (*Mr Merlino*)

**Fluoride — Domestic Water Supply** — Requesting that the Government — (a) acknowledges the opposition to mass fluoridation of the domestic water supply, pending a referendum of the citizens of Wangaratta; and (b) be bound by the results of such referendum, bearing 701 signatures (*Mr Jasper*).

Petitions ordered to be tabled.

- 3 **PETITION — HOME EDUCATION** — 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 — FLUORIDE — DOMESTIC WATER SUPPLY** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 5 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 6 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001 — REPEAL** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 7 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — MAINTAINING THE ADVANTAGE: SKILLED VICTORIANS PACKAGE** — The House was informed that Ms Barker had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Bracks Government for ensuring that our training system will meet Victoria's future needs, through the introduction of the *Maintaining the Advantage: Skilled Victorians* package which builds on this Government's already substantial investment

in education and training and will deliver a highly skilled, adaptable and innovative workforce into the future.'

Ms Barker addressed the House — Discussion followed.

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

Education and Training Committee's Report on the Inquiry into the promotion of mathematics and science education

Family and Community Development Committee's Report on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Reduce Harmful Alcohol Consumption.

10 **2006 MELBOURNE COMMONWEALTH GAMES** — Motion made and question — That this House congratulates all those involved in making the 2006 Melbourne Commonwealth Games the most successful Commonwealth Games ever held and a credit to all the people of Victoria, and specifically congratulates:

- (1) The Games Volunteers whose dedication ensured the smooth running of all events and who put a charming and helpful face on Victoria;
- (2) The hard working staff from organisations including the Organising Committee, M2006, the Office of Commonwealth Games Coordination within the Department for Victorian Communities, Victoria Police and transport operators who were the backbone of the Games;
- (3) The 4,500 athletes from across the Commonwealth, who brought so much entertainment and joy through their courageous and inspiring efforts;
- (4) All those involved in the Commonwealth Games Cultural Program, Festival Melbourne 2006, who provided another element to the Games, making it a truly unique festival; and
- (5) All the people of Victoria, who through their unparalleled support and enthusiasm once again showed to the world that Melbourne is simply the best;

*(Mr Bracks)* — and, after debate —

*Business having been interrupted at 2.00 pm under standing orders.*

11 **QUESTIONS** — (Under SO 55).

12 **2006 MELBOURNE COMMONWEALTH GAMES** — Debate resumed on question — That the motion be agreed to.

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

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

- 13 **DISABILITY BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until full and proper consultation has taken place with the disability sector over the impact of the Bill on the disabled' (*Mrs Shardey*) — and, after debate —

Amendment proposed to Mrs Shardey's amendment — That all the words after 'a second time' be omitted with the view of inserting in their place the words 'for a period of three months to give disability service providers, non-government agencies, carers and clients the opportunity to seriously consider the detail of the Bill and its implications and make their views known to the Government' (*Mr Maughan*) — and, after debate —

*Business having been interrupted at 10.00 pm under standing orders.*

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

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 156 — Thursday 30 March 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **ACTING SPEAKERS** — The following warrant appointing Acting Speakers was tabled by the Speaker:

### VICTORIA LEGISLATIVE ASSEMBLY

Under the provisions of Standing Order 20 of the Legislative Assembly, I do hereby nominate — Ann Patricia Barker, Christine Mary Campbell, Robert Fitzgerald Cooper, Hugh Francis Delahunty, Craig Ingram, Kenneth Stephen Jasper, Nicholas Kotsiras, Telmo Ramon Languiller, Jennifer Margaret Lindell, Donato Antonio Nardella, Antony Fulton Plowman, Russell Irwin Savage, George Seitz, Kenneth Maurice Smith to preside as Acting Speakers whenever requested so to do by the Speaker or the Deputy Speaker.

This warrant replaces the previous warrant tabled under my name on the Third day of March, Two thousand and Four.

Given under my hand this Thirtieth day of March, Two Thousand and Six.

Judy Maddigan  
SPEAKER

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

**Home Loan Schemes** — Requesting that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 10 signatures (*Ms Marshall*)

**Racial and Religious Tolerance Act 2001 — Repeal** — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 16 and 18 signatures (*Mr Andrews and Mr Wilson respectively*)

**Minimum Sentencing — Violent Criminals** — Requesting that the Government — (a) takes action to ensure the community of Victoria is adequately protected from habitual violent criminals who commit violent sexual crimes and violent crimes against children or vulnerable elderly people; and (b) imposes minimum jail sentences for these habitual violent criminals, bearing 7,851 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 4 **PETITION — MINIMUM SENTENCING — VIOLENT CRIMINALS** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 5 **PETITION — MELBOURNE YOUTH MUSIC** — Motion made and question — That the petition presented by the Member for Doncaster on Tuesday 28 March 2006 be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 6 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Consumer Affairs Victoria — Report for the year 2004–05 — Ordered to be printed

*Ombudsman Act 1973* — Report of the Ombudsman on Improving Responses to Allegations Involving Sexual Assault — Ordered to be printed

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 24

*Surveillance Devices Act 1999* — Reports under s 37 from the Chief Commissioner of Police and Department of Primary Industries (two documents).

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

Rail Safety Bill  
Transport Legislation (Safety Investigations) Bill.

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

- 9 **FINANCIAL MANAGEMENT (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

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

Ordered — That the debate be adjourned until Thursday 13 April 2006.

- 10 **PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

*Business having been interrupted at 2.00 pm under standing orders.*

- 12 **QUESTIONS** — (Under SO 55).

- 13 **EDUCATION AND TRAINING REFORM BILL** — Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and considered in detail (*see pp 1016–7*).

- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Infringements Bill without amendment.

- 15 **DISABILITY BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until full and proper consultation has taken place with the disability sector over the impact of the Bill on the disabled' — *and on the amendment to the amendment* — That all the words after 'a second time' be omitted with the view of inserting in their place the words 'for a period of three months to give disability service providers, non-government agencies, carers and clients the opportunity to seriously consider the detail of the Bill and its implications and make their views known to the Government'; 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 March 2006 had expired.*

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 16 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (EXTENSION OF PROVISIONS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 17 **PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 65

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 17

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **EDUCATION AND TRAINING REFORM BILL** — Order read for the further consideration of the Bill in detail.

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

## NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That Clauses 1.1.1 to 6.1.3 inclusive and Schedules 1 to 8 inclusive be agreed to and that the Bill be agreed to without amendment — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

## AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

## NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

## AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

## NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.



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

Bill sent to the Legislative Council and their agreement requested.

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice Legislation (Miscellaneous Amendments) Bill with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 20 **2006 MELBOURNE COMMONWEALTH GAMES** — Order read for resuming debate on question — That this House congratulates all those involved in making the 2006 Melbourne Commonwealth Games the most successful Commonwealth Games ever held and a credit to all the people of Victoria, and specifically congratulates:

- (1) The Games Volunteers whose dedication ensured the smooth running of all events and who put a charming and helpful face on Victoria;
- (2) The hard working staff from organisations including the Organising Committee, M2006, the Office of Commonwealth Games Coordination within the Department for Victorian Communities, Victoria Police and transport operators who were the backbone of the Games;
- (3) The 4,500 athletes from across the Commonwealth, who brought so much entertainment and joy through their courageous and inspiring efforts;
- (4) All those involved in the Commonwealth Games Cultural Program, Festival Melbourne 2006, who provided another element to the Games, making it a truly unique festival; and
- (5) All the people of Victoria, who through their unparalleled support and enthusiasm once again showed to the world that Melbourne is simply the best — put, after debate, and agreed to.

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

- 22 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 6.07 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 154, 155 and 156**

**No 156 — Thursday 30 March 2006**

**EDUCATION AND TRAINING REFORM BILL**

**Clause 1.1.1**, Mr Dixon moved amendment No 1 (*see Schedule*).

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

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

*(For remaining stages see pp 1013–1015)*

## **SCHEDULE OF AMENDMENT MOVED**

### **EDUCATION AND TRAINING REFORM BILL**

Amendment moved by Mr Dixon

1. Clause 1.1.1, page 2, lines 12 to 14, omit "and the regulation of non-Government schools and home schooling" and insert "and the registration of non-Government schools".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 157, 158 and 159

#### No 157 — Tuesday 4 April 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **ABORIGINAL HERITAGE BILL** — Mr Thwaites obtained leave to bring in a Bill '*to provide for the protection of Aboriginal cultural heritage in Victoria, to repeal the **Archaeological and Aboriginal Relics Preservation Act 1972** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **TERRORISM (COMMUNITY PROTECTION) (FURTHER AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to make miscellaneous amendments to the **Terrorism (Community Protection) Act 2003**, to amend the **Public Records Act 1973** to provide for certain records to be withheld from public inspection, to amend the **Freedom of Information Act 1982** to provide for certain documents to be exempt documents under that Act and for other purposes*'; and 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:
  - Home Education** — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority, bearing 33 signatures (*Mr Herbert*)
  - Footpath Policy — Mornington Peninsula Shire** — Requesting that the House calls on the Mornington Peninsula Shire to review its footpath policy, bearing 169 signatures (*Mr Cooper*).Petitions ordered to be tabled.
- 6 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Eltham be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 7 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

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

*Crown Land (Reserves) Act 1978* — Section 17DA Order granting under s 17D a lease over the Queens Park Reserve

Government Superannuation Office — Wind up financial statements for the period ended 1 December 2005

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2005

*Ombudsman Act 1973* — Report of the Ombudsman on the Investigation into parking infringement notices issued by Melbourne City Council — Ordered to be printed

*Safe Drinking Water Act 2003* — Report on Drinking Water Quality in Victoria for the year 2004–05

State Superannuation Fund — Wind up financial statements for the period ended 1 December 2005.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

*Working with Children Act 2005* — Whole Act on 3 April 2006 (*Gazette G13, 30 March 2006*).

- 8 **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:

Crimes (Document Destruction) Bill  
 Gambling Regulation (Miscellaneous Amendments) Bill  
 Liquor Control Reform (Amendment) Bill  
 Rail Safety Bill  
 Transport Legislation (Safety Investigations) Bill.

- 9 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 6 April 2006:

Drugs, Poisons and Controlled Substances (Aged Care Services) Bill  
 Drugs, Poisons and Controlled Substances (Prohibition of Display and Sale of Cocaine Kits) Bill  
 Justice Legislation (Miscellaneous Amendments) Bill — Amendments of the Legislative Council  
 Land (St Kilda Triangle) Bill  
 Road Safety (Drugs) Bill  
 Sustainable Forests (Timber) (Amendment) Bill  
 Valuation of Land (Amendment) Bill

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

- 10 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 11 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1, be postponed until later this day.
- 12 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AGED CARE SERVICES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Interpretation of Legislation (Further Amendment) Bill without amendment.
- 14 **JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for the consideration of the amendments made by the Legislative Council.
- After debate, the amendments were agreed to by the House with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Message sent to the Legislative Council informing them accordingly.
- 15 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (PROHIBITION OF DISPLAY AND SALE OF COCAINE KITS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Under standing orders, Mr Delahunty (*Lowan*) announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Business having been interrupted at 10.00 pm under standing orders.*
- 16 **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 10.28 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 158 — Wednesday 5 April 2006

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

2 **EQUAL OPPORTUNITY AND TOLERANCE LEGISLATION (AMENDMENT) BILL** — Mr Bracks obtained leave to bring in a Bill '*to amend the Equal Opportunity Act 1995 and the Racial and Religious Tolerance 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.

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

**Racial and Religious Tolerance Act 2001 — Repeal** — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 12 and 48 signatures (*Mr Plowman and Mr Jasper respectively*)

**Trescowthick Hostel, Natimuk** — Requesting that air conditioning be fitted at the Trescowthick Hostel in Natimuk at the earliest convenience, bearing 19 signatures (*Mr Delahunty, Lowan*)

**Princes Highway between Waurin Ponds and Colac — Upgrade** — Requesting that the House makes funds available for an immediate upgrade of the Princes Highway between Waurin Ponds and Colac from a single carriageway to a divided, dual carriageway, in the interests of public safety, bearing 6,449 signatures (*Mr Mulder*)

**Tax on Scooter and Motorbike Registrations** — Requesting that the \$50 tax, levied through the Transport Accident Commission on scooter and motorbike registrations, be abolished, bearing 6,707 signatures (*Dr Naphine*).

Petitions ordered to be tabled.

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

5 **PETITION — PRINCES HIGHWAY BETWEEN WAURIN PONDS AND COLAC — UPGRADE** — Motion made and question — That the petition presented by the Member for Polwarth be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.

6 **PETITION — TRESCOWTHICK HOSTEL, NATIMUK** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.

7 **PETITION — FOOTPATH POLICY — MORNINGTON PENINSULA SHIRE** — Motion made and question — That the petition presented by the Member for Mornington on Tuesday 4 April 2006 be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

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

Lake Mountain Alpine Resort Management Board — Report for the year ended 31 October 2005



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

Bass Coast Planning Scheme — No C56  
 Bayside Planning Scheme — No C48  
 Colac Otway Planning Scheme — No C26  
 Frankston Planning Scheme — No C33  
 Greater Dandenong Planning Scheme — No C62  
 Knox Planning Scheme — No C56  
 Warrnambool Planning Scheme — Nos C22, C38  
 Yarra Planning Scheme — No C78

Statutory Rules under the following Acts:

*Credit (Administration) Act 1984* — SR No 32  
*Electricity Safety Act 1998* — SR No 34  
*Fisheries Act 1995* — SR No 28  
*Magistrates' Court Act 1989* — SR Nos 30, 31  
*Subordinate Legislation Act 1994* — SR Nos 33, 35  
*Trustee Companies Act 1984* — SR No 36  
*Working with Children Act 2005* — SR No 29

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rule Nos 28, 36 (two certificates)

Victorian Law Reform Commission — Report on Residential Tenancy Databases — Ordered to be printed.

9 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Financial Management (Miscellaneous Amendments) Bill.

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

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

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

Public Accounts and Estimates Committee's Report on the 2005/06 Budget Estimates

Rural and Regional Services and Development Committee's Report on the Inquiry into the Cause of Fatality and Injury on Victorian Farms

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Reduce Harmful Alcohol Consumption

Economic Development Committee's Report on the Viability of the Victorian Thoroughbred/Standardbred Breeding Industries

Education and Training Committee's Report on the Inquiry into the promotion of mathematics and science education.

- 13 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 4 inclusive, be postponed until later this day.

- 14 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (PROHIBITION OF DISPLAY AND SALE OF COCAINE KITS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see pp 1030, 1033*).

Bill sent to the Legislative Council and their agreement requested.

*Business having been interrupted at 2.00 pm under standing orders.*

- 15 **QUESTIONS** — (Under SO 55).
- 16 **SUSTAINABLE FORESTS (TIMBER) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

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

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 17 **LAND (ST KILDA TRIANGLE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until all legal action concerning existing leases of the land in the St Kilda triangle is concluded and the property rights of existing lessees have been clarified' (*Mr Baillieu*) — and, after debate —

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

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

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

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

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Third reading, by leave, considered immediately.

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

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

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

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

Public Sector Employment (Award Entitlements) Bill  
Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill.

- 19 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 6, be postponed until later this day.

- 20 **VALUATION OF LAND (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

*Business having been interrupted at 10.00 pm under standing orders.*

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

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## No 159 — Thursday 6 April 2006

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

**Victorian Planning Provisions** — Requesting that the House amends the Victorian Planning Provisions so that they recognise that the development of intensive animal industries, in particular the broiler industry — (a) is not suitable, and presents an unacceptable risk, in areas within rural/farming zones that are closely settled and/or are water catchment areas; and (b) has an unacceptable impact on community members' wellbeing, amenity, property and opportunity, bearing 565 signatures (*Mr Maxfield*).

Ordered to be tabled.

- 3 **PETITION — VICTORIAN PLANNING PROVISIONS** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Maxfield*) — put and agreed to.

- 4 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule No 33.

- 5 **LEGISLATIVE COUNCIL'S LEGISLATION COMMITTEE** — Motion made, by leave, and question — That, during the trial period to 15 June 2006 of the Legislative Council's Legislation Committee, this House grants leave for any minister of the Legislative Assembly to attend meetings of the Committee, if the minister thinks fit (*Mr Batchelor*) — put, after debate, and agreed to.

- 6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 2 May 2006 (*Mr Batchelor*) — put and agreed to.

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

- 8 **ROAD SAFETY (DRUGS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 9 **VALUATION OF LAND (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see pp 1031–2, 1033*).

Bill sent to the Legislative Council and their agreement requested.

*Business having been interrupted at 2.00 pm under standing orders.*

10 **QUESTIONS** — (Under SO 55).

11 **EQUAL OPPORTUNITY AND TOLERANCE LEGISLATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

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

Ordered — That the debate be adjourned until Thursday 20 April 2006.

12 **TERRORISM (COMMUNITY PROTECTION) (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Thursday 20 April 2006.

13 **ABORIGINAL HERITAGE BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

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

Amendment proposed — That the word 'two' be omitted with the view of inserting in its place the word 'five' (*Mr Ingram*) — and, after debate —

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

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

## NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Mr Plowman; Mrs Powell; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Ordered — That the debate be adjourned until Thursday 20 April 2006.

- 14 **ROAD SAFETY (DRUGS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

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

- 16 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.11 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### CONSIDERATION IN DETAIL Supplement to Votes Nos 157, 158 and 159

#### No 158 — Wednesday 5 April 2006

##### DRUGS, POISONS AND CONTROLLED SUBSTANCES (PROHIBITION OF DISPLAY AND SALE OF COCAINE KITS) BILL

**Clause 1** — *The Deputy Speaker advised that if Mr Delahunty's amendment No 1 is not agreed to, amendment Nos 2 to 12 inclusive cannot be moved as they are consequential.*

Mr Delahunty (*Lowan*) moved amendment No 1 (*see Schedule 1*).

Question — That the amendment be agreed to — put.

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

AYES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

Clause agreed to.

**Clauses 2 to 4** agreed to.

Bill agreed to without amendment.



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## No 159 — Thursday 6 April 2006

### VALUATION OF LAND (AMENDMENT) BILL

**Clause 1** — *The Acting Speaker advised that if Mr Baillieu's amendment No 1 is not agreed to, amendment No 2 cannot be moved as it is consequential.*

Mr Baillieu moved amendment No 1 (*see Schedule 2*).

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

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

AYES 52

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clause agreed to.

**Clauses 2 to 14** agreed to.

**Clause 15**, Mr Baillieu moved amendment Nos 4 and 5 (*see Schedule 2*).

Question — That the amendments be agreed to — put.

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

AYES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

## NOES 53

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

Clause agreed to.

**Clauses 16 to 20** agreed to.

Bill agreed to without amendment.

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## SCHEDULES OF AMENDMENTS MOVED

### SCHEDULE 1

#### DRUGS, POISONS AND CONTROLLED SUBSTANCES (PROHIBITION OF DISPLAY AND SALE OF COCAINE KITS) BILL

Amendment moved by Mr Delahunty (*Lowan*)

1. Clause 1, line 6, after "kits" insert "and the possession for sale of cocaine kits".

### SCHEDULE 2

#### VALUATION OF LAND (AMENDMENT) BILL

Amendments moved by Mr Baillieu

1. Clause 1, page 2, lines 3 and 4, omit all words and expressions on these lines.
4. Clause 15, after line 16 insert—
  - "(b) if a valuation that has appeared in a notice of valuation given under section 15(1)(a) appears in—
    - (i) a subsequent notice of valuation given by the rating authority that gave the notice under that section; or
    - (ii) a notice, or subsequent notice, of an assessment of the rate or tax payable in respect of land issued by the rating authority that gave the notice of valuation under that section, or by any other rating authority—  
within 2 months of that subsequent notice of valuation or notice, or subsequent notice, of assessment of rate or tax (as the case requires); or".
5. Clause 15, line 17, omit "(b)" and insert "(c)".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 160, 161 and 162

#### No 160 — Tuesday 2 May 2006

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL** — Mr Hulls obtained leave to bring in a Bill '*to protect and promote human rights, to make consequential amendments to certain Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **INFRINGEMENTS (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to provide for transitional arrangements for the **Infringements Act 2006**, to make other amendments to that Act, to amend the **Children and Young Persons Act 1989**, the **Road Safety Act 1986**, the **Marine Act 1988**, the **Transport Act 1983**, the **EastLink Project Act 2004**, the **Melbourne City Link Act 1995**, the **Chattel Securities Act 1987**, the **Bail Act 1977**, the **Sentencing Act 1991**, the **Magistrates' Court Act 1989** and the **Corrections Act 1986**, to amend the **Liquor Control Reform Act 1998** to provide for certain offences to be enforced by infringement notice and to make consequential amendments to various Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **JUSTICE LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Crimes Act 1958**, the **Crimes (Sexual Offences) Act 2006**, the **Major Crime Legislation (Office of Police Integrity) Act 2004**, the **Surveillance Devices (Amendment) Act 2004** and the **Working with Children Act 2005** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **TRANSFER OF LAND (ALPINE RESORTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Transfer of Land Act 1958** and the **Alpine Resorts (Management) Act 1997** to make further provision in relation to leases and licences and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PLANNING AND ENVIRONMENT (GROWTH AREAS AUTHORITY) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Planning and Environment Act 1987** to establish the **Growth Areas Authority** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 8 **VICTORIAN URBAN DEVELOPMENT AUTHORITY (AMENDMENT) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the Victorian Urban Development Authority Act 2003 in relation to the levying of charges on development in a project area, to amend the Subdivision Act 1988 and the Building Act 1993 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the Electricity Industry Act 2000, the Gas Industry Act 2001, the Gas Safety Act 1997 and the Local Government Act 1989 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **PRIMARY INDUSTRIES ACTS (MISCELLANEOUS AMENDMENTS) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the Fisheries Act 1995 to make further provision for arrangements between the State and the Commonwealth for the management of offshore fisheries and to make further provision for regulation-making powers and to amend the Meat Industry Act 1993 to make further provision for the sale of pet food and for other purposes*'; and, 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:

**New Age Religious Themes Gaming Machine Crimes** — Requesting that the House passes a motion requesting that the Attorney-General takes action, with the utmost expedition, to have the sentences of women currently imprisoned for crimes carried out in order to use a new variety of new age religious themed gaming machines reviewed, bearing 18 signatures (*Mr Ryan*)

**Alberton Shire** — Requesting that the House — (a) acts to conduct a poll of the electors of Yarram and Districts within the boundaries of the old Alberton Shire; and (b) proclaims the region as the Alberton Shire comprising five wards, the North, South, East, West and Central Wards, with one elected councillor representing the electors in each ward, a total of five councillors in the new Alberton Shire, bearing 26 signatures (*Mr Ryan*)

**Home Education** — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority, bearing 42, 10 and 6 signatures (*Mr Loney, Mr Delahunty (Lowan) and Ms Gillett respectively*)

**Weed Control** — Requesting that the Government places a much greater emphasis on dealing with weeds such as Patterson's Curse, St John's Wort and blackberries by — (a) employing more rather than less pest, plant and animal officers; (b) prosecuting errant landowners who do not control weeds; and (c) cooperating with Landcare groups to control weeds in their catchments, bearing 172 signatures (*Mr Maughan*)

**Restrictive Covenants** — Requesting that the Government takes action to — (a) immediately review the implication of the judgement in *Tonks and Anor v Tonks and Ors* 2003 and in particular its authority for the proposition that in particular cases restrictive covenants are no longer applicable; (b) enforce the spirit of restrictive covenants as

necessary; and (c) meet with a deputation of residents of Deauville Estate, Beaumaris, local members and relevant interest groups, bearing 48 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 12 **PETITION — RESTRICTIVE COVENANTS** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

13 **DOCUMENTS**

**MELBOURNE COLLEGE OF DIVINITY** — Motion made, by leave, and question — That the Report of the Melbourne College of Divinity for the year 2005 be tabled (*Ms Kosky*) — put and agreed to.

**AUSTRALIAN CATHOLIC UNIVERSITY LIMITED** — Motion made, by leave, and question — That the Report of the Australian Catholic University Limited for the year 2005 be tabled (*Ms Kosky*) — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 4 of 2006 on the:

Aboriginal Heritage Bill  
 Building and Construction Industry Security of Payment (Amendment) Bill  
 Equal Opportunity and Tolerance Legislation (Amendment) Bill  
 Financial Management (Miscellaneous Amendments) Bill  
 Terrorism (Community Protection) (Further Amendment) Bill

together with an extract from the proceedings and 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 for the year 2004–05

Ballarat University — Report for the year 2005 (two documents)

*Commonwealth Games Arrangements Act 2001* — Order under s 18

*Crown Land (Reserves) Act 1978* — Section 17DA Order granting under s 17D a lease over Phillip Island Nature Park, Churchill Island Visitors Centre

Deakin University — Report for the year 2005

*Environment Protection Act 1970* — Order declaring Waste Management Policy (Used Packaging Materials) (*Gazette S 94, 28 March 2006*)

La Trobe University — Report for the year 2005

Melbourne University — Report for the year 2005

Monash University — Report for the year 2005

Murray-Darling Basin Commission — Report for the year 2004–05

*Parliamentary Committees Act 2003:*

Drugs and Crime Prevention Committee — Inquiry into Strategies to Reduce Harmful Alcohol Consumption, Volumes 1 and 2, together with appendices, minority reports and minutes of evidence (*in lieu of report previously tabled on Tuesday 28 March 2006*) — Report, appendices and minority reports ordered to be printed

Public Accounts and Estimates Committee — Report on the 2004–05 Budget Outcomes, together with appendices — Ordered to be printed

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

Ararat Planning Scheme — No C12

Ballarat Planning Scheme — No C79

Banyule Planning Scheme — No C50

Campaspe Planning Scheme — No C38

Greater Dandenong Planning Scheme — No C66

Hobsons Bay Planning Scheme — No C57

Kingston Planning Scheme — No C45

Manningham Planning Scheme — No C49

Maribyrnong Planning Scheme — No C59

Melton Planning Scheme — No C43

Monash Planning Scheme — No C41

Pyrenees Planning Scheme — No C9

Southern Grampians Planning Scheme — No C5

Stonnington Planning Scheme — Nos C40, C47, C55

Whittlesea Planning Scheme — No C70

Wodonga Planning Scheme — No C38

Yarra Planning Scheme — No C64

*Prevention of Cruelty to Animals Act 1986* — Code of Practice for the Welfare of Amphibians in Captivity

RMIT University — Report for the year 2005

*Rural Finance Act 1988* — Direction by the Acting Treasurer to the Rural Finance Corporation to administer a Financial Assistance Scheme to Harvest and Haulage Contractors

Statutory Rules under the following Acts:

*Gambling Regulation Act 2003* — SR No 38

*Geothermal Energy Resources Act 2005* — SR No 37

*Mental Health Act 1986* — SR No 39

*Tobacco Act 1987* — SR No 40



*Subordinate Legislation Act 1994:*

Minister's exception certificate in relation to Statutory Rule No 35

Ministers' exemption certificates in relation to Statutory Rule Nos 16, 21, 39

Swinburne University of Technology — Report for the year 2005

UMEE Ltd (formerly Melbourne University Private Limited) — Report for the year 2005

Victoria University — Report for the year 2005 (two documents).

- 14 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 11 April 2006, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill

Infringements Bill

Interpretation of Legislation (Further Amendment) Bill

Justice Legislation (Miscellaneous Amendments) Bill

Public Sector Employment (Award Entitlements) Bill.

- 15 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Aboriginal Heritage Bill.

- 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 4 May 2006:

Aboriginal Heritage Bill

Equal Opportunity and Tolerance Legislation (Amendment) Bill

Financial Management (Miscellaneous Amendments) Bill

Melbourne Sailors' Home (Repeal) Bill

Statute Law (Further Revision) Bill

Terrorism (Community Protection) (Further Amendment) Bill

*(Mr Batchelor)* — after debate, put.

A division having been called, the Speaker advised that there was only one vote for the 'noes' and, accordingly, declared the question agreed to. Mr Savage asked that his dissent be recorded.

- 17 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 18 **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.
- 19 **ABORIGINAL HERITAGE BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until a working party, in consultation with local government, recommends how permits refused under section 21U of the Commonwealth Act prior to the commencement day should be dealt with; and has considered the operation of the proposed Cultural Heritage Management Plans and recommended practical and effective ways to specify relevant activities' (*Mr Delahunty, Lowan*) — and, after debate —

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

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

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

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

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill considered in detail and agreed to with amendments (*see pp 1051–53*).

Question — That this Bill be now read a third time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

#### AYES 52

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

#### NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 20 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Land (St Kilda Triangle)  
Sustainable Forests (Timber) (Amendment) Bill  
Drugs, Poisons and Controlled Substances (Prohibition of Display and Sale of Cocaine Kits) Bill

- 21 **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.
- 22 **MELBOURNE SAILORS' HOME (REPEAL) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Cameron*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 23 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.
- 24 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 10.52 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 161 — Wednesday 3 May 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Racial and Religious Tolerance Act 2001 — Repeal** — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 39 signatures (*Mr Langdon*)

**Fluoride — Domestic Water Supply** — Requesting that the Government — (a) acknowledges the opposition to mass fluoridation of the domestic water supply and refrains from adding fluoride to the water supply pending a referendum of the citizens of Wodonga and Wangaratta; and (b) be bound by the results of such referendum, bearing 1,716 signatures (*Mr Jasper*)

**Supermarket Site, Vincent's Road, Maldon — Rezoning** — Requesting that the Government oversees the rezoning of the site for the proposed new supermarket in Vincent's Road, Maldon from industrial to commercial, bearing 334 signatures (*Mr Maughan*)

**Minimum Sentencing — Violent Criminals** — Requesting that the Government — (a) takes action to ensure the community of Victoria is adequately protected from habitual violent criminals who commit violent sexual crimes and violent crimes against children or vulnerable elderly people; and (b) imposes minimum jail sentences for these habitual violent criminals, bearing 32 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 3 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001 — REPEAL** — Motion made and question — That the petition presented by the Member for Ivanhoe be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 4 **PETITION — MINIMUM SENTENCING — VIOLENT CRIMINALS** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

- 5 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

Victims of Crime Assistance Tribunal — Report for the year 2004–05.

- 6 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — LABOR'S MISMANAGEMENT OF VICTORIA** — The House was informed that Mr Doyle had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns Labor's mismanagement of Victoria, particularly in the areas of transport, health, education, infrastructure and taxation.'

Mr Doyle addressed the House — Discussion followed.

- 8 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Education and Training Committee's Report on the Inquiry into the promotion of mathematics and science education

Family and Community Development Committee's Report on the Regulation of the Funeral Industry

Public Accounts and Estimates Committee's Report on the 2004–05 Budget Outcomes

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Reduce Harmful Alcohol Consumption.

- 9 **FINANCIAL MANAGEMENT (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Stensholt*) — 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.*

- 10 **QUESTIONS** — (Under SO 55).

- 11 **EQUAL OPPORTUNITY AND TOLERANCE LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr McIntosh announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Under standing orders, Mr Ryan announced 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 Thompson*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 12 **FINANCIAL MANAGEMENT (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 13 **EQUAL OPPORTUNITY AND TOLERANCE LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Neville*) — 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:

Drugs, Poisons and Controlled Substances (Aged Care Services) Bill

Road Safety (Drugs) Bill

Valuation of Land (Amendment) Bill.

- 15 **EQUAL OPPORTUNITY AND TOLERANCE LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 16 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.31 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

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## No 162 — Thursday 4 May 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **VICTORIA RACING CLUB BILL** — Ms Delahunty (*Northcote*) obtained leave to bring in a Bill 'to provide for the functions, powers and responsibilities of Victoria Racing Club Limited in respect of Flemington Racecourse, to provide for the transfer of assets, rights and liabilities held by or on behalf of the Victoria Racing Club to Victoria Racing Club Limited, to repeal *The Victoria Racing Club Act 1871* and for other purposes'; and 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:

**Traffic Lights — Corner of Christies and Portarlington Roads, Leopold** — Requesting that the House takes action to erect traffic lights at the corner of Christies Road and Portarlington Road, Leopold, as soon as possible, bearing 721 signatures (*Ms Neville*)

**Racial and Religious Tolerance Act 2001 — Repeal** — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 55, 20 and 12 signatures (*Mr Plowman, Mr Nardella and Mr Hardman respectively*)

**Minimum Sentencing — Violent Criminals** — Requesting that the Government — (a) takes action to ensure the community of Victoria is adequately protected from habitual violent criminals who commit violent sexual crimes and violent crimes against children or vulnerable elderly people; and (b) imposes minimum jail sentences for these habitual violent criminals, bearing 4,227 signatures (*Mrs Powell*)

**Melbourne Youth Music** — Requesting that the House urges the Government to restore the Strategic Partnerships Program Grant to Melbourne Youth Music to ensure students continue to gain equitable access to the Program, bearing 22 signatures (*Mr Crutchfield*).

Petitions ordered to be tabled.

- 4 **PETITION — MINIMUM SENTENCING — VIOLENT CRIMINALS** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

- 5 **PETITION — TRAFFIC LIGHTS — CORNER OF CHRISTIES AND PORTARLINGTON ROADS, LEOPOLD** — Motion made and question — That the petition presented by the Member for Bellarine be taken into consideration tomorrow (*Ms Neville*) — put and agreed to.

- 6 **DOCUMENTS**

**TERRORISM (COMMUNITY PROTECTION) ACT 2003** — Motion made, by leave, and question — That the Report on the Operation of the *Terrorism (Community Protection) Act 2003* be tabled (*Mr Bracks*) — put and agreed to.

**VICTORIAN CHILD DEATH REVIEW COMMITTEE** — Motion made, by leave, and question — That the Victorian Child Death Review Committee's Report of Inquiries into the Deaths of Children known to Child Protection 2006 be tabled (*Ms Garbutt*) — put and agreed to.

**DOCUMENTS TABLED BY COMMAND OF THE GOVERNOR**

Mr Hulls presented by Command of the Governor:

Council of Magistrates — Report for the year 2004–05

Ordered to be tabled

County Court — Report for the year 2004–05

Ordered to be tabled.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Adult Multicultural Education Services — Report for the year 2005

Bendigo Regional Institute of TAFE — Report for the year 2005

Box Hill Institute of TAFE — Report for the year 2005

Central Gippsland Institute of TAFE — Report for the year 2005

Centre for Adult Education — Report for the year 2005

Chisholm Institute of TAFE — Report for the year 2005

*Commonwealth Games Arrangements Act 2001* — Orders under s 18 (six orders)

Driver Education Centre of Australia Ltd — Report for the year 2005

East Gippsland Institute of TAFE — Report for the year 2005

Gordon Institute of TAFE — Report for the year 2005

Goulburn Ovens Institute of TAFE — Report for the year 2005 (two documents)

Holmesglen Institute of TAFE — Report for the year 2005

Kangan Batman Institute of TAFE — Report for the year 2005

Northern Melbourne Institute of TAFE — Report for the year 2005

South West Institute of TAFE — Report for the year 2005

Statutory Rules under the following Acts:

*Building Act 1993* — SR No 41



*Country Fire Authority Act 1958* — SR No 42

*Subordinate Legislation Act 1994:*

Minister's exception certificate in relation to Statutory Rule No 42

Minister's exemption certificate in relation to Statutory Rule No 41

Sunraysia Institute of TAFE — Report for the year 2005

William Angliss Institute of TAFE — Report for the year 2005

Wodonga Institute of TAFE — Report for the year 2005 (two documents)

Youth Parole Board and Youth Residential Board — Report for the year 2004–05, together with an explanation for the delay in tabling.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 30 May 2006 (*Mr Cameron*) — put and agreed to.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 May 2006.

10 **INFRINGEMENTS (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 May 2006.

11 **JUSTICE LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 May 2006.

12 **TRANSFER OF LAND (ALPINE RESORTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 May 2006.

- 13 **PLANNING AND ENVIRONMENT (GROWTH AREAS AUTHORITY) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 May 2006.

- 14 **VICTORIAN URBAN DEVELOPMENT AUTHORITY (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 May 2006.

- 15 **ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 May 2006.

- 16 **PRIMARY INDUSTRIES ACTS (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 May 2006.

- 17 **STATUTE LAW (FURTHER REVISION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 18 **TERRORISM (COMMUNITY PROTECTION) (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 19 **QUESTIONS** — (Under SO 55).

- 20 **TERRORISM (COMMUNITY PROTECTION) (FURTHER AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Disability Bill with amendments.

Ordered — That the amendments be taken into consideration immediately.

- 22 **DISABILITY BILL** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to by the House.

Message sent to the Legislative Council informing them accordingly.

*Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 2 May 2006 had expired.*

- 23 **TERRORISM (COMMUNITY PROTECTION) (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 24 **EQUAL OPPORTUNITY AND TOLERANCE LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 71

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Mr Perton; Ms Pike; Mr Robinson; Mr Seitz; Mrs Shardey; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 12

Mr Cooper; Mr Delahunty (*Lowan*); Mr Ingram; Mr Jasper; Mr Maughan; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mr Smith; Dr Sykes; Mr Walsh.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 25 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 26 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.38 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 160, 161 and 162**

**No 160 — Tuesday 2 May 2006**

**ABORIGINAL HERITAGE BILL**

**Clauses 1 to 91** agreed to.

**Clause 92**, Mr Thwaites moved amendment No 1 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 93** defeated.

**Clauses 94 to 159** agreed to.

**Clause 160**, Mr Thwaites moved amendment Nos 3 and 4 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clause 161**, Mr Thwaites moved amendment Nos 5 and 6 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 162 to 198** agreed to.

**New clause AA** agreed to (*see Schedule*).

**Schedules 1 and 2** agreed to.

Question — That the House agrees to the Bill with amendments — put.

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The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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## SCHEDULE OF AMENDMENTS MOVED

### ABORIGINAL HERITAGE BILL

Amendments moved by Mr Thwaites

1. Clause 92, line 28, omit "or an inspector".
3. Clause 160, line 18, after "Minister" insert ", after consulting with the Council,".
4. Clause 160, lines 26 and 27, omit sub-clause (2).
5. Clause 161, line 13, after "Minister" insert ", after consulting with the Council,".
6. Clause 161, lines 15 and 16, omit paragraph (a).

#### NEW CLAUSE

7. Insert the following New Clause to follow clause 92—
  - "AA. Revocation of stop order**
    - (1) A stop order may be revoked—
      - (a) if issued by the Minister—by the Minister; or
      - (b) if issued by an inspector—by the Minister or the inspector.
    - (2) The Minister must revoke a stop order issued in relation to a cultural heritage audit after the report of the audit is approved under section 85."





## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 163, 164 and 165

#### No 163 — Tuesday 30 May 2006

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **APPOINTMENT OF AUDITOR-GENERAL** — The Speaker announced that she had received the following letter:

29 May 2006

Mrs Judy Maddigan, MP  
Speaker of the Legislative Assembly  
Parliament House  
MELBOURNE VIC 3002

Dear Speaker

On 25 May 2006 the Governor in Council accepted the recommendation of the Public Accounts and Estimates Committee and appointed Mr Des Pearson as Victoria's 25th Auditor-General.

Mr Pearson will take up his appointment on 1 October 2006.

Yours sincerely

Hon. Christine Campbell, MP  
Chair

- 4 **TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend the Transport Act 1983 to provide for the accrediting of drivers of certain types of vehicles, to confer certain powers on the Director, to make other amendments to the Transport Act 1983, to amend the Rail Corporations Act 1996 with respect to the powers of Rail Track and to make other minor amendments to that Act, to make miscellaneous and minor, and transitional related, amendments to the Rail Safety Act 2006, to make minor amendments to the Transport Legislation (Further Miscellaneous Amendments) Act 2005 and the Public Transport Competition Act 1995 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 5 **NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS (AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the National Parks Act 1975 to make further provision for parks under that Act, to amend the Crown Land (Reserves) Act 1978 to make further provision for reserves under that Act, to make other amendments to those Acts, to amend the Heritage Rivers Act 1992 and the Mineral Resources Development Act 1990 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **STATE TAXATION (REDUCTIONS AND CONCESSIONS) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 2005 and the Pay-roll Tax Act 1971 to give effect to initiatives in the 2006–07 State budget and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** — Mr Holding obtained leave to bring in a Bill '*to amend the Drugs, Poisons and Controlled Substances Act 1981 in relation to definitions and offences, including new offences, in Part V of that Act, the scheduling of drugs in Schedule Eleven to that Act, search warrants, the disposal or destruction of drugs of dependence and other things in certain circumstances and to provide for authorised police employees to perform specified functions under the Act and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **EVIDENCE (DOCUMENT UNAVAILABILITY) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Evidence Act 1958 and the Victorian Civil and Administrative Tribunal Act 1998 in relation to documents that are unavailable in civil proceedings and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **ELECTORAL AND PARLIAMENTARY COMMITTEES LEGISLATION (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Electoral Act 2002, the Constitution (Parliamentary Reform) Act 2003 and the Parliamentary Committees Act 2003, to consequentially amend the Constitution Act 1975 and the Magistrates' Court Act 1989 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **LAND (FURTHER MISCELLANEOUS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to revoke certain land reservations and Crown grants and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Long Service Leave Act 1992 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 12 **ACCIDENT COMPENSATION AND OTHER LEGISLATION (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Accident Compensation Act 1985, the Accident Compensation (WorkCover Insurance) Act 1993, the Emergency Services Superannuation Act 1986, the Transport Accident Act 1986, the Workers Compensation Act 1958 and the Wrongs Act 1958 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

13 **HEALTH LEGISLATION (INFERTILITY TREATMENT AND MEDICAL TREATMENT) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the Infertility Treatment Act 1995 and the Medical Treatment Act 1988 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

14 **GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Mr Pandazopoulos obtained leave to bring in a Bill '*to amend the Gambling Regulation Act 2003 in relation to public lotteries and confidentiality, to consequentially amend the Tobacco (Amendment) Act 2005 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

15 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Road Safety — Corner of Boronia Road and Amesbury Avenue, Wantirna** — Requesting that the House takes immediate action to make the corner of Boronia Road and Amesbury Avenue safer for children travelling to and from school by reducing the speed limit, installing traffic signals, or both, bearing 195 signatures (*Mr Lockwood*)

**Racial and Religious Tolerance Act 2001 — Repeal** — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 10, 14, 11 and 18 signatures (*Mr Cameron, Mr Stensholt, Mr Andrews and Mr Maughan respectively*)

**Secondary School for Kingsville, Yarraville and Seddon** — Requesting that the House undertakes a study into the need for a secondary school to service the areas of Kingsville, Yarraville and Seddon with a view to providing a State secondary school to meet the demonstrated local need, bearing 1,027 signatures (*Mr Mildenhall*).

Petitions ordered to be tabled.

16 **PETITION — ROAD SAFETY — CORNER OF BORONIA ROAD AND AMESBURY AVENUE, WANTIRNA** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.

17 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 5 of 2006 on the:

Charter of Human Rights and Responsibilities Bill  
 Energy Legislation (Miscellaneous Amendments) Bill  
 Infringements (Consequential and Other Amendments) Bill  
 Justice Legislation (Further Miscellaneous Amendments) Bill  
 National Parks (Otways and Other Amendments) Bill  
 Planning and Environment (Growth Areas Authority) Bill  
 Primary Industries Acts (Miscellaneous Amendments) Bill  
 Transfer of Land (Alpine Resorts) Bill  
 Valuation of Land (Amendment) Bill  
 Victorian Urban Development Authority (Amendment) Bill

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:

*Commonwealth Games Arrangements Act 2001* — Orders under s 18 (10 orders)

*Crown Land (Reserves) Act 1978* — Section 17DA Orders granting under s 17D leases over:

Albert Park Reserve  
Lorne Foreshore Reserves

*Financial Management Act 1994*:

Budget Paper No 2 — Strategy and Outlook 2006–07

Budget Paper No 3 — Service Delivery 2006–07

Budget Paper No 4 — Statement of Finances 2006–07 incorporating the Quarterly Financial Report No 3

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 34

*Parliamentary Committees Act 2003*:

Response of the Attorney-General on the action taken with respect to the recommendations made by the Law Reform Committee's Inquiry into Warrant Powers and Procedures

Response of the Minister for Consumer Affairs on the action taken with respect to the recommendations made by the Family and Community Development Committee's Inquiry into the Regulation of the Funeral Industry

Response of the Treasurer on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the 2005–06 Budget Estimates

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Bayside Planning Scheme — No C38

Boroondara Planning Scheme — No C17

Brimbank Planning Scheme — No C80 Part 1

Campaspe Planning Scheme — No C29

Cardinia Planning Scheme — No C64

Casey Planning Scheme — No C35 Part 1

Darebin Planning Scheme — No C10 Part 3

Gannawarra Planning Scheme — No C12

Glenelg Planning Scheme — No C25

Greater Bendigo Planning Scheme — No C70

Greater Dandenong Planning Scheme — No C77

Greater Geelong Planning Scheme — Nos C65, C100, C111, C135

Hume Planning Scheme — Nos C11 Part 1, C50, C 55 Part 1, C55 Part 2

Manningham Planning Scheme — No C57

Mansfield Planning Scheme — No C6

Melbourne Planning Scheme — No C116  
 Monash Planning Scheme — No C62  
 Nillumbik Planning Scheme — Nos C25 Part 1, C38 Part 1, C39  
 Northern Grampians Planning Scheme — No C19  
 Port Phillip Planning Scheme — Nos C55, C56  
 Pyrenees Planning Scheme — No C14  
 Strathbogie Planning Scheme — Nos C14, C35  
 Whitehorse Planning Scheme — No C51  
 Wyndham Planning Scheme — No C79

*Rural Finance Act 1988* — Direction by the Treasurer to the Rural Finance Corporation to administer Exceptional Circumstances Assistance under the Rural Adjustment Scheme

Snowy Hydro Limited — Report for the period 27 June 2004 to 2 July 2005

Statutory Rules under the following Acts:

*Chattel Securities Act 1987* — SR No 51  
*Corporations (Ancillary Provisions) Act 2001* — SR No 44  
*Human Tissue Act 1982* — SR No 50  
*Magistrates' Court Act 1989* — SR Nos 46, 48, 55  
*National Parks Act 1975* — SR No 49  
*Road Safety Act 1986* — SR Nos 52, 53  
*Subordinate Legislation Act 1994* — SR No 45  
*Supreme Court Act 1986* — SR Nos 43, 44  
*Victorian Civil and Administrative Tribunal Act 1998* — SR No 54  
*Wrongs Act 1958* — SR No 47

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rule Nos 43, 44, 51, 52, 53, 54, 55  
 Ministers' exemption certificates in relation to Statutory Rule Nos 32, 40, 48, 50.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

*Courts Legislation (Judicial Conduct) Act 2005* — Remaining provisions on 28 April 2006 (*Gazette S119, 28 April 2006*)  
*Sustainable Forests (Timber) Act 2004* — Part 2 and ss 109 and 138 on 18 May 2006 (*Gazette G20, 18 May 2006*).

- 18 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Aboriginal Heritage Bill  
 Education and Training Reform Bill.

- 19 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 9 May 2006

Aboriginal Heritage Bill

Drugs, Poisons and Controlled Substances (Aged Care Services) Bill

Drugs, Poisons and Controlled Substances (Prohibition of Display and Sale of Cocaine Kits) Bill

Land (St Kilda Triangle) Bill

Road Safety (Drugs) Bill

Sustainable Forests (Timber) (Amendment) Bill

Valuation of Land (Amendment) Bill

On 16 May 2006

Disability Bill

Education and Training Reform Bill.

- 20 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Charter of Human Rights and Responsibilities Bill

Infringements (Consequential and Other Amendments) Bill

Planning and Environment (Growth Areas Authority) Bill

Victorian Urban Development Authority (Amendment) Bill.

- 21 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Appropriation (2006/2007) Bill, and accompanying Estimates of Expenditure requiring annual appropriation in the financial year 2006/2007.

Estimates ordered to be tabled.

- 22 **APPROPRIATION (2006/2007) BILL** — Mr Brumby obtained leave to bring in a Bill *'for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2006/2007 and for other purposes'*; and the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 1 June 2006.

- 23 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Appropriation (Parliament 2006/2007) Bill, and accompanying Estimates of Expenditure for Parliament requiring annual appropriation in the financial year 2006/2007.

Estimates ordered to be tabled.

- 24 **APPROPRIATION (PARLIAMENT 2006/2007) BILL** — Mr Bracks obtained leave to bring in a Bill *'for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2006/2007 and for other purposes'*; and the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 1 June 2006.

- 25 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 1 June 2006:

Infringements (Consequential and Other Amendments) Bill  
Justice Legislation (Further Miscellaneous Amendments) Bill  
Planning and Environment (Growth Areas Authority) Bill  
Primary Industries Acts (Miscellaneous Amendments) Bill  
Victorian Urban Development Authority (Amendment) Bill

(*Mr Batchelor*) — put, after debate, and agreed to.

- 26 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 27 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 8 inclusive, be postponed until later this day.

- 28 **VICTORIA RACING CLUB BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 13 June 2006.

- 29 **INFRINGEMENTS (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Garbutt announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 1070–71*).

Bill sent to the Legislative Council and their agreement requested.

- 30 **JUSTICE LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 31 **JUSTICE LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — The Acting Speaker announced that the Speaker had received a report from the Clerk that he has made the following corrections in the Bill:

In Clause 17(23), line 1, after 464 he has inserted 'Z' so it now reads 464Z(3A)(b)

In Clause 17(24), line 4, after 464 he has inserted 'Z' so it now reads 464Z(3B)(a).

- 32 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Melbourne Sailors' Home (Repeal) Bill

Financial Management (Miscellaneous Amendments) Bill

Statute Law (Further Revision) Bill.

- 33 **VICTORIAN URBAN DEVELOPMENT AUTHORITY (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphtine; Mr Perton; Mr Plowman; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Wells.

Question agreed to.

*Business having been interrupted at 10.02 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.



By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 34 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 35 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 10.33 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 164 — Wednesday 31 May 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Tatong Road** — Requesting that the corner-shoulders on the Tatong Road be sealed, particularly the corners at Mokoan, Whitegate (Smith's Road), Whitegate (Knight Road), Dodd's Bridge South and McCauley's Crossing, bearing 371 signatures (*Dr Sykes*)

**Ferntree Gully Primary School Teacher Residence and Classrooms** — Requesting that funding is made available by the Government to ensure that the original Ferntree Gully Primary School teacher residence and classroom both built in 1883, the classroom built in 1901 and a third classroom built in 1937 are retained and maintained for use by the local community and for the benefit of future generations, bearing 210 signatures (*Ms Eckstein*)

**Compulsory Wearing of Life Jackets** — Requesting that the House rejects the regulations for the compulsory wearing of life jackets or personal flotation devices as a matter of urgency, bearing 315 signatures (*Mr Ingram*)

**Bent Street, Moonee Ponds** — Requesting that the House transfers the title of the parcel of land at Bent Street, Moonee Ponds to the City of Moonee Valley to manage and administer the land on behalf of the community, and so recognise the loss of community land in the 1970s, preserve the remnant vegetation and protect local residents and school children from significant traffic impacts of housing development on the land, bearing 156 signatures (*Mr Langdon*).

Petitions ordered to be tabled.

- 3 **PETITION — FERNTREE GULLY PRIMARY SCHOOL TEACHER RESIDENCE AND CLASSROOMS** — Motion made and question — That the petition presented by the

Member for Ferntree Gully be taken into consideration tomorrow (*Ms Eckstein*) — put and agreed to.

- 4 **PETITION — TATONG ROAD** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

- 5 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

Auditor-General — Performance Audit Report — Planning for a capable Victoria Police workforce — Ordered to be printed.

- 6 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — VICTORIA'S TRANSPORT SYSTEM** — The House was informed that Mr Carli had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Bracks Government on its visionary \$10.5 billion blue print for the future of Victoria's transport system as set out in *Meeting our Transport Challenges — Connecting Victorian Communities*'.

Mr Carli addressed the House — Discussion followed.

- 8 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2005–06 Budget Estimates

Law Reform Committee's Report on the Inquiry into Warrant Powers and Procedures

Family and Community Development Committee's Report on the Regulation of the Funeral Industry

Education and Training Committee's Report on the Inquiry into the promotion of mathematics and science education

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Reduce Harmful Alcohol Consumption

Road Safety Committee's Report on the Inquiry into the Country Road Toll.

- 9 **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.

- 10 **GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 14 June 2006.

- 11 **LAND (FURTHER MISCELLANEOUS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 14 June 2006.

- 12 **LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 14 June 2006.

- 13 **HEALTH LEGISLATION (INFERTILITY TREATMENT AND MEDICAL TREATMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 14 June 2006.

*Business having been interrupted at 2.00 pm under standing orders.*

- 14 **QUESTIONS** — (Under SO 55).

- 15 **STATE TAXATION (REDUCTIONS AND CONCESSIONS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 7 June 2006.

- 16 **EVIDENCE (DOCUMENT UNAVAILABILITY) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 14 June 2006.

- 17 **ELECTORAL AND PARLIAMENTARY COMMITTEES LEGISLATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 14 June 2006.

- 18 **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.

- 19 **PLANNING AND ENVIRONMENT (GROWTH AREAS AUTHORITY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 20 **PRIMARY INDUSTRIES ACTS (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 21 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.37 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 165 — Thursday 1 June 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
- Fluoride — Domestic Water Supply** — Requesting that the Government — (a) acknowledges the opposition to mass fluoridation of the domestic water supply, pending a referendum of the citizens of Wodonga and Wangaratta; and (b) be bound by the results of such referendum, bearing 1,958 signatures (*Mr Jasper*).
- 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 — Performance Audit Report — Access to specialist medical outpatient care — Ordered to be printed
- Mt Buller and Mt Stirling Alpine Resort Management Board — Report for the year ended 31 October 2005 (two documents)
- Ombudsman Act 1973* — Report of the Ombudsman on a Review of the Freedom of Information Act — Ordered to be printed
- Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:
- Buloke Planning Scheme — No C6  
Glenelg Planning Scheme — No C29  
Golden Plains Planning Scheme — No C18  
Hume Planning Scheme — No C68  
Wellington Planning Scheme — Nos C24 Part 1, C31  
Yarra Ranges Planning Scheme — No C42.
- 4 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Equal Opportunity and Tolerance Legislation (Amendment) Bill without amendment.
- 5 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 6 **DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following documents in accordance with an Act of Parliament:

*EastLink Project Act 2004:*

Orders varying the project area and extended project area (two orders)  
Variation Statement No 6 under s 21(3).

- 7 **ACCIDENT COMPENSATION AND OTHER LEGISLATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 15 June 2006.

- 8 **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.

- 9 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 15 June 2006.

- 10 **NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

Motion made and question — That the debate be now adjourned (*Dr Napthine*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Thursday 15 June 2006.

- 11 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4, be postponed until later this day.

- 12 **APPROPRIATION (2006/2007) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 13 **TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 15 June 2006.

*Business having been interrupted at 2.00 pm under standing orders.*

14 **QUESTIONS** — (Under SO 55).

15 **PRIMARY INDUSTRIES ACTS (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

16 **APPROPRIATION (2006/2007) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

17 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.33 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 163, 164 and 165**

**No 163 — Tuesday 30 May 2006**

**INFRINGEMENTS (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL**

**Clauses 1 to 15** agreed to.

**Clause 16**, Mr Holding moved amendment No 1 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 17 to 94** agreed to.

**Schedule**, Mr Holding moved amendment Nos 2 to 14 (*see Schedule*).

Amendments put and agreed to.

Schedule agreed to as amended.

Bill agreed to as amended.



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## SCHEDULE OF AMENDMENTS MOVED

### INFRINGEMENTS (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL

Amendments moved by Mr Holding

1. Clause 16, lines 17 to 19, omit paragraph (b) and insert—  
'(b) within 21 days of deciding the review, serve on the applicant a written notice advising of the outcome of the review.'.

#### AMENDMENT OF SCHEDULE

2. Schedule, page 92, line 32, after "**2006**" insert "and state the infringement penalty in respect of the offence".
3. Schedule, page 94, after line 11 insert—  
"() Section 32(1)(dc)(i) is **repealed**".
4. Schedule, page 94, line 17, after "**2006**" insert "and the penalty for that offence is the prescribed infringement penalty in respect of that offence".
5. Schedule, page 98, line 14, after "**2006**" insert "and the penalty for that offence is the prescribed infringement penalty in respect of that offence".
6. Schedule, page 102, line 24, after "**2006**" insert "and the penalty for that offence is the prescribed penalty in respect of that offence".
7. Schedule, page 104, line 11, after "**2006**" insert "and the penalty for that offence is the prescribed infringement penalty in respect of that offence".
8. Schedule, page 104, line 28, after "**2006**" insert "and the penalty for that offence is the prescribed infringement penalty in respect of that offence".
9. Schedule, page 105, line 37, after "**2006**" insert "and the penalty for that offence is the prescribed infringement penalty in respect of that offence".
10. Schedule, page 106, line 23, omit "**omit**" and insert "for".
11. Schedule, page 106, line 24, omit 'notices'.' and insert 'notices' **substitute** "and infringement penalties for those offences".'.
12. Schedule, page 106, line 37, after "**2006**" insert "and the penalty for that offence is the prescribed infringement penalty in respect of that offence".
13. Schedule, page 108, line 6, after "**2006**" insert "and the penalty for that offence is the applicable penalty set out in the Schedule".
14. Schedule, page 109, line 19, after "**2006**" insert "and the penalty for that offence is the prescribed infringement penalty in respect of that offence".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 166, 167 and 168

#### No 166 — Tuesday 6 June 2006

1 The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE**  
— The Speaker announced that she had received the resignation of Mr Baillieu from the Outer Suburban/Interface Services and Development Committee, effective from today.

4 **OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE**  
— Motion made, by leave, and question — That Mr Honeywood be appointed a member of the Outer Suburban/Interface Services and Development Committee (*Mr Batchelor*) — put and agreed to.

5 **COURTS LEGISLATION (NEIGHBOURHOOD JUSTICE CENTRE) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Magistrates' Court Act 1989, the Children and Young Persons Act 1989 and the Children, Youth and Families Act 2005 to establish Neighbourhood Justice Divisions in the Magistrates' Court and the Children's Court and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

6 **COURTS LEGISLATION (JURISDICTION) BILL** — Mr Hulls obtained leave to bring in a Bill '*to make miscellaneous amendments to the County Court Act 1958, the Crimes Act 1958, the Crimes (Criminal Trials) Act 1999, the Magistrates' Court Act 1989, the Public Prosecutions Act 1994 and the Sentencing Act 1991, to repeal the Courts (Further Amendment) Act 1986 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

7 **CORRECTIONS AND OTHER JUSTICE LEGISLATION (AMENDMENT) BILL** — Mr Holding obtained leave to bring in a Bill '*to amend the Corrections Act 1986, the Serious Sex Offenders Monitoring Act 2005, the Firearms Act 1996 and the Firearms (Further Amendment) Act 2005 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

8 **HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the Health Services Act 1988 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

9 **CHILDREN, YOUTH AND FAMILIES (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL** — Ms Garbutt obtained leave to bring in a Bill '*to amend the Children, Youth and Families Act 2005 and the Children and Young Persons Act 1989, to amend other Acts as a consequence of the enactment of the Children, Youth and Families Act 2005, to repeal the Adoption (Amendment) Act 1991 and for other purposes*'; and 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:

**Boat Ramps — Port Phillip Bay** — Requesting that the Government and the Bayside Council take action to — (a) commit appropriate resources to support viable boat ramps in Port Phillip Bay and in particular the Half Moon Bay boat ramp; and (b) develop protocols for the continuing maintenance of the ramp, bearing 1 signature (*Mr Thompson*)

**42 Golf Links Avenue, Oakleigh** — Requesting that the House considers 2 to 3 single storey period style dwellings as a more appropriate design for the development at 42 Golf Links Avenue, Oakleigh, bearing 129 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

11 **PETITION — BOAT RAMPS — PORT PHILLIP BAY** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

12 **PETITION — 42 GOLF LINKS AVENUE, OAKLEIGH** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

13 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*National Parks Act 1975* — Advice under s 11(3)

Statutory Rules under the following Acts:

*Drugs, Poisons and Controlled Substances Act 1981* — SR No 57

*Subordinate Legislation Act 1994* — SR No 56

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule No 56.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

*Child Wellbeing and Safety Act 2005* — Whole Act (other than Part 7 and s 48) on 1 June 2006 (*Gazette G22, 1 June 2006*).

14 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Terrorism (Community Protection) (Further Amendment) Bill  
Justice Legislation (Further Miscellaneous Amendments) Bill.

- 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:

Equal Opportunity and Tolerance Legislation (Amendment) Bill  
Financial Management (Miscellaneous Amendments) Bill  
Justice Legislation (Further Miscellaneous Amendments) Bill  
Melbourne Sailors' Home (Repeal) Bill  
Statute Law (Further Revision) Bill  
Terrorism (Community Protection) (Further Amendment) Bill.

- 16 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Electoral and Parliamentary Committees Legislation (Amendment) Bill  
Long Service Leave (Preservation of Entitlements) Bill  
National Parks and Crown Land (Reserves) Acts (Amendment) Bill  
State Taxation (Reductions and Concessions) Bill  
Transport Legislation (Further Amendment) Bill  
Victoria Racing Club Bill.

- 17 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 8 June 2006:

Appropriation (2006/2007) Bill  
Appropriation (Parliament 2006/2007) Bill  
Energy Legislation (Miscellaneous Amendments) Bill  
State Taxation (Reductions and Concessions) Bill  
Transfer of Land (Alpine Resorts) Bill

*(Mr Batchelor)* — put, after debate, and agreed to.

- 18 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 19 **TRANSFER OF LAND (ALPINE RESORTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Thompson announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

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 Government provides a guarantee to the Victorian community and key stakeholders that no high level development will be undertaken on Mount Stirling and that Mount Stirling will

remain a pristine area administered consistent with the recommendations of the Mount Stirling Environment Effects Statement of May 1996' (*Mr Thompson*) — and, after debate —

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill read a second time.

Ordered — That the Bill be considered in detail later this day.

- 20 **ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time 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 3 to 5 inclusive, be postponed until later this day.

- 22 **APPROPRIATION (PARLIAMENT 2006/2007) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 23 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Planning and Environment (Growth Areas Authority) Bill

Infringements (Consequential and Other Amendments) Bill.

- 24 **APPROPRIATION (2006/2007) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing 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 10.50 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 167 — Wednesday 7 June 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **SNOWY HYDRO CORPORATISATION (AMENDMENT) BILL** — Mr Ingram obtained leave to bring in a Bill '*to amend the **Snowy Hydro Corporatisation Act 1997** to remove the power for the State of Victoria to dispose of or deal with its shares in the Snowy Hydro Company and to amend the **Constitution Act 1975** to include the Snowy Hydro Company in the definition of a public water authority 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:

**Government Subsidised Housing Residents** — Requesting that the House ensures that any residents of Government subsidised premises are bound to exercise due respect for their neighbourhood or face early intervention and eviction with no further assistance forthcoming, bearing 14 signatures (*Mr Savage*).

Ordered to be tabled.

- 4 **DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following documents in accordance with an Act of Parliament:

Statutory Rules under the following Acts:

*Births, Deaths and Marriages Registration Act 1996* — SR No 61

*Environment Protection Act 1970* — SR No 59

*Planning and Environment Act 1987* — SR No 60

*Prevention of Cruelty to Animals Act 1986* — SR No 58

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 58.

5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Victorian Urban Development Authority (Amendment) Bill 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:

Road Safety Committee's Report on the Inquiry into the Country Road Toll

Public Accounts and Estimates Committee's Report on the 2005–06 Budget Estimates

Economic Development Committee's Report on the Inquiry into Labour Hire Employment in Victoria

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Reduce Harmful Alcohol Consumption

Family and Community Development Committee's Report on the Regulation of the Funeral Industry

Education and Training Committee's Report on the Inquiry into the promotion of mathematics and science education.

9 **COURTS LEGISLATION (NEIGHBOURHOOD JUSTICE CENTRE) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 21 June 2006.

10 **COURTS LEGISLATION (JURISDICTION) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 21 June 2006.

*Business having been interrupted at 2.00 pm under standing orders.*

11 **QUESTIONS** — (Under SO 55).

12 **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.



- 13 **STATE TAXATION (REDUCTIONS AND CONCESSIONS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Primary Industries Acts (Miscellaneous Amendments) Bill without amendment.
- 15 **CORRECTIONS AND OTHER JUSTICE LEGISLATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).
- Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 21 June 2006.
- 16 **HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).
- Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 21 June 2006.
- 17 **APPROPRIATION (2006/2007) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under standing orders.*
- 18 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.35 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 168 — Thursday 8 June 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Police Station in Wallan** — Requesting that the House supports the construction of a new police station in Wallan, but not on public open space in Hadfield Park, bearing 625 signatures (*Mr Hardman*).

Ordered to be tabled.

- 3 **PETITION — POLICE STATION IN WALLAN** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Mr Hardman*) — put and agreed to.

4 **DOCUMENTS**

**REPORT OF INSPECTOR OF MUNICIPAL ADMINISTRATION — GREATER GEELONG CITY COUNCIL** — Motion made, by leave, and question — That the Report of the Inspector of Municipal Administration on an investigation into Greater Geelong City Council be tabled (*Mr Thwaites*) — put and agreed to.

Ordered to be printed.

**DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

*Surveillance Devices Act 1999* — Report under s 37 from the Department of Sustainability and Environment.

- 5 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 6 **CHILDREN, YOUTH AND FAMILIES (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 22 June 2006.

- 7 **APPROPRIATION (2006/2007) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 8 **QUESTIONS** — (Under SO 55).

- 9 **APPROPRIATION (2006/2007) BILL** — Debate continued on question — That this Bill be now read a second time.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 6 June 2006 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 **TRANSFER OF LAND (ALPINE RESORTS) BILL** — Order read for the consideration of the Bill in detail.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 11 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Energy Legislation (Miscellaneous Amendments) Bill without amendment.

- 12 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Garbutt*) — put and agreed to.

- 13 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.38 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 169, 170 and 171

#### No 169 — Tuesday 13 June 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **MELBOURNE UNIVERSITY (VICTORIAN COLLEGE OF THE ARTS) BILL** — Ms Kosky obtained leave to bring in a Bill '*to provide for the integration of the Victorian College of the Arts with the University of Melbourne, to repeal the **Victorian College of the Arts Act 1981**, to amend the **Melbourne University Act 1958** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **VICTIMS' CHARTER BILL** — Mr Hulls obtained leave to bring in a Bill '*to recognise principles governing the response to victims of crime by the criminal justice system and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **WORLD SWIMMING CHAMPIONSHIPS (AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the **World Swimming Championships Act 2004** to provide for the management and regulation of venues and areas to be used for the World Swimming Championships, to facilitate the carrying out of works for events and the conduct of events, including crowd management, to provide for other related matters associated with the World Swimming Championships and for other purposes*'; and 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:
  - Preschool Education — Recognition of Importance** — Requesting that the House recognises that preschool is the critical first step of education and moves responsibility for preschools to the Department of Education and Training, bearing 51 signatures (*Mr Ryan*)
  - Fluoride — Domestic Water Supply** — Requesting that the Government — (a) acknowledges the opposition to mass fluoridation of the domestic water supply, pending a referendum of the citizens of Wodonga and Wangaratta; and (b) be bound by the results of such referendum, bearing 360 signatures (*Mr Jasper*).

Petitions ordered to be tabled.

## 7 DOCUMENTS

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 6 of 2006 on the:

Aboriginal Heritage Bill  
 Accident Compensation and Other Legislation (Amendment) Bill  
 Appropriation (2006/2007) Bill  
 Appropriation (Parliament 2006/2007) Bill  
 Drugs, Poisons and Controlled Substances (Amendment) Bill  
 Electoral and Parliamentary Committees Legislation (Amendment) Bill  
 Evidence (Document Unavailability) Bill  
 Gambling Regulation (Further Miscellaneous Amendments) Bill  
 Health Legislation (Infertility Treatment and Medical Treatment) Bill  
 Land (Further Miscellaneous) Bill  
 Long Service Leave (Preservation of Entitlements) Bill  
 National Parks and Crown Land (Reserves) Acts (Amendment) Bill  
 State Taxation (Reductions and Concessions) Bill  
 Transport Legislation (Further Amendment) Bill  
 Victoria Racing Club Bill

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 131/2005

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Bass Coast Planning Scheme — No C47  
 Benalla Planning Scheme — No C14  
 Golden Plains Planning Scheme — No C28  
 Greater Dandenong Planning Scheme — No C59  
 Hume Planning Scheme — No C64  
 Moyne Planning Scheme — No C18  
 South Gippsland Planning Scheme — No C37  
 Whittlesea Planning Scheme — No C79

*Project Development and Construction Management Act 1994* — Amendment order under s 9.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

*Environment Effects (Amendment) Act 2005* — Whole Act on 30 June 2006 (*Gazette G23, 8 June 2006*).

8 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Appropriation (Parliament 2006/2007) Bill without amendment.

9 **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:

Energy Legislation (Miscellaneous Amendments) Bill  
 Infringements (Consequential and Other Amendments) Bill  
 Planning and Environment (Growth Areas Authority) Bill  
 Primary Industries Acts (Miscellaneous Amendments) Bill  
 Victorian Urban Development Authority (Amendment) Bill.

10 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Children, Youth and Families (Consequential and Other Amendments) Bill  
 Courts Legislation (Neighbourhood Justice Centre) Bill.

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 6.30 pm on Thursday 15 June 2006:

Accident Compensation and Other Legislation (Amendment) Bill  
 Building and Construction Industry Security of Payment (Amendment) Bill  
 Charter of Human Rights and Responsibilities Bill  
 Electoral and Parliamentary Committees Legislation (Amendment) Bill  
 Gambling Regulation (Further Miscellaneous Amendments) Bill  
 Health Legislation (Infertility Treatment and Medical Treatment) Bill  
 Land (Further Miscellaneous) Bill  
 Long Service Leave (Preservation of Entitlements) Bill  
 Transport Legislation (Further Amendment) Bill  
 Victoria Racing Club Bill

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

## NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

12 **STATEMENTS BY MEMBERS** — Statements by members were made.

13 **VICTORIA RACING CLUB BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

The Acting Speaker announced that the Speaker had ruled the Bill to be a private bill.

Motion made and question — That this Bill be treated as a public bill and that fees be dispensed with (*Ms Garbutt*) — put and agreed to.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

14 **BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Hulls announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time, considered in detail and agreed to with amendments (*see pp 1100, 1101–2*).

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 **CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Hulls announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.



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 views of all Victorians on the proposed charter are determined by referendum' (*Mr McIntosh*) — and, after debate —

*Business having been interrupted at 10.00 pm under standing orders.*

- 16 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.47 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 170 — Wednesday 14 June 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the Snowy Hydro Corporatisation Act 1997 to prevent the sale of shares in Snowy Hydro Limited held by the State of Victoria without the approval of both Houses of Parliament and for other purposes*'; and 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:

**Racial and Religious Tolerance Act 2001 — Repeal** — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 10 signatures (*Mr Helper*)

**Inquiry into Health Services** — Requesting that the House — (a) establishes an inquiry to consider the alleged misconduct by Ballarat Health Services, and any failings by the Health Services Commission, the Medical Practitioners Board and the Ombudsman in their response to complaints about the treatment of a patient in 2003, and that such inquiry make recommendations on which the Government can act; and (b) considers, as a matter of urgency, the formation of a corruption commission, bearing 1 signature (*Mr Helper*)

**Home Loan Schemes** — Requesting that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 129 signatures (*Mr Hardman*)

**Board of Inquiry Investigation into Home Loan Schemes** — Requesting that — (a) the House initiates an independent board of inquiry with the scope to fully investigate the

Government sponsored Home Loan Schemes; (b) the Minister for Housing ceases and desists from sending letters containing incorrect information to elected members; and (c) the legal representatives acting on behalf of the defendant in relation to claims brought by recipients of the Schemes be instructed to act as model litigants, bearing 9 signatures (*Mr Hardman*)

**Minimum Sentencing — Violent Criminals** — Requesting that the Government — (a) takes action to ensure the community of Victoria is adequately protected from habitual violent criminals who commit violent sexual crimes and violent crimes against children or vulnerable elderly people; and (b) imposes minimum jail sentences for these habitual violent criminals, bearing 232 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

4 **PETITION — MINIMUM SENTENCING — VIOLENT CRIMINALS** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

5 **PETITION — HOME LOAN SCHEMES** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Mr Hardman*) — put and agreed to.

6 **PETITION — BOARD OF INQUIRY INVESTIGATION INTO HOME LOAN SCHEMES** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Mr Hardman*) — put and agreed to.

7 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Audit Act 1994* — Auditor-General — Report on Results of financial statement audits for agencies with other than 30 June 2005 balance dates, and other audits — Ordered to be printed

Forensic Leave Panel — Report for the year 2005.

8 **STANDING ORDERS COMMITTEE** — Motion made, by leave, and question — That Mr Plowman and Mr Dixon be discharged from attendance on the Standing Orders Committee and that Mr Cooper and Mr Kotsiras be appointed in their place (*Mr Cameron*) — put and agreed to.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — MINIMUM SENTENCING** — 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 in the interests of promoting consistency and transparency in sentencing and to foster greater community understanding and confidence in the sentencing process, this House calls upon the Victorian Labor Government to introduce a system of standard minimum sentencing modelled upon that introduced by the New South Wales Labor Government in 2002 and now constituting Part 4 Division 1A of the Crimes (Sentencing Procedure) Act 1999 (NSW) (as amended).'

Mr Ryan 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 2004–05 Budget Outcomes

Road Safety Committee's Report on the Inquiry into the Country Road Toll

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Reduce Harmful Alcohol Consumption

Economic Development Committee's Report on the Viability of the Victorian Thoroughbred/Standardbred Breeding Industries

Education and Training Committee's Report on the Inquiry into the promotion of mathematics and science education

Education and Training Committee's Report on the Inquiry into the Suitability of Pre-Service Teacher Training in Victoria.

- 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 **VICTIMS' CHARTER BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 28 June 2006.

- 14 **WORLD SWIMMING CHAMPIONSHIPS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 28 June 2006.

*Business having been interrupted at 2.00 pm under standing orders.*

- 15 **QUESTIONS** — (Under SO 55).

- 16 **ELECTORAL AND PARLIAMENTARY COMMITTEES LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Cameron*) — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Ordered — That the debate be adjourned until later this day.

- 17 **LAND (FURTHER MISCELLANEOUS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Carli*) — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 50

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Motion made and question — That the debate be adjourned until later this day (*Mr Batchelor*) — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 50

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transfer of Land (Alpine Resorts) Bill without amendment.

19 **MELBOURNE UNIVERSITY (VICTORIAN COLLEGE OF THE ARTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 28 June 2006.

20 **LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL** — 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.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Helper*) — after debate, put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

## NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **HEALTH LEGISLATION (INFERTILITY TREATMENT AND MEDICAL TREATMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Ms Kosky*) — 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 Morand*) — after debate, put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

## AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

## NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Ordered — That the debate be adjourned until later this day.

- 22 **GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Lim*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 23 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Allan*) — put and agreed to.

- 24 **ADJOURNMENT** —

And the House having continued to sit after 12 midnight —

THURSDAY 15 JUNE 2006

The Acting Speaker left the Chair, after debate, at 12.20 am.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 171 — Thursday 15 June 2006

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Dingley Bypass** — Requesting that the House ensures a toll free Dingley bypass road is constructed as soon as possible, bearing 993 signatures (*Ms Asher*)

**Natural Gas Reticulation** — Requesting that the House calls on the Government to provide funding for Mossiface and Bruthen to be included in the natural gas reticulation for regional towns through the Rural Infrastructure Development Fund, bearing 222 signatures (*Mr Ingram*)

**Proposed Resort Hotel Complex, Mornington Peninsula** — Requesting that the House refuses approval of the proposed development for a resort hotel complex, in any form, on the property at the corner of Greens Road and Browns Road in Main Ridge in the Red Hill Ward of the Mornington Peninsula, bearing 4,091 signatures (*Ms Buchanan*).

Petitions ordered to be tabled.

- 3 **PETITION — PROPOSED RESORT HOTEL COMPLEX, MORNINGTON PENINSULA** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.

#### 4 DOCUMENTS

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — Ms Lindell, Chair, presented a report from the Environment and Natural Resources Committee on the Inquiry into the Energy Services Industry, together with appendices and minutes 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 — Performance Audit Report — Protecting our environment and community from failing septic tanks — Ordered to be printed

Commissioner for Environmental Sustainability — Report on Government procurement and environmental sustainability (four documents)

*Members of Parliament (Register of Interests) Act 1978* — Summary of Variations notified between 1 October 2005 and 14 June 2006 — Ordered to be printed

*Multicultural Victoria Act 2004* — Report on Victorian Government Achievements in Multicultural Affairs for the year 2004–05.

#### 5 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended today so as to allow:

- (1) Business to be interrupted immediately after question time for a motion of condolence in relation to Mr Ian Little, Secretary of the Department of Treasury and Finance; and
- (2) Three Government and three non-Government members to speak on the motion, for not more than five minutes each; and
- (3) Business under discussion and not completed at the time of the interruption to be resumed after the conclusion of the motion and any member speaking at the time of the interruption may then continue his or her speech.

(*Mr Batchelor*) — put and agreed to.

#### 6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 18 July 2006 (*Mr Batchelor*) — put and agreed to.

#### 7 **STATEMENTS BY MEMBERS** — Statements by members were made.

#### 8 **SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.



Ordered — That the debate be adjourned until Thursday 29 June 2006.

- 9 **TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Batchelor 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.

Bill read a second time, considered in detail and agreed to with an amendment, read a third time (*see pp 1100, 1102*).

Bill sent to the Legislative Council and their agreement requested.

- 10 **ACCIDENT COMPENSATION AND OTHER LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 11 **QUESTIONS** — (Under SO 55).

- 12 **DEATH OF MR IAN LITTLE** — Motion made and question — That this House expresses its sincere sorrow at the death, on 5 June 2006, of Ian Little and places on record its acknowledgement of the valuable services rendered by Mr Little to the Victorian Public Sector and the people of Victoria (*Mr Bracks*) — put, after honourable members had addressed the House in support of the motion and, honourable members rising in their places to signify their assent, agreed to unanimously.

- 13 **ACCIDENT COMPENSATION AND OTHER LEGISLATION (AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 14 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Victoria Racing Club Bill  
Appropriation (2006/2007) Bill.

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the State Taxation (Reductions and Concessions) Bill with an amendment.

Ordered — That the amendment be taken into consideration later this day.

- 16 **LAND (FURTHER MISCELLANEOUS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 17 **LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 18 **GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Mildenhall*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **STATE TAXATION (REDUCTIONS AND CONCESSIONS) BILL** — Order read for the consideration of the amendment made by the Legislative Council.

After debate, the amendment was agreed to by the House.

Message sent to the Legislative Council informing them accordingly.

- 20 **HEALTH LEGISLATION (INFERTILITY TREATMENT AND MEDICAL TREATMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the views of all Victorians on the proposed charter are determined by referendum'; debate resumed.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 13 June 2006 had expired.*

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That this Bill be now read a second time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That Government amendment Nos 1 to 6 inclusive be agreed to and the Bill be now read a third time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 22 **ELECTORAL AND PARLIAMENTARY COMMITTEES LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 23 **LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 68

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 7

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 24 **GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 25 **HEALTH LEGISLATION (INFERTILITY TREATMENT AND MEDICAL TREATMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 26 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 27 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 7.23 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 169, 170 and 171**

**No 169 — Tuesday 13 June 2006**

**BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT (AMENDMENT) BILL**

**Clauses 1 to 10** agreed to.

**Clause 11**, Mr Hulls moved amendment No 1 (*see Schedule 1*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 12 to 16** agreed to.

**Clause 17**, Mr Hulls moved amendment No 2 (*see Schedule 1*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 18 to 43** agreed to.

Bill agreed to as amended.

**No 171 — Thursday 15 June 2006**

**TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL**

**Clauses 1 to 13** agreed to.

**Clause 14**, Mr Batchelor moved an amendment (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 15 to 61** agreed to.

**Schedules 1 and 2** agreed to.

Bill agreed to as amended.

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## SCHEDULES OF AMENDMENTS MOVED

### SCHEDULE 1

#### BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT (AMENDMENT) BILL

Amendments moved by Mr Hulls

1. Clause 11, page 10, lines 7 to 33, and page 11, lines 1 to 7, omit all words and expressions on these lines and insert—
  - (a) the work has been carried out or the goods and services have been supplied under the construction contract; and
  - (b) the person for whom the work has been carried out or the goods and services supplied or a person acting for that person under the construction contract requested or directed the carrying out of the work or the supply of the goods and services; and
  - (c) the parties to the construction contract do not agree as to one or more of the following—
    - (i) that the doing of the work or the supply of goods and services constitutes a variation to the contract;
    - (ii) that the person who has undertaken to carry out the work or to supply the goods and services under the construction contract is entitled to a progress payment that includes an amount in respect of the work or the goods and services;
    - (iii) the value of the amount payable in respect of the work or the goods and services;
    - (iv) the method of valuing the amount payable in respect of the work or the goods and services;
    - (v) the time for payment of the amount payable in respect of the work or the goods and services; and
  - (d) subject to sub-section (4), the consideration under the construction contract at the time the contract is entered into—
    - (i) is \$5 000 000 or less; or
    - (ii) exceeds \$5 000 000 but the contract does not provide a method of resolving disputes under the contract (including disputes referred to in paragraph (c)).
- (4) If at any time the total amount of claims under a construction contract for the second class of variations exceeds 10% of the consideration under the construction contract at the time the contract is entered into, sub-section (3)(d) applies in relation to that construction contract as if any reference to "\$5 000 000" were a reference to "\$150 000".

#### Example

A building contractor enters into a construction contract. The consideration (**contract sum**) under the contract at the time the contract is entered into is \$3 million. The contract contains a dispute resolution clause. The contractor undertakes work at the direction of the other party. The

contractor claims (the **new claim**) that the work is a variation to the contract. The other party does not agree that the work constitutes a variation to the contract (**disputed variation**). The contractor has already made a number of claims for disputed variations under the contract. The new claim brings the total amount of claims for disputed variations under the contract to \$350 000. This amount exceeds 10% of the contract sum. As the contract sum exceeds \$150 000 and the contract contains a dispute resolution clause, the disputed variation in the new claim and all subsequent disputed variations under the contract will not be claimable variations under this Act.'

2. Clause 17, line 9, omit all words and expressions on this line and insert—
- 'amount; and
- (d) must be in the relevant prescribed form (if any); and
- (e) must contain the prescribed information (if any).".'

## SCHEDULE 2

### TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL

Amendment moved by Mr Batchelor

Clause 14, page 13, lines 25 to 33, omit all words and expressions on these lines and insert—

- "(4) Despite anything to the contrary in this section, it is not necessary for a driver of a commercial passenger vehicle to hold a driver accreditation if—
- (a) he or she is driving a vehicle that is permitted by the laws of another State or Territory to operate as the equivalent of a commercial passenger vehicle; and
- (b) he or she is driving the vehicle in Victoria in any of the circumstances set out in section 139(1B).".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 172, 173 and 174

#### No 172 — Tuesday 18 July 2006

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **TRANSPORT (TAXI-CAB ACCREDITATION AND OTHER AMENDMENTS) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend the **Transport Act 1983** to provide for the accreditation of certain participants in the taxi-cab industry, to enable the penalties for transport infringements and ticket infringements to vary depending on how they are issued and to authorise certain public transport ticket conditions, to make minor amendments to the **Transport Legislation (Further Amendment) Act 2006** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **CATCHMENT AND LAND PROTECTION (FURTHER AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the **Catchment and Land Protection 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.
- 5 **HERITAGE RIVERS (FURTHER PROTECTION) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the **Heritage Rivers Act 1992** to prohibit the construction in heritage river areas of new impoundments, barriers and structures that impede the passage of water fauna, to amend the provisions relating to management plans for heritage river areas and natural catchment areas in that Act and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **VICTORIAN RENEWABLE ENERGY BILL** — Mr Thwaites obtained leave to bring in a Bill '*to promote the development of renewable energy generation through the establishment of a scheme that provides for the creation and acquisition of renewable energy certificates and requires the surrender of renewable energy certificates and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **ENERGY LEGISLATION (HARDSHIP, METERING AND OTHER MATTERS) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the **Electricity Industry Act 2000**, the **Energy Safe Victoria Act 2005**, the **Gas Industry Act 2001** and the **Pipelines Act 2005** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 8 **COPTIC ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST BILL** — Mr Hulls obtained leave to bring in a Bill '*to establish a corporate trustee for the Coptic Orthodox Church within the Diocese of Melbourne and Affiliated Regions to hold property for the benefit of the Coptic Orthodox Church in that Diocese, to provide for the vesting of certain property in the trustee, to cancel the incorporation of certain associations and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **OWNERS CORPORATIONS BILL** — Mr Hulls obtained leave to bring in a Bill '*to provide for the management, powers and functions of owners corporations and for appropriate mechanisms for the resolution of disputes relating to owners corporations, to amend the **Subdivision Act 1988** in relation to the creation of owners corporations, to amend other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **CORONERS AND HUMAN TISSUE ACTS (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Coroners Act 1985** and the **Human Tissue Act 1982** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **MINERAL RESOURCES DEVELOPMENT (SUSTAINABLE DEVELOPMENT) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the **Mineral Resources Development Act 1990** and the **Environment Protection Act 1970** and to make consequential amendments to other Acts and for other purposes*'; and 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:
- Racial and Religious Tolerance Act 2001 — Repeal** — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 39 and 15 signatures (*Mr Lockwood and Dr Sykes respectively*)
- Tatong Road** — Requesting that the corner-shoulders on the Tatong Road be sealed, particularly the corners at Mokoan, Whitegate (Smith's Road), Whitegate (Knight Road), Dodd's Bridge South and McCauley's Crossing, bearing 8 signatures (*Dr Sykes*)
- Lake Mokoan and the Broken System** — Requesting that the House urges the Government to — (a) reinstate the members of the Broken System Reliability Reference Committee in decision making on the decommissioning of Lake Mokoan and the Broken System; (b) undertake an independent assessment of the current reliability of water supply provided by the Broken System including Lake Mokoan; (c) ensure commitments given by the former and current Ministers for Water that irrigators will not be adversely affected by the decommissioning of Lake Mokoan are honoured in full; and (d) investigate the possibility of a permanent wetland in the bed of the lake to enhance reliability of supply to water users, bearing 226 signatures (*Dr Sykes*)
- Charter of Human Rights and Responsibilities Bill 2006** — Requesting that the House defeats the Charter of Human Rights and Responsibilities Bill 2006, bearing 46, 14 and 16 signatures (*Dr Sykes, Mr Stensholt and Mr Hardman respectively*)

**Mornington-Baxter Railway Line** — Requesting that the House calls upon the Government to reopen the Mornington-Baxter railway line and reintroduce regular passenger services to Mornington, bearing 143 signatures (*Mr Harkness*)

**Gembrook-Pakenham Bus Route** — Requesting that the House establishes a bus route between Gembrook and Pakenham, bearing 159 signatures (*Ms Lobato*)

**Preschool Education — Recognition of Importance** — Requesting that the House recognises that preschool is the critical first step of education and moves responsibility for preschools to the Department of Education and Training, bearing 247 signatures (*Mr Ryan*)

**Sound Barriers on Princes Freeway — Berwick and Beaconsfield** — Requesting that the House calls on VicRoads and the Department of Infrastructure to urgently construct sound barriers along the stretch of the Princes Freeway between Clyde Road in Berwick and Brookvale Close in Beaconsfield, bearing 51 signatures (*Mr Mulder*)

**Cranbourne East Railway Station** — Requesting that the House takes action to ensure that the Department of Infrastructure enacts the 1999 and 2002 election promises of the Government to build Cranbourne East Station, bearing 150 signatures (*Mr Mulder*)

**Casey — Car Parking and Transport Timetables** — Requesting that the Minister for Transport conducts — (a) a total review of all train and bus timetables in the City of Casey; and (b) a total review of the need for additional car parking at railway stations in the municipality of the City of Casey, bearing 821 signatures (*Mr Mulder*).

Petitions ordered to be tabled.

## 13 DOCUMENTS

**RURAL AMBULANCE VICTORIA** — Motion made, by leave, and question — That the Interim Report of the State Services Authority Review of the Governance and Effectiveness of Rural Ambulance Victoria be tabled (*Ms Pike*) — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Lockwood presented a report from the Scrutiny of Acts and Regulations Committee being the Annual review 2005, Regulations 2005, together with appendices.

Ordered to be tabled and printed.

**PRIVILEGES COMMITTEE** — Mr Nardella, Chair, presented a report from the Privileges Committee on the Complaint by the Member for Preston, together with appendices.

Ordered to be tabled and printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 7 of 2006 on the:

Charter of Human Rights and Responsibilities Bill  
 Children, Youth and Families (Consequential and Other Amendments) Bill  
 Corrections and Other Justice Legislation (Amendment) Bill

Courts Legislation (Jurisdiction) Bill  
 Courts Legislation (Neighbourhood Justice Centre) Bill  
 Health Services (Supported Residential Services) Bill  
 Melbourne University (Victorian College of the Arts) Bill  
 Snowy Hydro Corporatisation (Parliamentary Approval) Bill  
 Victims' Charter Bill  
 World Swimming Championships (Amendment) Bill

together with appendices.

Ordered to be tabled and printed.

**RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE** — Mr Hardman, Chair, presented a report from the Rural and Regional Services and Development Committee on the Inquiry into Regional Telecommunications Infrastructure for Business, together with appendices, minority reports, extracts from the proceedings and minutes of evidence.

Ordered to be tabled and the report, appendices, minority reports and extracts from the proceedings printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General — Annual Plan 2006–07

*Crown Land (Reserves) Act 1978* — Section 17DA Orders granting under s 17D leases over:

Mentone and Mordialloc Beach Park Reserve  
 Point Leo Foreshore Reserve  
 Westerfolds Park Reserve

*Financial Management Act 1994* — Report from the Minister for Sport and Recreation that he had not received the report for the year ended 31 March 2006 of the Melbourne Cricket Ground Trust, together with an explanation for the delay

*Interpretation of Legislation Act 1984*:

Notices under s 32(3)(a)(iii) in relation to Statutory Rule Nos 41, 59, 80  
 Notice under s 32(3)(a)(iii) in relation to Waste Management Policy (Used Packaging Materials) (*Gazette G26, 29 June 2006*)  
 Notice under s 32(4)(a)(iii) in relation to Waste Management Policy (Ships' Ballast Water) (*Gazette G26, 29 June 2006*)

*Murray-Darling Basin Act 1993* — Schedule H to the Murray-Darling Basin Agreement under s 28(b)

*National Parks Act 1975* — Notice of consent from the Minister for Environment for petroleum exploration within the Lower Glenelg National Park

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Ballarat Planning Scheme — Nos C82, C91, C94  
Bass Coast Planning Scheme — Nos C27 Part 1, C45, C58  
Baw Baw Planning Scheme — No C34  
Bayside Planning Scheme — No C51  
Benalla Planning Scheme — No C15  
Boroondara Planning Scheme — Nos C51, C56, C57  
Brimbank Planning Scheme — No C79  
Campaspe Planning Scheme — Nos C37, C39  
Cardinia Planning Scheme — Nos C58, C78  
Casey Planning Scheme — No C81  
Central Goldfields Planning Scheme — No C6  
Corangamite Planning Scheme — No C14  
Darebin Planning Scheme — No C65  
Glen Eira Planning Scheme — No C51  
Glenelg Planning Scheme — No C23  
Greater Bendigo Planning Scheme — Nos C34, C72, C76  
Greater Dandenong Planning Scheme — No C72  
Greater Geelong Planning Scheme — Nos C91, C101 Part 1  
Greater Shepparton Planning Scheme — No C27  
Hume Planning Scheme — Nos C60, C63, C70  
Indigo Planning Scheme — No C33  
Kingston Planning Scheme — No C46 Part 2  
Knox Planning Scheme — Nos C47, C51  
Macedon Ranges Planning Scheme — No C28  
Manningham Planning Scheme — Nos C56 Part 1, C56 Part 2  
Maroondah Planning Scheme — No C47  
Melbourne Planning Scheme — Nos C61, C107  
Moonee Valley Planning Scheme — No C60  
Mornington Peninsula Planning Scheme — Nos C72, C74 Part 1, C76  
Nillumbik Planning Scheme — Nos C30, C45  
Port Phillip Planning Scheme — Nos C23, C32  
South Gippsland Planning Scheme — Nos C23, C38  
Wangaratta Planning Scheme — No C23  
Warrnambool Planning Scheme — Nos C21, C39  
Yarra Planning Scheme — No C62

*State Concessions Act 2004* — Orders under s 7 (five orders)

Statutory Rules under the following Acts:

*Building Act 1993* — SR Nos 68, 79  
*Crimes (Assumed Identities) Act 2004* — SR No 74  
*Crimes (Family Violence) Act 1987* — SR No 78  
*Drugs, Poisons and Controlled Substances Act 1981* — SR No 70  
*Environment Protection Act 1970* — SR No 65  
*Evidence Act 1958* — SR No 77  
*Firearms Act 1996* — SR No 81  
*Fisheries Act 1995* — SR No 63  
*Gambling Regulation Act 2003* — SR No 71  
*Infringements Act 2006* — SR Nos 75, 76  
*Magistrates' Court Act 1989* — SR Nos 69, 72, 83, 87

*Planning and Environment Act 1987* — SR No 85  
*Plant Health and Plant Products Act 1995* — SR No 62  
*Prostitution Control Act 1994* — SR No 64  
*Road Safety Act 1986* — SR No 82  
*Surveillance Devices Act 1999* — SR No 73  
*Sustainable Forests (Timber) Act 2004* — SR No 84  
*Terrorism (Community Protection) Act 2003* — SR No 80  
*Transfer of Land Act 1958* — SR Nos 66, 67  
*Transport Act 1983* — SR No 86

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rule Nos 67, 69, 72, 83, 85, 87  
 Ministers' exemption certificates in relation to Statutory Rule Nos 63, 65, 70, 71, 78, 79, 80, 81, 82  
 Minister's infringements offence consultation certificate in relation to Statutory Rule No 86.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

*Crimes (Assumed Identities) Act 2004* — Whole Act on 1 July 2006 (*Gazette G26, 29 June 2006*)  
*Equal Opportunity and Tolerance Legislation (Amendment) Act 2006* — Remaining provisions on 30 June 2006 (*Gazette G26, 29 June 2006*)  
*Evidence (Witness Identity Protection) Act 2004* — Whole Act on 1 July 2006 (*Gazette G26, 29 June 2006*)  
*Firearms (Further Amendment) Act 2005* — Remaining provisions of Part 2 (other than ss 11, 15, 27, 33, 48, 54 and 59) and Part 5 on 1 July 2006 (*Gazette G26, 29 June 2006*)  
*Guardianship and Administration (Further Amendment) Act 2006* — Whole Act on 15 July 2006 (*Gazette G27, 6 July 2006*)  
*Infringements (Consequential and Other Amendments) Act 2006* — Remaining provisions on 1 July 2006 (*Gazette G26, 29 June 2006*)  
*Infringements Act 2006* — Whole Act on 1 July 2006 (*Gazette G26, 29 June 2006*)  
*Investigative, Enforcement and Police Powers Acts (Amendment) Act 2005* — Part 9 on 1 July 2006 (*Gazette G26, 29 June 2006*)  
*Major Crime Legislation (Office of Police Integrity) Act 2004* — Section 12 and Parts 6 and 7 on 1 July 2006 (*Gazette G26, 29 June 2006*)  
*Public Sector Employment (Award Entitlements) Act 2006* — Whole Act on 3 July 2006 (*Gazette G25, 22 June 2006*)  
*Surveillance Devices (Amendment) Act 2004* — Whole Act on 1 July 2006 (*Gazette G26, 29 June 2006*)  
*Transport Legislation (Further Miscellaneous Amendments) Act 2005* — Division 1 of Part 9 and s 34 on 31 July 2006 (*Gazette G27, 6 July 2006*).

- 14 **APPROPRIATION (2006/2007) BILL — APPROPRIATION (PARLIAMENT 2006/2007) BILL** — The Speaker announced that on 20 June 2006, she had presented to the Governor, the Appropriation (2006/2007) Bill and the Appropriation (Parliament 2006/2007) Bill to which the Governor had been pleased to give the royal assent.

- 15 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 20 June 2006, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

State Taxation (Reductions and Concessions) Bill  
 Transfer of Land (Alpine Resorts) Bill  
 Victoria Racing Club Bill.

- 16 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Victims' Charter Bill  
 World Swimming Championships (Amendment) Bill.

- 17 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 6.00 pm on Thursday 20 July 2006:

Children, Youth and Families (Consequential and Other Amendments) Bill  
 Corrections and Other Justice Legislation (Amendment) Bill  
 Courts Legislation (Jurisdiction) Bill  
 Courts Legislation (Neighbourhood Justice Centre) Bill  
 Drugs, Poisons and Controlled Substances (Amendment) Bill  
 Evidence (Document Unavailability) Bill  
 Health Services (Supported Residential Services) Bill  
 National Parks and Crown Land (Reserves) Acts (Amendment) Bill  
 Snowy Hydro Corporatisation (Parliamentary Approval) Bill

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

- 18 **STATEMENTS BY MEMBERS** — Statements by members were made.

19 **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.

20 **EVIDENCE (DOCUMENT UNAVAILABILITY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

21 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

22 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4, be postponed until later this day.

23 **COURTS LEGISLATION (NEIGHBOURHOOD JUSTICE CENTRE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Mr Jenkins; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wynne.

NOES 17

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Plowman; Mr Savage; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.



- 24 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Building and Construction Industry Security of Payment (Amendment) Bill  
Transport Legislation (Further Amendment) Bill.

- 25 **COURTS LEGISLATION (JURISDICTION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Thwaites*) — 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.

- 26 **CORRECTIONS AND OTHER JUSTICE LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Wells announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made, by leave, and question — That the debate be now adjourned and that he have leave to continue his speech when the debate is resumed (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 27 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Pike*) — put and agreed to.

- 28 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.38 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 173 — Wednesday 19 July 2006

- 1 The Speaker took the Chair and read the Prayer.

2 **ENVIRONMENT PROTECTION (AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the Environment Protection Act 1970 to make further provision for the protection of the environment 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:

**Train Services — Bendigo Line** — Requesting that the House urges the Government to improve train services on the Bendigo line, bearing 302 signatures (*Mr Mulder*)

**Minimum Sentencing — Violent Criminals** — Requesting that the Government — (a) takes action to ensure the community of Victoria is adequately protected from habitual violent criminals who commit violent sexual crimes and violent crimes against children or vulnerable elderly people; and (b) imposes minimum jail sentences for these habitual violent criminals, bearing 107 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

4 **PETITION — MINIMUM SENTENCING — VIOLENT CRIMINALS** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

5 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Audit Act 1994* — Report of the Auditor-General — Review of Major Public Cemeteries — Ordered to be printed

Auditor-General — Performance Audit Report — Vocational Education and Training: Meeting the Skill Needs of the Manufacturing Industry — Ordered to be printed

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 154/2005

*Ombudsman Act 1973* and *Police Regulation Act 1958* — Report of the Ombudsman and Director, Police Integrity — Conditions for Persons in Custody — Ordered to be printed

Statutory Rules under the following Acts:

*Electoral Act 2002* — SR No 89

*Subordinate Legislation Act 1994* — SR No 88

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule No 88

Minister's exemption certificate in relation to Statutory Rule No 89.

6 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — NATIONAL REFORM AGENDA** — The House was informed that Mr Stensholt had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Bracks Government for promoting the National Reform Agenda which has given new priority to early childhood development, skills and community health as a means of boosting workforce participation and expresses its regret that the recent meeting of the Council of Australian Governments failed to make more concrete commitments to the achievement of these goals through the Commonwealth Government making specific commitments to share the benefits of reform with the States.'

Mr Stensholt addressed the House — Discussion followed.

- 8 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Rural and Regional Services and Development Committee's Report on Regional Telecommunications Infrastructure for Business

Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes

Economic Development Committee's Interim and Final Reports on Labour Hire Employment in Victoria

Road Safety Committee's Report on the Country Road Toll.

- 9 **COPTIC ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 2 August 2006.

- 10 **CHILDREN, YOUTH AND FAMILIES (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Kosky 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.*

- 11 **QUESTIONS** — (Under SO 55).

- 12 **CHILDREN, YOUTH AND FAMILIES (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL** — Debate resumed on question — That this Bill be now read a second time.

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 1120, 1121*).

Bill sent to the Legislative Council and their agreement requested.

- 13 **ENERGY LEGISLATION (HARDSHIP, METERING AND OTHER MATTERS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Dr Napthine*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 2 August 2006.

- 14 **NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **CORRECTIONS AND OTHER JUSTICE LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 1120, 1121*).

Bill sent to the Legislative Council and their agreement requested.

- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Electoral and Parliamentary Committees Legislation (Amendment) Bill without amendment.

- 17 **NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 18 **HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Cameron*) — put and agreed to.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 19 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Accident Compensation and Other Legislation (Amendment) Bill  
Health Legislation (Infertility Treatment and Medical Treatment) Bill  
Land (Further Miscellaneous) Bill.

- 20 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Garbutt*) — put and agreed to.

- 21 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.31 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 174 — Thursday 20 July 2006

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Boat Ramps — Port Phillip Bay** — Requesting that the Government and the Bayside Council takes action to — (a) commit appropriate resources to support viable boat ramps in Port Phillip Bay and in particular the Half Moon Bay boat ramp; and (b) develop protocols for the continuing maintenance of the ramp, bearing 60 signatures (*Mr Thompson*)

**Sandringham Primary School** — Requesting that the Government and Bayside Council take necessary steps to enable the land on the north-west corner of the Sandringham Primary School site to be utilised as part of the school playing area, bearing 517 signatures (*Mr Thompson*)

**Congested Roads — Council Offices and Sandringham Hospital** — Requesting that the City of Bayside, Bayside Health and the Government develop a strategic vision for the Royal Avenue, Bluff Road, Harold Street and Edward Street precinct in Sandringham to improve the congested road conditions surrounding the Council Offices and Sandringham Hospital, bearing 36 signatures (*Mr Thompson*)

**Minimum Sentencing — Violent Criminals** — Requesting that the Government — (a) takes action to ensure the community of Victoria is adequately protected from habitual violent criminals who commit violent sexual crimes and violent crimes against children or vulnerable elderly people; and (b) imposes minimum jail sentences for these habitual violent criminals, bearing 20 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

### 3 **DOCUMENTS**

**STANDING ORDERS COMMITTEE** — Mr Loney presented a report from the Standing Orders Committee on the Review of the Joint Standing Orders of the Parliament of Victoria, together with appendices.

Ordered to be tabled and printed.

#### **DOCUMENT TABLED BY COMMAND OF THE GOVERNOR**

Mr Hulls presented by Command of the Governor:

Children's Court of Victoria — Report for the year 2004–05

Ordered to be tabled.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General — Performance Audit Report — Making Travel Safer: Victoria's Speed Enforcement Program — Ordered to be printed

*Terrorism (Community Protection) Act 2003* — Report on the operation of Parts 2A and 3A for the year 2005–06.

4 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 8 August 2006 (*Mr Batchelor*) — put and agreed to.

5 **STATEMENTS BY MEMBERS** — Statements by members were made.

6 **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.

7 **SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Walsh 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.*

8 **QUESTIONS** — (Under SO 55).

9 **SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Batchelor*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

10 **TRANSPORT (TAXI-CAB ACCREDITATION AND OTHER AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Smith*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 August 2006.

11 **OWNERS CORPORATIONS BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 August 2006.

12 **CORONERS AND HUMAN TISSUE ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 August 2006.

13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Charter of Human Rights and Responsibilities Bill without amendment.

14 **MINERAL RESOURCES DEVELOPMENT (SUSTAINABLE DEVELOPMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 August 2006.

15 **VICTORIAN RENEWABLE ENERGY BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 August 2006.

- 16 **HERITAGE RIVERS (FURTHER PROTECTION) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 August 2006.

- 17 **CATCHMENT AND LAND PROTECTION (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 August 2006.

- 18 **ENVIRONMENT PROTECTION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 18 July 2006 had expired.*

- 19 **SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 20 **ENVIRONMENT PROTECTION (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 August 2006.

- 21 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Thwaites*) — put and agreed to.



22    **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 6.36 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 172, 173 and 174**

**No 173 — Wednesday 19 July 2006**

**CHILDREN, YOUTH AND FAMILIES (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL**

**Clause 1** agreed to.

**Clause 2**, Mr Haermeyer moved amendment No 1 (*see Schedule 1*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 3 to 41** agreed to.

**New clause AA** agreed to (*see Schedule 1*).

**Schedule** agreed to.

Bill agreed to as amended.

**CORRECTIONS AND OTHER JUSTICE LEGISLATION (AMENDMENT) BILL**

**Clauses 1 to 6** agreed to.

**Clause 7**, Mr Wells moved amendment No 1 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 8 to 19** agreed to.

**Clause 20**, Mr Wells moved amendment No 2 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 21 to 23** agreed to.

Bill agreed to as amended.

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## SCHEDULES OF AMENDMENTS MOVED

### SCHEDULE 1

#### CHILDREN, YOUTH AND FAMILIES (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL

Amendments moved by Mr Haermeyer

1. Clause 2, line 15, omit "sections 36, 37, 38, 39 and 40" and insert "sections 37, 38, 39, 40 and 41".

NEW CLAUSE

2. Insert the following New Clause to follow clause 27—

**'AA. Powers of Secretary in relation to medical services and operations**

- (1) In section 597(1)(c) of the **Children, Youth and Families Act 2005**, after "service" **insert** ", declared hospital or declared parent and baby unit".
- (2) In section 597(4)(a) of the **Children, Youth and Families Act 2005**, after "service" **insert** ", declared hospital or declared parent and baby unit".

### SCHEDULE 2

#### CORRECTIONS AND OTHER JUSTICE LEGISLATION (AMENDMENT) BILL

Amendments moved by Mr Wells

1. Clause 7, page 11, line 30, omit "may" and insert "must".
2. Clause 20, page 24, line 16, omit "may" and insert "must".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 175, 176 and 177

#### No 175 — Tuesday 8 August 2006

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF JOHN PATRICK MUTTON** — The Speaker announced the death of John Patrick Mutton, Member of the Legislative Assembly for the Electoral District of Coburg from 1967 to 1979; and, honourable members rose in their places as a mark of respect to the memory of the deceased.
- 3 **APPOINTMENT OF AN OFFICER OF PARLIAMENT** — The Speaker informed the House that, under s 18 of the *Parliamentary Administration Act 2005*, the Clerk of the Legislative Assembly has appointed Ms Bridget Jane Noonan to be Assistant Clerk Committees.
- 4 **QUESTIONS** — (Under SO 55).
- 5 **MURRAY-DARLING BASIN (FURTHER AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the Murray-Darling Basin Act 1993 to approve an amendment to the Murray-Darling Basin Agreement to facilitate the operation of the Murray-Darling Basin Commission's water business on appropriate commercial principles 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 (GOVERNANCE) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the Water Act 1989 to make provision for water corporations and to make other amendments to that Act, to amend the Catchment and Land Protection Act 1994 to make further provision for Catchment Management Authorities and to make other amendments to that Act, to repeal the Melbourne and Metropolitan Board of Works Act 1958 and the Melbourne Water Corporation Act 1992 and to make further amendments to the Conservation, Forests and Lands Act 1987, the Limitation of Actions Act 1958, the Public Authorities (Dividends) Act 1983, the Road Management Act 2004, the Water Industry Act 1994, the Valuation of Land Act 1960, the Water (Resource Management) Act 2005 and the Werribee South Land Act 1991*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **SURVEILLANCE DEVICES (WORKPLACE PRIVACY) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Surveillance Devices Act 1999 so as to enhance its operation in workplaces and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 8 **CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Crimes Act 1958** in relation to jury warnings, the **Evidence Act 1958** in relation to the giving of evidence in proceedings that relate to a charge for a sexual offence and the **Magistrates' Court Act 1989** to provide for a Sexual Offences List and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **CHARITIES (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Charities Act 1978** to make further provision for charitable trusts, to amend the **Religious Successory and Charitable Trusts Act 1958** and the **Property Law Act 1958** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **CONVEYANCERS BILL** — Mr Hulls obtained leave to bring in a Bill '*to regulate the carrying out of conveyancing work, to repeal Part 7.1 of the **Legal Profession Act 2004**, to make consequential amendments to other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **FUNERALS BILL** — Mr Hulls obtained leave to bring in a Bill '*to provide for the regulation of the funeral industry, to re-enact provisions relating to the regulation of pre-paid funeral contracts, to provide for Codes of Practice, to repeal the **Funerals (Pre-Paid Money) Act 1993**, to amend the **Fair Trading Act 1999** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 12 **HUMAN SERVICES (COMPLEX NEEDS) (AMENDMENT) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the **Human Services (Complex Needs) Act 2003** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 13 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Compulsory Wearing of Life Jackets** — Requesting that the House rejects the regulations for the compulsory wearing of life jackets or personal flotation devices as a matter of urgency, bearing 219 signatures (*Mr Ingram*)

**Charter of Human Rights and Responsibilities Bill 2006** — Requesting that the House defeats the Charter of Human Rights and Responsibilities Bill 2006, bearing 35 signatures (*Mr Jasper*).

Petitions ordered to be tabled.

14 **DOCUMENTS**

**OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE** — Mr Nardella, Chair, presented a report from the Outer Suburban/Interface Services and Development Committee on the Inquiry into Building New Communities, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 8 of 2006 on the:

Catchment and Land Protection (Further Amendment) Bill  
Coptic Orthodox Church (Victoria) Property Trust Bill  
Coroners and Human Tissue Acts (Amendment) Bill  
Energy Legislation (Hardship, Metering and Other Matters) Bill  
Environment Protection (Amendment) Bill  
Heritage Rivers (Further Protection) Bill  
Mineral Resources Development (Sustainable Development) Bill  
Owners Corporations Bill  
Transport Legislation (Further Amendment) Bill  
Transport (Taxi-Cab Accreditation and Other Amendments) Bill  
Victorian Renewable Energy Bill

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:

*EastLink Project Act 2004:*

Order varying the extended project area  
Variation Statements Nos 7 and 8 under s 21(3)

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 68

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Ararat Planning Scheme — No C7  
Bayside Planning Scheme — No C39 Part 1  
Casey Planning Scheme — Nos C76, C87  
Central Goldfields Planning Scheme — No C9  
Greater Bendigo Planning Scheme — No C83  
Greater Shepparton Planning Scheme — No C66  
Kingston Planning Scheme — Nos C33, C57, C61  
Knox Planning Scheme — No C53  
Melbourne Planning Scheme — No C119  
Mildura Planning Scheme — No C36  
Moonee Valley Planning Scheme — No C72  
Moyne Planning Scheme — No C3  
Murrindindi Planning Scheme — Nos C14, C18  
Stonnington Planning Scheme — No C49  
Strathbogie Planning Scheme — No C34  
Whittlesea Planning Scheme — Nos C37, C78  
Wyndham Planning Scheme — Nos C65, C77

Yarra Ranges Planning Scheme — Nos C34, C54

Statutory Rules under the following Acts:

*Administration and Probate Act 1958* — SR No 90

*Consumer Credit (Victoria) Act 1995* — SR No 95

*Rail Safety Act 2006* — SR No 96

*Retirement Villages Act 1986* — SR No 93

*Second-Hand Dealers and Pawnbrokers Act 1989* — SR No 94

*Subordinate Legislation Act 1994* — SR No 92

*Supreme Court Act 1986* — SR Nos 97, 98

*Zoological Parks and Gardens Act 1995* — SR No 91

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rule Nos 91, 92, 97

Ministers' exemption certificates in relation to Statutory Rule Nos 75, 76, 93, 94, 95.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

*Rail Safety Act 2006* — Section 147 on 25 July 2006; and remaining provisions (except ss 122 and 123) on 1 August 2006 (*Gazette S181, 25 July 2006*)

*Transport Legislation (Safety Investigations) Act 2006* — Whole Act on 1 August 2006 (*Gazette G30, 27 July 2006*)

*Victoria Racing Club Act 2006* — Whole Act on 1 August 2006 (*Gazette G30, 27 July 2006*)

*Water (Resource Management) Act 2005* — Remaining provisions (except for ss 58 and 69) on 3 August 2006 (*Gazette S191, 2 August 2006*).

- 15 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 25 July 2006, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Accident Compensation and Other Legislation (Amendment) Bill

Building and Construction Industry Security of Payment (Amendment) Bill

Charter of Human Rights and Responsibilities Bill

Electoral and Parliamentary Committees Legislation (Amendment) Bill

Health Legislation (Infertility Treatment and Medical Treatment) Bill

Land (Further Miscellaneous) Bill

Transport Legislation (Further Amendment) Bill.

- 16 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Environment Protection (Amendment) Bill

Mineral Resources Development (Sustainable Development) Bill

Owners Corporations Bill

Transport (Taxi-cab Accreditation and Other Amendments) Bill

Victorian Renewable Energy Bill.



17 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended so as to allow:

- (1) Business to be interrupted at 3.00 pm on Wednesday 9 August 2006 to enable four members to make statements relating to care leavers; and
- (2) Business under discussion and not completed at the time of interruption to be resumed after the conclusion of the statements and any member speaking at the time of the interruption may then continue his or her speech.

(*Mr Batchelor*) — put and agreed to.

18 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 10 August 2006:

Coroners and Human Tissue Acts (Amendment) Bill  
 Energy Legislation (Hardship, Metering and Other Matters) Bill  
 Environment Protection (Amendment) Bill  
 Mineral Resources Development (Sustainable Development) Bill  
 Victims' Charter Bill  
 Victorian Renewable Energy Bill  
 World Swimming Championships (Amendment) Bill

(*Mr Batchelor*) — put, after debate, and agreed to.

19 **STATEMENTS BY MEMBERS** — Statements by members were made.

20 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1, be postponed until later this day.

21 **VICTIMS' CHARTER BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until victims of crime groups, the Sentencing Advisory Council and the Adult Parole Board are consulted with a view to enabling victims of crime to be notified and have the opportunity of making a submission to the Adult Parole Board prior to releasing any prisoner on home detention'  
 (*Mr McIntosh*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Holding*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Long Service Leave (Preservation of Entitlements) Bill without amendment.

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 **MINERAL RESOURCES DEVELOPMENT (SUSTAINABLE DEVELOPMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 25 **ENERGY LEGISLATION (HARDSHIP, METERING AND OTHER MATTERS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 26 **CORONERS AND HUMAN TISSUE ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gambling Regulation (Further Miscellaneous Amendments) Bill without amendment.

- 28 **WORLD SWIMMING CHAMPIONSHIPS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 29 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.39 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## **No 176 — Wednesday 9 August 2006**

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Improved Bus Services — Frankston North** — Requesting that the House — (a) improves route 830/831 bus service between Frankston and Dandenong Railway Stations, in particular its frequency in the evenings, and extends the service until 8.15 pm; (b) considers extending the service later on Friday evenings; and (c) increases the frequency and extends the service later on Saturdays, bearing 269 signatures (*Mr Perera*)

**Ferntree Gully Primary School Teacher Residence and Classrooms** — Requesting that funding is made available by the Government to ensure that the original Ferntree Gully Primary School teacher residence and classroom both built in 1883, the classroom built in 1901 and a third classroom built in 1937 are retained and maintained for use by the local community and for the benefit of future generations, bearing 286 signatures (*Ms Eckstein*)

**Bay Trail between Charman Road, Mentone and Nepean Highway, Mordialloc** — Requesting that, in relation to foreshore vegetation areas between Charman Road, Mentone, and Nepean Highway, Mordialloc, the House — (a) requires the Department of Sustainability and Environment and Parks Victoria to prevent the construction of a bicycle/pedestrian path along or through the cliff top vegetation or foreshore vegetation; (b) requires VicRoads and the City of Kingston to construct a behind-the-kerb bicycle path along the beach side of Beach Road; and (c) requires the Department of Sustainability and Environment and the City of Kingston to retain cliff top and cliff vegetation and dirt tracks, and to improve vegetation and picnic areas, bearing 276 signatures (*Ms Munt*).

Petitions ordered to be tabled.

- 3 **PETITION — IMPROVED BUS SERVICES — FRANKSTON NORTH** — Motion made and question — That the petition presented by the Member for Cranbourne be taken into consideration tomorrow (*Mr Perera*) — put and agreed to.
- 4 **PETITION — COMPULSORY WEARING OF LIFE JACKETS** — Motion made and question — That the petition presented by the Member for Gippsland East on Tuesday 8 August 2006 be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 5 **PETITION — BAY TRAIL BETWEEN CHARMAN ROAD, MENTONE AND NEPEAN HIGHWAY, MORDIALLOC** — Motion made and question — That the petition presented by the Member for Mordialloc be taken into consideration tomorrow (*Ms Lindell*) — put and agreed to.
- 6 **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 for the year 2004–05

*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(4)(a)(iii) in relation to the Building Code of Australia 2006 (*Gazette G31, 3 August 2006*)

Statutory Rules under the following Acts:

*Estate Agents Act 1980* — SR No 100

*Retirement Villages Act 1986* — SR No 99

*Water Act 1989* — Katunga Groundwater Management Plan.

- 7 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Courts Legislation (Neighbourhood Justice Centre) Bill

Drugs, Poisons and Controlled Substances (Amendment) Bill.

- 8 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 9 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

- 10 **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 Building New Communities

Rural and Regional Services and Development Committee's Report on the Inquiry into Regional Telecommunications Infrastructure for Business

Standing Orders Committee's Report on the Review of the Joint Standing Orders of the Parliament of Victoria

Environment and Natural Resources Committee's Report on the Inquiry into the Energy Services Industry.

- 11 **JOINT STANDING ORDERS** — Motion made and question — That the Joint Standing Orders and Joint Rules of Practice as recommended by the Standing Orders Committee in its report on the Review of the Joint Standing Orders of the Parliament of Victoria, July 2006, be adopted to take effect from the start of the 56th Parliament, subject to the following amendments:

(1) Joint Standing Order 15, paragraph (3), after 'Chair of the Committee and' insert 'may elect'.

(2) Joint Standing Order 16, paragraph (3), omit 'Presiding Officer' and insert 'Presiding Officers'.

(*Mr Batchelor*) — put, after debate, and agreed to.

Ordered — That a message be sent to the Legislative Council informing them of the resolution and requesting their agreement.

- 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 **SURVEILLANCE DEVICES (WORKPLACE PRIVACY) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 23 August 2006.

*Business having been interrupted at 2.00 pm under standing orders.*

- 14 **QUESTIONS** — (Under SO 55).

- 15 **MURRAY-DARLING BASIN (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

Motion made and question — That the debate be now adjourned (*Dr Napthine*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 23 August 2006.

- 16 **WORLD SWIMMING CHAMPIONSHIPS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 3.00 pm under the resolution of the House on Tuesday 8 August 2006.*

- 17 **CARE LEAVERS** — In accordance with the resolution of the House on Tuesday 8 August 2006, members made statements relating to care leavers.

- 18 **WORLD SWIMMING CHAMPIONSHIPS (AMENDMENT) BILL** — 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.

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Evidence (Document Unavailability) Bill without amendment.

- 20 **ENVIRONMENT PROTECTION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Government decides on long term plans to accommodate the disposal of all forms of industrial waste' (*Mr Walsh*) — and, after debate —

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.

- 21 **VICTORIAN RENEWABLE ENERGY BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Delahunty (*Northcote*) announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

*Business having been interrupted at 10.00 pm under standing orders.*

- 22 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.32 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 177 — Thursday 10 August 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Tax on Scooter and Motorbike Registrations** — Requesting that the \$50 tax, levied through the Transport Accident Commission on scooter and motorbike registrations, be abolished, bearing 15 signatures (*Dr Sykes*)

**Racial and Religious Tolerance Act 2001** — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 6,350, 6,274 and 4,632 signatures (*Mr McIntosh, Mr Ryan and Mr Savage respectively*)

**Toxic Waste Facility — Mildura Region** — Requesting that the Government abandons the proposal to place a toxic waste facility in the Mildura region, bearing 112 signatures (*Mr Savage*)

**Wellington Road Upgrade** — Requesting that the House resolves to ensure the Government duplicates or provides passing lanes along Wellington Road between Kellets Road and Belgrave-Gembrook Road, bearing 467 signatures (*Mr Mulder*)

**Sewage Sludge Treatment Plant — 13<sup>th</sup> Beach and Breamlea — Environmental Effects Statement** — Requesting that — (a) Barwon Water suspend the project to design, construct and operate a large sewage sludge treatment plant on the coastline between 13<sup>th</sup> Beach and Breamlea so that effective community consultation can be undertaken and a solution found

that is acceptable to both the community and the environment; and (b) the Minister for Planning requires an environmental effects statement for this project, bearing 53 signatures (*Mr Mulder*)

**Sewage Sludge Treatment Plant — 13<sup>th</sup> Beach and Breamlea** — Requesting that Barwon Water suspend the project to design, construct and operate a large sewage sludge treatment plant on the coastline between 13<sup>th</sup> Beach and Breamlea — (a) so that effective community consultation can be undertaken; and (b) to find a solution that is acceptable to both the community and the environment, bearing 831 signatures (*Mr Mulder*)

**Portland and District Hospital** — Requesting that the House urges the Government to take immediate action to ensure a fully funded qualified doctor is available at the Portland and District Hospital's Accident and Emergency Services Department, 24 hours a day, seven days per week in perpetuity, bearing 7,517 signatures (*Dr Naphine*).

Petitions ordered to be tabled.

3 **PETITION — PORTLAND AND DISTRICT HOSPITAL** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.

4 **PETITION — TAX ON SCOOTER AND MOTORBIKE REGISTRATIONS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

5 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Kew be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

6 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

7 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

## 8 DOCUMENTS

**STATEMENT ON MINISTERIAL INTERVENTION IN PLANNING MATTERS** — Motion made, by leave, and question — That a Statement on Ministerial Intervention in Planning Matters for the period May 2005 to April 2006 under the *Planning and Environment Act 1987*, the *Victorian Civil and Administrative Tribunal Act 1998* and the *Heritage Act 1995* be tabled (*Mr Hulls*) — put and agreed to.

**ECONOMIC DEVELOPMENT COMMITTEE** — Mr Delahunty (*Lowan*) presented a report from the Economic Development Committee on the Standardbred Breeding Industry and Associated Industry Issues, 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:

Essential Services Commission — Report on the Grain Handling Access Regime

*Murray-Darling Basin Act 1993* — Revised Schedule C and Revised Schedule E under s 28(b)

*Parliamentary Committees Act 2003* — Response of the Premier on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on a Legislative Framework for Independent Officers of Parliament

*Survey Co-ordination Act 1958* — Report of the Surveyor-General for the year 2005–06.

9 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Corrections and Other Justice Legislation (Amendment) Bill

Health Services (Supported Residential Services) Bill

Courts Legislation (Jurisdiction) Bill

Children, Youth and Families (Consequential and Other Amendments) Bill.

10 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 22 August 2006 (*Ms Pike*) — put and agreed to.

11 **STATEMENTS BY MEMBERS** — Statements by members were made.

12 **INDUSTRIAL RELATIONS** — Motion made and question — That this House — (a) opposes the use of Australian Workplace Agreements to remove or undercut Award safety net wages and conditions and opposes the Federal Government's WorkChoices legislation being used to strip workers of their entitlements to penalty rates, overtime, public holidays, rest breaks and annual leave; and (b) calls on the Commonwealth Government to work with the Victorian Government to develop a fair system of industrial relations, underpinned by the following principles: (i) the right to a comprehensive award safety net; (ii) the right to the Australian Industrial Relations Commission as an independent umpire; (iii) the right to collective bargaining and industrial action; (iv) the right to freedom of association; (v) the right to decent unfair dismissal laws; (vi) the right to equal pay for work of equal value; and (vii) the right to work and family balance (*Mr Hulls*) — and, after debate —

*Business having been interrupted at 2.00 pm under standing orders.*

13 **QUESTIONS** — (Under SO 55).

14 **INDUSTRIAL RELATIONS** — Debate continued on question — That the motion be agreed to.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 8 August 2006 had expired.*

15 **VICTORIAN RENEWABLE ENERGY BILL** — Order read for resuming debate on question — That this Bill be now read a second time.



Question — That this Bill be now read a second time, Government amendment Nos 1 to 8 inclusive be agreed to and the Bill be now read a third time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 16 **VICTIMS' CHARTER BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until victims of crime groups, the Sentencing Advisory Council and the Adult Parole Board are consulted with a view to enabling victims of crime to be notified and have the opportunity of making a submission to the Adult Parole Board prior to releasing any prisoner on home detention'.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **ENVIRONMENT PROTECTION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Government decides on long term plans to accommodate the disposal of all forms of industrial waste'.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That this Bill be now read a second time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 74

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perton; Ms Pike; Mr Plowman; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 8

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Mr Savage; Dr Sykes; Mr Walsh.

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 **INDUSTRIAL RELATIONS** — Debate resumed on question — That this House — (a) opposes the use of Australian Workplace Agreements to remove or undercut Award safety net wages and conditions and opposes the Federal Government's WorkChoices legislation being used to strip workers of their entitlements to penalty rates, overtime, public holidays, rest breaks and annual leave; and (b) calls on the Commonwealth Government to work with the Victorian Government to develop a fair system of industrial relations, underpinned by the following principles: (i) the right to a comprehensive award safety net; (ii) the right to the Australian Industrial Relations Commission as an independent umpire; (iii) the right to collective bargaining and industrial action; (iv) the right to freedom of association; (v) the right to decent unfair dismissal laws; (vi) the right to equal pay for work of equal value; and (vii) the right to work and family balance.

Question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the National Parks and Crown Land (Reserves) Acts (Amendment) Bill without amendment.
- 20 **CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 August 2006.

- 21 **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.

- 22 **CONVEYANCERS BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 August 2006.

- 23 **CHARITIES (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 August 2006.

- 24 **FUNERALS BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 August 2006.

- 25 **HUMAN SERVICES (COMPLEX NEEDS) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 August 2006.

- 26 **WATER (GOVERNANCE) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

Motion made and question — That the debate be now adjourned (*Dr Napthine*) — put and agreed to.

Motion made and question proposed — That the debate be adjourned for two weeks (*Mr Thwaites*) — and, after debate —

Amendment proposed — That the word 'two' be omitted with the view of inserting in its place the word 'four' (*Mr Smith*).

Question — That the word proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 44

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Neville; Mr Pandazopoulos; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise.

NOES 13

Mr Clark; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Dr Naphthine; Mr Plowman; Mrs Powell; Mrs Shardey; Mr Smith; Mr Thompson; Mr Walsh.

Question agreed to.

Ordered — That the debate be adjourned until Thursday 24 August 2006.

27 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.

28 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 6.17 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 178, 179 and 180

#### No 178 — Tuesday 22 August 2006

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **ROAD LEGISLATION (PROJECTS AND ROAD SAFETY) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to make further miscellaneous amendments to the **Road Safety Act 1986**, to amend the **Land Acquisition and Compensation Act 1986**, the **Chattel Securities Act 1987**, the **Planning and Environment Act 1987**, the **Children and Young Persons Act 1989**, the **Sentencing Act 1991**, the **Melbourne City Link Act 1995**, the **Alpine Resorts (Management) Act 1997**, the **Road Management Act 2004**, the **Children and Young Persons (Miscellaneous Amendments) Act 2005**, the **Children, Youth and Families Act 2005** and the **Infringements Act 2006** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **CITY OF MELBOURNE AND DOCKLANDS ACTS (GOVERNANCE) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the **City of Melbourne Act 2001** to return the docklands area to the municipal district of the City of Melbourne and to establish a Docklands Co-ordination Committee and to amend the **Docklands Act 1991** and other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **STATE TAXATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Brumby obtained leave to bring in a Bill '*to make miscellaneous amendments to the **Duties Act 2000**, the **Land Tax Act 2005**, the **Pay-roll Tax Act 1971**, the **Public Authorities (Dividends) Act 1983**, the **Taxation Administration Act 1997** and the **Valuation of Land Act 1960** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **SENTENCING (SUSPENDED SENTENCES) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Sentencing Act 1991** with respect to suspended sentences of imprisonment and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **JUSTICE LEGISLATION (FURTHER AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Associations Incorporation Act 1981**, the **Attorney-General and Solicitor-General Act 1972**, the **Casino Control Act 1991**, the **City of Melbourne Act 2001**, the **Classification (Publications, Films and Computer Games) (Enforcement) Act***

*1995, the Confiscation Act 1997, the Corrections and Sentencing Acts (Home Detention) Act 2003, the Council of Law Reporting in Victoria Act 1967, the Credit (Administration) Act 1984, the Drugs, Poisons and Controlled Substances (Amendment) Act 2006, the Equal Opportunity Act 1995, the Estate Agents Act 1980, the Fair Trading Act 1999, the Gambling Regulation Act 2003, the Infringements Act 2006, the Introduction Agents Act 1997, the Judicial College of Victoria Act 2001, the Juries Act 2000, the Legal Profession Act 2004, the Magistrates' Court Act 1989, the Motor Car Traders Act 1986, the Professional Standards Act 2003, the Second-Hand Dealers and Pawnbrokers Act 1989, the Sex Offenders Registration Act 2004, the Travel Agents Act 1986, the Victorian Civil and Administrative Tribunal Act 1998, the Victorian Law Reform Commission Act 2000 and the Working with Children Act 2005 and for other purposes'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.*

8 **PUBLIC SECTOR ACTS (FURTHER WORKPLACE PROTECTION AND OTHER MATTERS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Public Administration Act 2004 and certain other Acts consequentially on that Act, to amend the Audit Act 1994, the Commonwealth Games Arrangements Act 2001, the Commonwealth Powers (Industrial Relations) Act 1996, the Ombudsman Act 1973, the Parliamentary Administration Act 2005 and the Public Sector Employment (Award Entitlements) Act 2006 and for other purposes*'; and 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:

**Preschool Education — Recognition of Importance** — Requesting that the House recognises that preschool is the critical first step of education and moves responsibility for preschools to the Department of Education and Training, bearing 57 signatures (*Mr Ryan*).

Ordered to be tabled.

## 10 DOCUMENTS

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Thompson, Deputy Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 9 of 2006 on the:

Charities (Amendment) Bill  
 Conveyancers Bill  
 Coroners and Human Tissue Acts (Amendment) Bill  
 Crimes (Sexual Offences) (Further Amendment) Bill  
 Electoral and Parliamentary Committees Legislation (Amendment) Bill  
 Funerals Bill  
 Human Services (Complex Needs) (Amendment) Bill  
 Murray-Darling Basin (Further Amendment) Bill  
 Surveillance Devices (Workplace Privacy) Bill  
 Water (Governance) Bill

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* — Section 17DA Orders granting under s 17D leases over Geelong Botanical Gardens and Recreation Reserve (two orders)

*Financial Management Act 1994* — Report from the Minister for Health that she had received the 2005 annual report of the Psychologists Registration Board together with an explanation for the delay

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Ballarat Planning Scheme — No C100  
Benalla Planning Scheme — No C17  
Cardinia Planning Scheme — No C75  
Golden Plains Planning Scheme — No C21  
Greater Bendigo Planning Scheme — No C65  
Greater Dandenong Planning Scheme — No C46  
Melbourne Planning Scheme — No C113  
Mildura Planning Scheme — No C33  
Mornington Planning Scheme — No C68 Part 1  
Mount Alexander Planning Scheme — No C35  
Port of Melbourne Planning Scheme — No L38  
Southern Grampians Planning Scheme — No C12  
Stonnington Planning Scheme — No C60  
Surf Coast Planning Scheme — No C30  
Warrnambool Planning Scheme — No C49  
Whitehorse Planning Scheme — No C50 Part 1  
Whittlesea Planning Scheme — No C67  
Wyndham Planning Scheme — No C75

Statutory Rules under the following Acts:

*Domestic (Feral and Nuisance) Animals Act 1994* — SR No 101  
*Supreme Court Act 1986* — SR No 102

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 101.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

*Transport Legislation (Further Amendment) Act 2006* — Section 16, s 17, s 20 (except sub-sections (2)(b) and (3)), s 21 (except sub-section (2)(b)), s 24(3) (except paragraphs (b) and (c)), s 25 (except sub-section (2)(b)), s 26 (except sub-sections (2) and (3)(b)), s 27, s 28 (except sub-sections (2) and (3)(b)), s 31(1), s 31(2), s 35(1) and s 35(3) and Schedule 1 on 8 August 2006 (*Gazette S199, 8 August 2006*)

*Transport Legislation (Further Miscellaneous Amendments) Act 2005* — Section 41 and ss 43 to 47 on 8 August 2006 (*Gazette S199, 8 August 2006*)

*Veterans Act 2005* — Remaining provisions on 21 August 2006 (*Gazette G33, 17 August 2006*).

- 11 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 15 August 2006, given the royal assent to the following bills, presented to him by the Deputy Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments:

Children, Youth and Families (Consequential and Other Amendments) Bill  
 Corrections and Other Justice Legislation (Amendment) Bill  
 Courts Legislation (Jurisdiction) Bill  
 Courts Legislation (Neighbourhood Justice Centre) Bill  
 Drugs, Poisons and Controlled Substances (Amendment) Bill  
 Evidence (Document Unavailability) Bill  
 Gambling Regulation (Further Miscellaneous Amendments) Bill  
 Health Services (Supported Residential Services) Bill  
 Long Service Leave (Preservation of Entitlements) Bill  
 National Parks and Crown Land (Reserves) Acts (Amendment) Bill.

- 12 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Conveyancers Bill  
 Funerals Bill  
 Human Services (Complex Needs) (Amendment) Bill  
 Murray-Darling Basin (Further Amendment) Bill  
 Water (Governance) Bill.

- 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 August 2006:

Catchment and Land Protection (Further Amendment) Bill  
 Coptic Orthodox Church (Victoria) Property Trust Bill  
 Heritage Rivers (Further Protection) Bill  
 Melbourne University (Victorian College of the Arts) Bill  
 Murray-Darling Basin (Further Amendment) Bill  
 Owners Corporations Bill  
 Surveillance Devices (Workplace Privacy) Bill  
 Transport (Taxi-Cab Accreditation and Other Amendments) Bill

*(Mr Batchelor)* — put, after debate, and agreed to.

- 14 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Informing the Legislative Assembly that they concur with the Assembly and have agreed to adopt the Joint Standing Orders and Joint Rules of Practice as recommended by the Standing Orders Committee, with the amendments made by the Legislative Assembly, to take effect from the commencement of the 56<sup>th</sup> Parliament.

16 **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.

17 **COPTIC ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

The Acting Speaker announced that the Speaker had ruled the Bill to be a private bill.

Motion made and question — That this Bill be treated as a public bill and that fees be dispensed with (*Ms Garbutt*) — put and agreed to.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

18 **MELBOURNE UNIVERSITY (VICTORIAN COLLEGE OF THE ARTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Snowy Hydro Corporatisation (Parliamentary Approval) Bill without amendment.

20 **TRANSPORT (TAXI-CAB ACCREDITATION AND OTHER AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Under standing orders, Mr Mulder announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Debate continued on question — That this Bill be now read a second time.

Bill read a second time and considered in detail.

*Business having been interrupted at 10.04 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

Bill further considered in detail and agreed to without amendment, read a third time.

Bill sent to the Legislative Council and their agreement requested.

21 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Energy Legislation (Hardship, Metering and Other Matters) Bill  
 Coroners and Human Tissues Acts (Amendment) Bill  
 World Swimming Championships (Amendment) Bill.

- 22 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 23 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 10.39 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 179 — Wednesday 23 August 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Ferntree Gully Primary School Teacher Residence and Classrooms** — Requesting that funding is made available by the Government to ensure that the original Ferntree Gully Primary School Teacher Residence and classroom both built in 1883, the classroom built in 1901 and a third classroom built in 1937 are retained and maintained for use by the local community and for the benefit of future generations, bearing 218 signatures (*Ms Eckstein*)

**Natural Gas for Raymond Island** — Requesting that the House calls on the Government to provide funding for Raymond Island to be reticulated through the Government's Rural Infrastructure Development Fund, bearing 139 signatures (*Mr Ingram*)

**VCAT Hearing — Kinnoull Grove, Glen Waverley** — Requesting that the House asks the Minister for Planning to call in the review by VCAT of the City of Monash's decision to refuse granting a planning permit for the proposed redevelopment at part of the former CSIRO site at Kinnoull Grove, Glen Waverley, as — (a) the community should be constructively engaged in the entire redevelopment of the site; and (b) the development of three-storey flats in a quiet residential street is not in accordance with the Melbourne 2030 plans, bearing 304 signatures (*Ms Morand*)

**Wimmera and Glenelg Rivers** — Requesting that the House urges the Minister for Water to hold over the environmental flow bulk entitlement to the Wimmera and Glenelg Rivers this year, to allow the water to be used to fill house dams and strategically placed dams for fire fighting, bearing 1,055 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

3 **PETITION — FERNTREE GULLY PRIMARY SCHOOL TEACHER RESIDENCE AND CLASSROOMS** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Ms Eckstein*) — put and agreed to.

4 **PETITION — WIMMERA AND GLENELG RIVERS** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

5 **PETITION — NATURAL GAS FOR RAYMOND ISLAND** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

6 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Audit Act 1994* — Report of the Auditor-General — Results of special audits and other investigations — Ordered to be printed

*Melbourne City Link Act 1995* — Melbourne City Link Twenty-second Amending Deed

Victorian Privacy Commissioner — Mr C's Case: Report of an investigation pursuant to Part 6 of the *Information Privacy Act 2000* into Victoria Police and Department of Justice in relation to the security of personal information in the Law Enforcement Assistance Program (LEAP) and E\*Justice databases — Ordered to be printed.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — EDUCATION POLICY** — The House was informed that Mr Dixon had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Bracks Government on its failure to maintain Victoria's schools, provide adequate funding and support to kindergartens and provide a choice of educational settings in Government schools and notes positive alternative policies to reverse those failings.'

Mr Dixon addressed the House — Discussion followed.

9 **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 Building New Communities

Public Accounts and Estimates Committee's Report on the 2004–05 Budget Outcomes

Public Accounts and Estimates Committee's Report on a legislative framework for independent officers of Parliament

Economic Development Committee's Report on the Standardbred Breeding Industry and Associated Industry Issues

Rural and Regional Services and Development Committee's Report on the Inquiry into Regional Telecommunications Infrastructure for Business.

10 **PRIVILEGES COMMITTEE REPORT** — Motion made and question — That:

- (a) The House endorses the Report of the Privileges Committee on the Complaint by the Member for Preston and its findings of a breach of privilege and contempt; and
- (b) The House notes that the Privileges Committee accepted that Mills Oakley Lawyers has a practice that all outgoing correspondence is to be checked by a Partner but that practice was not adhered to in this case; and
- (c) In recognition of the House's belief that the findings are a very serious matter, the Speaker is directed to:
  - (i) inform Mills Oakley Lawyers and the solicitor concerned of the decision of the Legislative Assembly; and
  - (ii) place a prominent notice in the Law Institute Journal to remind all members of the legal profession that the Legislative Assembly values the rights and obligations of Members of Parliament and will not allow parliamentary privilege to be undermined, and to advise that the Legislative Assembly will take any action necessary to protect the rights and privileges of the House and Members now and in the future; such notice shall be in the following terms:



**PARLIAMENTARY PRIVILEGE**

Following a recent finding of a contempt of Parliament involving the legal firm Mills Oakley, the Parliament wishes to advise that:

- (a) The Parliament regards Parliamentary Privilege as a vital part of the democratic process.
- (b) Parliamentary Privilege affords Members of Parliament the ability to debate matters in Parliament in a manner that allows them to fulfil their role as elected representatives and law makers without fear or favour.
- (c) The Parliament will not allow Parliamentary Privilege to be undermined.
- (d) The Parliament will take whatever action is necessary to protect Parliamentary Privilege in the future.

(e) The report of the Privileges Committee can be found at [www.parliament.vic.gov.au/Privileges\\_Committee/](http://www.parliament.vic.gov.au/Privileges_Committee/).

Judy Maddigan  
Speaker

(*Mr Batchelor*) — and, after debate —

*Business having been interrupted at 2.00 pm under standing orders.*

11 **QUESTIONS** — (Under SO 55).

12 **PRIVILEGES COMMITTEE REPORT** — Debate continued on question — That the motion be agreed to.

Amendment proposed — That in the notice to be placed in the Law Institute Journal, the words 'the legal firm Mills Oakley' be omitted with the view of inserting in their place the words 'a solicitor employed by a Melbourne law firm' (*Mr Cooper*) — and, after debate —

Amendment proposed to Mr Cooper's amendment — That the words 'employed by a Melbourne law firm' be omitted with the view of inserting in their place 'then employed by Mills Oakley Lawyers' (*Mr Nardella*) — and, after debate —

Question — That the words proposed to be omitted from the amendment stand part of the question — put and defeated.

Question — That the words proposed to be inserted in the amendment be inserted — put and agreed to.

Question — That the amendment as amended be agreed to — put and agreed to.

Question — That the motion as amended be agreed to — put and agreed to.

13 **HERITAGE RIVERS (FURTHER PROTECTION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 65

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Mr Dixon; Mr Donnellan; Ms Duncan; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Wells; Mr Wilson; Mr Wynne.

## NOES 7

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 14 **CATCHMENT AND LAND PROTECTION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to include comprehensive provisions to control weeds and pests on public land as well as private land and to enforce the provisions in the Bill on public land as well as private land' (*Dr Napthine*) — and, after debate —

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Holding*) — put and agreed to.

Debate resumed on question — That this Bill be now read a second time and on the amendment.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

## AYES 46

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

## NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.



- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Mineral Resources Development (Sustainable Development) Bill without amendment.
- 16 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 17 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.11 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 180 — Thursday 24 August 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**VCAT Hearing — Kinnoull Grove, Glen Waverley** — Requesting that the House asks the Minister for Planning to call in the review by VCAT of the City of Monash's decision to refuse granting a planning permit for the proposed redevelopment at part of the former CSIRO site at Kinnoull Grove, Glen Waverley, as — (a) the community should be constructively engaged in the entire redevelopment of the site; and (b) the development of three-storey flats in a quiet residential street is not in accordance with the Melbourne 2030 plans, bearing 48 signatures (*Ms Morand*)

**Wimmera and Glenelg Rivers** — Requesting that the House urges the Minister for Water to hold over the environmental flow bulk entitlement to the Wimmera and Glenelg Rivers this year, to allow the water to be used to fill house dams and strategically placed dams for fire fighting, bearing 78 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 3 **PETITION — WIMMERA AND GLENELG RIVERS** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

- 4 **DOCUMENTS**

**ROAD SAFETY COMMITTEE** — Dr Harkness presented a report from the Road Safety Committee on the Inquiry into Driver Distraction, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

**DRUGS AND CRIME PREVENTION COMMITTEE** — Mr Cooper, Deputy Chair, presented an interim report from the Drugs and Crime Prevention Committee on the Inquiry into the Misuse/Abuse of Benzodiazepines and Other Forms of Pharmaceutical Drugs in Victoria, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENT BY COMMAND OF THE GOVERNOR**

Mr Hulls presented by Command of the Governor:

Supreme Court — Report for the year 2004–05

Ordered to be tabled.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General — Performance Audit Report — Condition of public sector residential aged care facilities — Ordered to be printed

*Parliamentary Committees Act 2003* — Response of the Minister for Education and Training on the action taken with respect to the recommendations made by the Education and Training Committee's Inquiry into the promotion of mathematics and science education

Statutory Rules under the following Acts:

*Bail Act 1977* — SR No 104

*Estate Agents Act 1980* — SR Nos 105, 106

*Infringements Act 2006* — SR No 103

*Parliamentary Salaries and Superannuation Act 1968* — SR No 107

*Veterans Act 2005* — SR No 108

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rule Nos 107, 108, 109.

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 12 September 2006 (*Ms Garbutt*) — put and agreed to.

6 **STATEMENTS BY MEMBERS** — Statements by members were made.

7 **OWNERS CORPORATIONS BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

8 **MURRAY-DARLING BASIN (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Plowman*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 9 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the government business program agreed to by this House on 22 August 2006 be amended by omitting the Order of the Day, Government Business, relating to the Murray-Darling Basin (Further Amendment) Bill (*Mr Cameron*) — put, after debate, and agreed to.

- 10 **SURVEILLANCE DEVICES (WORKPLACE PRIVACY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 11 **OWNERS CORPORATIONS BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 12 **QUESTIONS** — (Under SO 55).

- 13 **OWNERS CORPORATIONS BILL** — Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 14 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Environment Protection (Amendment) Bill  
Victims' Charter Bill.

- 15 **SURVEILLANCE DEVICES (WORKPLACE PRIVACY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 22 August 2006 and as amended on Thursday 24 August 2006 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 **STATE TAXATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 7 September 2006.
- 17 **ROAD LEGISLATION (PROJECTS AND ROAD SAFETY) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 7 September 2006.
- 18 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Melbourne University (Victorian College of the Arts) Bill  
Coptic Orthodox Church (Victoria) Property Trust Bill.
- 19 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 6, be postponed until later this day.
- 20 **CITY OF MELBOURNE AND DOCKLANDS ACTS (GOVERNANCE) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 7 September 2006.
- 21 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 8, be postponed until later this day.
- 22 **PUBLIC SECTOR ACTS (FURTHER WORKPLACE PROTECTION AND OTHER MATTERS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 7 September 2006.
- 23 **JUSTICE LEGISLATION (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 7 September 2006.

- 24 **SENTENCING (SUSPENDED SENTENCES) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 7 September 2006.

- 25 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Kosky*) — put and agreed to.

- 26 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 5.50 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### CONSIDERATION IN DETAIL Supplement to Votes Nos 178, 179 and 180

#### No 178 — Tuesday 22 August 2006

**TRANSPORT (TAXI-CAB ACCREDITATION AND OTHER AMENDMENTS) BILL**  
Clauses 1 to 24 agreed to.

**New Clause A**, Mr Mulder moved new Clause A (*see Schedule*).

Question — That new Clause A be agreed to and added to the Bill — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

Question defeated.

*Business having been interrupted at 10.04 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

Bill agreed to without amendment.

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## SCHEDULE OF AMENDMENT MOVED

### SCHEDULE

#### TRANSPORT (TAXI-CAB ACCREDITATION AND OTHER AMENDMENTS) BILL

Amendment moved by Mr Mulder

Insert the following New Clause to follow clause 11—

**'A. Offences relating to security cameras and privacy of passengers**

After section 158B(6)(a) of the **Transport Act 1983** insert—

"(ab) without limiting paragraph (a), applies to prohibit anything done by a member of the police force in the course of investigating an offence involving violence or the threat of violence alleged to have been committed in a taxi-cab; or".'





## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 181, 182, 183 and 184

#### No 181 — Tuesday 12 September 2006

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF THE HONOURABLE NEIL BENJAMIN TREZISE, AM** — Motion made and question — That this House expresses its sincere sorrow at the death of the Honourable Neil Benjamin Trezise, AM, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as Member of the Legislative Assembly for the Electoral Districts of Geelong West from 1964 to 1967 and Geelong North from 1967 to 1992, Minister for Youth, Sport and Recreation from 1982 to 1985 and Minister for Sport and Recreation from 1985 to 1992 (*Mr Bracks*) — put, after the Speaker and other honourable members had addressed the House in support of the motion and, honourable members rising in their places to signify their assent, agreed to unanimously.
- 3 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable Neil Benjamin Trezise, AM, the House now adjourns until 8.00 pm today (*Mr Bracks*) — put and agreed to.

And the House, at 3.43 pm, adjourned until 8.00 pm today.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

#### No 182 — Tuesday 12 September 2006 (8.00 PM)

- 1 The House met according to the adjournment — The Speaker took the Chair.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Preschool Education — Recognition of Importance** — Requesting that the House recognises that preschool is the critical first step of education and moves responsibility for preschools to the Department of Education and Training, bearing 9,279, 6,255 and 330 signatures (*Mr Baillieu, Mr Ryan and Mr Cooper respectively*)

**Raywood Railway Station** — Requesting that the House — (a) gives consideration to the installation of a platform at the Raywood Railway Station; and (b) ensures that the Melbourne to Swan Hill passenger train is scheduled to stop at the station each time it passes through, bearing 172 signatures (*Ms Allan*)

**Donvale Retirement Village** — Requesting that the House installs traffic lights near the entrance to the Donvale Retirement Village, bearing 119 signatures (*Mr Perton*)

**Gembrook-Pakenham Bus Route** — Requesting that the House establishes a bus route between Gembrook and Pakenham, bearing 74 signatures (*Ms Lobato*)

**Mornington Activity Centre** — Requesting that the House calls on the Mornington Peninsula Shire to withdraw the final draft structure plan for the Mornington Activity Centre until it can prove to the Government the community's acceptance, bearing 1,173 signatures (*Mr Cooper*)

**Intensive Animal Industries** — Requesting that the House amends the Victoria Planning Provisions to explicitly recognise that intensive animal industries such as the broiler industry — (a) are not uniformly suitable to the farming/rural zone; (b) are unsuitable in areas within rural/farming zones that are closely settled and/or are water catchment areas; (c) present unacceptable risks to the environment and water quality and/or unacceptable impacts on community members' wellbeing, amenity, property and opportunity, bearing 777 signatures (*Mr Maxfield*)

**Racial and Religious Tolerance Act 2001 — Repeal** — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 30 signatures (*Mr Maughan*)

**Wimmera and Glenelg Rivers** — Requesting that the House urges the Minister for Water to hold over the environmental flow bulk entitlement to the Wimmera and Glenelg Rivers this year, to allow the water to be used to fill house dams and strategically placed dams for fire fighting, bearing 168 signatures (*Mr Walsh*)

**Rupanyup and Murtoa Bus Service Timetable** — Requesting that the House looks at retaining the current V/Line timetable for bus services to and from Rupanyup and Murtoa, bearing 297 signatures (*Mr Walsh*)

**Hillcrest Avenue, Ringwood — Eastlink effect** — Requesting that the House — (a) compels the constructor of Eastlink to offer fair and reasonable compensation for the loss of value to properties on Hillcrest Avenue, Ringwood; (b) explores the circumstances leading to the large storage sheds being constructed on the Hillcrest Avenue boundary of the construction site; and (c) investigates ConnectEast's refusal to relocate the main Hillcrest Avenue entrance into the ELOC site, bearing 480 signatures (*Mr Honeywood*).

Petitions ordered to be tabled.

- 4 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Hawthorn be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.
- 5 **PETITION — DONVALE RETIREMENT VILLAGE** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 6 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 7 **PETITION — MORNINGTON ACTIVITY CENTRE** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

8 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 10 of 2006 on the:

Catchment and Land Protection (Further Amendment) Bill  
 City of Melbourne and Docklands Acts (Governance) Bill  
 Justice Legislation (Further Amendment) Bill  
 Public Sector Acts (Further Workplace Protection and Other Matters) Bill  
 Road Legislation (Projects and Road Safety) Bill  
 Sentencing (Suspended Sentences) Bill  
 State Taxation Legislation (Miscellaneous Amendments) Bill  
 Transport (Taxi-Cab Accreditation and Other Amendments) Bill

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* — Section 17DA Order granting under s 17D a lease over Whitehorse Reserve

*Financial Management Act 1994* — Report from the Minister for Education and Training that she had received the 2005 annual report of the International Fibre Centre Ltd

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Alpine Resorts Planning Scheme — No C15  
 East Gippsland Planning Scheme — No C46  
 Frankston Planning Scheme — No C42  
 Maribyrnong Planning Scheme — No C55

Melton Planning Scheme — No C55  
 Nillumbik Planning Scheme — No C46  
 Port Phillip Planning Scheme — No C46  
 Swan Hill Planning Scheme — No C11  
 Victoria Planning Provisions — Nos VC40, VC41  
 Warrnambool Planning Scheme — No C37  
 West Wimmera Planning Scheme — No C8  
 Whitehorse Planning Scheme — No C54  
 Yarra Ranges Planning Scheme — No C53

Urban Growth Boundary — Amendments modifying the following Planning Schemes:

Frankston Planning Scheme — No C35  
 Whittlesea Planning Scheme — Nos C86, C91  
 Wyndham Planning Scheme — No C71

Statutory Rules under the following Acts:

*Agricultural and Veterinary Chemicals (Control of Use) Act 1992* — SR No 113  
*Co-operative Housing Societies Act 1958* — SR No 112  
*Extractive Industries Development Act 1995* — SR No 111  
*Fisheries Act 1995* — SR No 109  
*Intellectually Disabled Persons' Services Act 1986* — SR No 116  
*Land Act 1958* — SR No 118  
*Livestock Disease Control Act 1994* — SR No 114  
*Mineral Resources Development Act 1990* — SR No 110  
*Plant Health and Plant Products Act 1995* — SR No 115  
*Valuation of Land Act 1960* — SR No 117

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule No 102  
 Ministers' exemption certificates in relation to Statutory Rule Nos 8, 103, 104, 105, 106, 109  
 (*in lieu of certificate tabled on Thursday 24 August 2006*), 111, 113, 114, 115, 117.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

*Crimes (Sexual Offences) Act 2006* — Section 35 on 22 August 2006 (*Gazette S214, 22 August 2006*)  
*Planning and Environment (Growth Areas Authority) Act 2006* — Whole Act on 1 September 2006 (*Gazette G35, 31 August 2006*)  
*Werribee South Land Act 1991* — Whole Act on 8 September 2006 (*Gazette G36, 7 September 2006*).

- 9 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 29 August 2006, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Coptic Orthodox Church (Victoria) Property Trust Bill  
 Coroners and Human Tissue Acts (Amendment) Bill  
 Energy Legislation (Hardship, Metering and Other Matters) Bill

Environment Protection (Amendment) Bill  
 Melbourne University (Victorian College of the Arts) Bill  
 Mineral Resources Development (Sustainable Development) Bill  
 Snowy Hydro Corporatisation (Parliamentary Approval) Bill  
 Victims' Charter Bill  
 World Swimming Championships (Amendment) Bill.

- 10 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Justice Legislation (Further Amendment) Bill  
 Public Sector Acts (Further Workplace Protection and Other Matters) Bill  
 Road Legislation (Projects and Road Safety) Bill  
 State Taxation Legislation (Miscellaneous Amendments) Bill.

- 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 6.00 pm on Thursday 14 September 2006:

Charities (Amendment) Bill  
 City of Melbourne and Docklands Acts (Governance) Bill  
 Conveyancers Bill  
 Crimes (Sexual Offences) (Further Amendment) Bill  
 Funerals Bill  
 Justice Legislation (Further Amendment) Bill  
 Road Legislation (Projects and Road Safety) Bill  
 Sentencing (Suspended Sentences) Bill

*(Mr Batchelor)* — and, after debate —

Amendment proposed — That after 'Crimes (Sexual Offences) (Further Amendment) Bill' the words 'Channel Deepening (Facilitation) Bill' and 'Courts Legislation (Judicial Pensions) Bill' be inserted *(Mr Cooper)* — and after debate —

Question — That the words proposed to be inserted be inserted — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh.

## NOES 50

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wynne.

Question defeated.

Original question — put and agreed to.

12 **STATEMENTS BY MEMBERS** — Statements by members were made.

13 **CONVEYANCERS BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Pandazopoulos*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

14 **CHARITIES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

15 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

16 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.33 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 183 — Wednesday 13 September 2006

- 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 System** — Requesting that the House immediately — (a) prepares a new metropolitan strategy and revokes Melbourne 2030 and prepares a regional/rural planning strategy, both subject to an honest transparent public consultation process; (b) legislates to grant priority to approved local planning policies including effective controls over height and residential density; (c) stops eroding the planning powers of local municipalities; (d) maintains the green wedges; (e) protects environmentally sensitive areas; (f) stops the Victorian Civil and Administrative Tribunal acting as a de facto planning authority; (g) abandons the Priority Development Panel; (h) reviews ResCode; (i) stops usurping public lands and community assets; (j) provides higher levels of accountability; and (k) starts protecting what residents love about the Garden State, bearing 3,215 signatures (*Mr Baillieu*)

**Public Transport for Schools in Newport and Williamstown** — Requesting that the House immediately funds additional special buses to cope with the 1,000 students travelling to secondary schools in Newport and Williamstown, bearing 279 signatures (*Ms Kosky*)

**Leash-Free Dog Exercise Areas on Beaches** — Requesting that the Government ceases preventing the establishment of 'leash-free' areas for dog owners to exercise and enjoy healthy outdoor life style activities with their dogs on some sections of beaches managed by the Department of Sustainability and Environment or by management committees established by the Department, or those Parks Victoria beaches where 'on-leash' dogs are already permitted, bearing 3,531 signatures (*Mr Cooper*).

Petitions ordered to be tabled.

- 3 **PETITION — PLANNING SYSTEM** — Motion made and question — That the petition presented by the Member for Hawthorn be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.
- 4 **PETITION — LEASH-FREE DOG EXERCISE AREAS ON BEACHES** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 5 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Gippsland South on Tuesday 12 September 2006 be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 6 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*National Parks Act 1975* — Report on Point Nepean National Park under s 17(2A)

*Parliamentary Committees Act 2003* — Response of the Minister for Environment on the action taken with respect to the recommendations made by the Environment and Natural Resources Committee's Inquiry into the Energy Services Industry

Statutory Rules under the following Acts:

*Children and Young Persons Act 1989* — SR No 119  
*Tobacco Act 1987* — SR No 120

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 120.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — FINANCIAL AND ECONOMIC MANAGEMENT** — The House was informed that Mr Brumby had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Bracks Government on its record of seven years of responsible financial and economic management which has ensured that Victoria has:

- (1) Record high building approvals;
- (2) Strong economic growth;
- (3) A 15 year low unemployment rate;
- (4) Population growth above the national average for the first time in 40 years;
- (5) Solid budget surpluses;
- (6) Lower net debt and financial liabilities; and
- (7) Significant tax reform including the abolition of seven taxes under the GST agreement including significant payroll and land tax cuts.'

Mr Brumby addressed the House — Discussion followed.

9 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2004-05 Budget Outcomes

Environment and Natural Resources Committee's Report on the Inquiry into the Energy Services Industry

Drugs and Crime Prevention Committee's Report on the Inquiry into the Misuse/Abuse of Benzodiazepines and Other Forms of Pharmaceutical Drugs in Victoria



Economic Development Committee's Report on the Inquiry into the Standardbred Breeding Industry and Associated Industry Issues

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Building New Communities.

- 10 **CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL** — Motion made and question — That the scope of the Crimes (Sexual Offences) (Further Amendment) Bill be extended to enable consideration of amendments and new clauses regarding transitional arrangements in relation to the *Crimes (Sexual Offences) Act 2006 (Mr Hulls)* — put, after debate, and agreed to.

- 11 **URBAN GROWTH BOUNDARY — PLANNING SCHEME AMENDMENTS** — Motion made and question — That pursuant to s 46AH of the *Planning and Environment Act 1987*, the following four amendments to modify the Urban Growth Boundary be ratified:

Frankston Planning Scheme — No C35

Wyndham Planning Scheme — No C71

Whittlesea Planning Scheme — Nos C86, C91

*(Mr Hulls)* — and, after debate —

*Business having been interrupted at 2.00 pm under standing orders.*

- 12 **QUESTIONS** — (Under SO 55).

- 13 **URBAN GROWTH BOUNDARY — PLANNING SCHEME AMENDMENTS** — Debate continued on question — That the motion be agreed to.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to consider the ratification of the planning scheme amendments to modify the urban growth boundary tabled in the House on 12 September 2006 until Tuesday 3 October 2006, to enable all such amendments to be placed on public exhibition and all affected communities to be notified of the proposed changes and provided with an opportunity to comment' *(Mr Thompson)* — and, after debate —

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 55

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wynne.

## NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Original question — put and agreed to.

- 14 **FUNERALS BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms McTaggart*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **CITY OF MELBOURNE AND DOCKLANDS ACTS (GOVERNANCE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Victorian Renewable Energy Bill without amendment.

- 17 **ROAD LEGISLATION (PROJECTS AND ROAD SAFETY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Perton announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Haermeyer*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see pp 1174, 1177*).

Bill sent to the Legislative Council and their agreement requested.

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Heritage Rivers (Further Protection) Bill without amendment.

- 19 **FUNERALS BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 20 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Pike*) — put and agreed to.

- 21 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.54 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 184 — Thursday 14 September 2006

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Ferntree Gully Primary School Teacher Residence and Classrooms** — Requesting that funding is made available by the Government to ensure that the original Ferntree Gully Primary School teacher residence and classroom both built in 1883, the classroom built in 1901 and a third classroom built in 1937 are retained and maintained for use by the local community and for the benefit of future generations, bearing 58 signatures (*Ms Eckstein*)

**Fluoride — Domestic Water Supply** — Requesting that the Government — (a) acknowledges the opposition to mass fluoridation of the domestic water supply, pending a referendum of the citizens of Wodonga and Wangaratta; and (b) be bound by the results of such referendum, bearing 687 signatures (*Mr Jasper*).

Petitions ordered to be tabled.

- 3 **PETITION — FERNTREE GULLY PRIMARY SCHOOL TEACHER RESIDENCE AND CLASSROOMS** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Ms Eckstein*) — put and agreed to.

- 4 **DOCUMENTS**

**LAW REFORM COMMITTEE** — Mr Hudson, Chair, presented a report from the Law Reform Committee on the Inquiry into the *Coroners Act 1985*, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on the 2006–07 Budget Estimates, together with appendices, a minority report and minutes of evidence.

Ordered to be tabled and the report, appendices and minority report printed.

### **DOCUMENT BY COMMAND OF THE GOVERNOR**

Mr Hulls presented by Command of the Governor:

Council of Magistrates — Report for the year 2005–06

Ordered to be tabled.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Audit Act 1994* — Report of the Auditor-General — Government advertising — Ordered to be printed

Auditor-General — Report of the Office for the year 2005–06

*Financial Management Act 1994* — Report from the Minister for Agriculture that he had received the 2005–06 annual report of the Victorian Strawberry Industry Development Committee

*Members of Parliament (Register of Interests) Act 1978* — Summary of Returns — June 2006 and Summary of Variations Notified between 15 June 2006 and 13 September 2006 — Ordered to be printed

*Parliamentary Committees Act 2003* — Response of the Minister for Health on the action taken with respect to the recommendations made by the Drugs and Crime Prevention Committee's Inquiry into Strategies to Reduce Harmful Alcohol Consumption

Police Appeals Board — Report for the year 2005–06

*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)

Victorian Civil and Administrative Tribunal — Report for the year 2005–06.

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 3 October 2006 (*Ms Pike*) — put and agreed to.

6 **STATEMENTS BY MEMBERS** — Statements by members were made.

7 **SENTENCING (SUSPENDED SENTENCES) BILL** — 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.

Debate resumed 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.

- 8 **JUSTICE LEGISLATION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 9 **CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Kosky 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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 10 **SENTENCING (SUSPENDED SENTENCES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 11 **QUESTIONS** — (Under SO 55).

- 12 **SENTENCING (SUSPENDED SENTENCES) BILL** — Debate continued on question — That this Bill be now read a second time.

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see pp 1174–5, 1177*).

Bill sent to the Legislative Council and their agreement requested.

- 13 **VALEDICTORY STATEMENTS** — Motion made, by leave, and question — That so much of standing orders be suspended on Wednesday 4 October 2006 so as to allow:

- (1) Business to be interrupted immediately after completion of all items on the government business program or the conclusion of question time, whichever is the later, to enable

retiring members to make valedictory statements with a time limit of up to ten minutes each.

- (2) At the end of the statements, the Speaker to immediately propose the question 'That the House now adjourns' and the adjournment debate to proceed in accordance with SO 33.

(*Mr Batchelor*) — put, after debate, and agreed to.

- 14 **JUSTICE LEGISLATION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 15 **CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 1175–6, 1177–80*).

Bill sent to the Legislative Council and their agreement requested.

- 16 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Hulls*) — put and agreed to.
- 17 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.39 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### CONSIDERATION IN DETAIL Supplement to Votes Nos 181, 182, 183 and 184

#### No 183 — Wednesday 13 September 2006

##### ROAD LEGISLATION (PROJECTS AND ROAD SAFETY) BILL

Clause 1 agreed to.

Clause 2, Mr Perton moved amendment Nos 1 and 2 (*see Schedule 1*).

Amendments put and defeated.

Clause agreed to.

Clauses 3 to 15 agreed to.

Clause 16, Mr Perton moved amendment Nos 3 to 5 (*see Schedule 1*).

Amendments put and defeated.

Clause agreed to.

Clauses 17 to 75 agreed to.

Bill agreed to without amendment.

#### No 184 — Thursday 14 September 2006

##### SENTENCING (SUSPENDED SENTENCES) BILL

Clause 1 — *The Acting Speaker advised that if Mr McIntosh's amendment No 1 is not agreed to amendment Nos 2 to 5 inclusive cannot be moved as they are consequential.*

Mr McIntosh moved amendment No 1 (*see Schedule 2*).

Question — That the amendment be agreed to — put.

The House divided (the Acting Speaker, Mr Plowman, in the Chair) —

AYES 22

Ms Asher; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.



## NOES 53

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated

Clause agreed to.

**Clauses 2 to 8** agreed to.

Bill agreed to without amendment.

**CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL**

**Clause 1**, Mr Hulls moved amendment Nos 1 and 2 (*see Schedule 3*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 2 and 3** agreed to.

**Clause 4**, Mr Hulls moved amendment No 3 (*see Schedule 3*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 5 to 7** agreed to.

**Clause 8**, Mr Hulls moved amendment No 4 (*see Schedule 3*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 9**, Mr Hulls moved amendment No 5 (*see Schedule 3*).

Amendment put and agreed to.

Clause agreed to as amended.

**New clauses AA to FF** agreed to (*see Schedule 3*).

**Amendment of long title**, Mr Hulls moved amendment Nos 7 and 8 (*see Schedule 3*).

Amendments put and agreed to.

Long title agreed to as amended.

Bill agreed to as amended.

## SCHEDULES OF AMENDMENTS MOVED

### SCHEDULE 1

#### ROAD LEGISLATION (PROJECTS AND ROAD SAFETY) BILL

Amendments moved by Mr Perton

1. Clause 2, line 12, before "section 27(1)" insert "section 16(2) and (3),".
2. Clause 2, line 19, omit "section 16" and insert "section 16(1)".
3. Clause 16, line 3, omit "**Compulsory carriage of licence—young drivers**" and insert "**Driver licences**".
4. Clause 16, line 4, before "After" insert "(1)".
5. Clause 16, after line 10 insert—
  - ( ) At the end of section 19 of the **Road Safety Act 1986** insert—
    - "(9) If this Act or the regulations impose any restriction on the power or engine capacity of a motor cycle that a person who holds a driver licence or learner permit may drive, the Corporation, on application by the person, may exempt him or her from that restriction and impose another power or engine capacity restriction instead, if the Corporation is satisfied that it is impracticable for the person to comply with the restriction imposed by this Act or the regulations."
  - ( ) In section 26 of the **Road Safety Act 1986**—
    - (a) after sub-section (1)(a) insert—
      - "(ab) refuse an application for an exemption under section 19(9), or impose a restriction under that section other than that sought by the applicant; or";
    - (b) in sub-sections (2)(a) and (3), after "refusal," insert "imposition,".

### SCHEDULE 2

#### SENTENCING (SUSPENDED SENTENCES) BILL

Amendment moved by Mr McIntosh

1. Clause 1, line 7, omit "create a presumption against a wholly" and insert "prevent a".

### SCHEDULE 3

#### CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL

Amendments moved by Mr Hulls

1. Clause 1, page 2, line 8, omit "List." and insert "List; and".
2. Clause 1, page 2, after line 8 insert—

"( ) the **Crimes (Sexual Offences) Act 2006** to provide for transitional arrangements relating to that Act."

3. Clause 4, line 6, omit "606" and insert "606A".
4. Clause 8, line 18, omit "158" and insert "158A".
5. Clause 9, after line 20 insert—

"

**PART 5—AMENDMENT OF CRIMES (SEXUAL OFFENCES) ACT 2006"**

6. Insert the following New Clauses to follow clause 9 and the heading proposed by Amendment No. 5—

**"AA. New sections 19A and 19B inserted**

After section 19 of the **Crimes (Sexual Offences) Act 2006** insert—

**'19A. New section 606A inserted**

After section 606 of the **Crimes Act 1958** insert—

**"606A. Transitional provision—Crimes (Sexual Offences) Act 2006**

- (1) An amendment made to this Act by a provision of section 4 or 5 of the **Crimes (Sexual Offences) Act 2006** applies to any trial that commences on or after the commencement of that provision, irrespective of when the offence to which the trial relates is alleged to have been committed.
- (2) An amendment made to this Act by a provision of section 6, 8, 9, 10, 11, 12 or 17(4) or (5) of the **Crimes (Sexual Offences) Act 2006** applies only to offences alleged to have been committed on or after the commencement of that provision.
- (3) For the purposes of sub-section (1), a trial commences on arraignment of the accused in accordance with Subdivision (12) of Division 1 of Part III.
- (4) For the purposes of sub-section (2), if an offence is alleged to have been committed between two dates, one before and one after the commencement of a provision of the **Crimes (Sexual Offences) Act 2006**, the offence is alleged to have been committed before the commencement of that provision."

**19B. Schedule 8 amended**

After clause 12 of Schedule 8 to the **Crimes Act 1958** insert—

"12A. An offence that, at the time it was committed, was a forensic sample offence."'

**BB. New section 23A inserted**

After section 23 of the **Crimes (Sexual Offences) Act 2006** insert—

**'23A. New section 33A inserted**

After section 33 of the **Crimes (Criminal Trials) Act 1999** insert—

**"33A. Transitional provision—Crimes (Sexual Offences) Act 2006**

- (1) An amendment made to this Act by a provision of section 21 (other than sub-section (3)) of the **Crimes (Sexual Offences) Act 2006** applies only to offences alleged to have been committed on or after the commencement of that provision.
- (2) An amendment made to this Act by a provision of section 21(3) or 22 of the **Crimes (Sexual Offences) Act 2006** applies to any trial that commences on or after the commencement of that provision, irrespective of when the offence to which the trial relates is alleged to have been committed.
- (3) For the purposes of sub-section (1), if an offence is alleged to have been committed between two dates, one before and one after the commencement of a provision of the **Crimes (Sexual Offences) Act 2006**, the offence is alleged to have been committed before the commencement of that provision.
- (4) For the purposes of sub-section (2), a trial commences on arraignment of the accused in accordance with Subdivision (12) of Division 1 of Part III."

**CC. New section 38A inserted**

After section 38 of the **Crimes (Sexual Offences) Act 2006** insert—

**'38A. New section 158A inserted**

After section 158 of the **Evidence Act 1958** insert—

**"158A. Transitional provision—Crimes (Sexual Offences) Act 2006**

- (1) An amendment made to this Act by a provision of section 25, 29, 30, 33 or 37 of the **Crimes (Sexual Offences) Act 2006** applies to—
  - (a) any legal proceeding commenced before the commencement of that provision if at the commencement of that provision—
    - (i) the hearing of the proceeding had not commenced; or
    - (ii) no evidence had been given on the hearing of the proceeding; and
  - (b) any legal proceeding that commences on or after the commencement of that provision.
- (2) An amendment made to this Act by a provision of section 27, 34 or 38 of the **Crimes (Sexual Offences) Act 2006** applies to any legal proceeding that commences on or after the commencement of that provision."

**DD. New section 41A inserted**

After section 41 of the **Crimes (Sexual Offences) Act 2006** insert—

**'41A. New clause 35A inserted in Schedule 8**

After clause 35 of Schedule 8 to the **Magistrates' Court Act 1989** insert—

- "35A. An amendment made to this Act by a provision of section 40 or 41 of the **Crimes (Sexual Offences) Act 2006** applies only to a

criminal proceeding commenced on or after the commencement of that provision.".'. .

#### **EE. Amendment of Sentencing Act 1991**

(1) For section 43(1) of the **Crimes (Sexual Offences) Act 2006** substitute—

'(1) In section 3(1) of the **Sentencing Act 1991**, in the definition of "serious offence"—

(a) in paragraph (c)(viii), for "(sexual relationship with" **substitute** "(persistent sexual abuse of";

(b) after paragraph (d) **insert**—

"(da) an offence that, at the time it was committed, was a serious offence; or";

(c) in paragraph (f), for "paragraph (a), (b), (c), (d) or (e)" **substitute** "any of the preceding paragraphs".'. .

(2) In section 43(2) of the **Crimes (Sexual Offences) Act 2006**—

(a) in paragraph (e), for ' "a child".' **substitute** ' "a child";';

(b) after paragraph (e) **insert**—

'(f) after clause 1(df) **insert**—

"(dg) an offence that, at the time it was committed, was an offence to which this clause applied;";'. .

#### **FF. Amendment of Serious Sex Offenders Monitoring Act 2005**

In section 44 of the **Crimes (Sexual Offences) Act 2006**—

(a) in paragraph (h), for "**repealed.**" **substitute** "**repealed;**";

(b) after paragraph (h) **insert**—

'(i) after item 39 **insert**—

"39A. An offence that, at the time it was committed, was an offence listed in this Schedule.".'. .

#### **AMENDMENT OF LONG TITLE**

7. Long title, omit "and the" and insert ", the".
8. Long title, after "List" insert "and the **Crimes (Sexual Offences) Act 2006** in relation to transitional arrangements".

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 185 and 186

#### No 185 — Tuesday 3 October 2006

1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **SERIOUS SEX OFFENDERS MONITORING (AMENDMENT) BILL** — Mr Holding obtained leave to bring in a Bill '*to amend the Serious Sex Offenders Monitoring Act 2005 in relation to the instructions or directions that may be given by the Adult Parole Board under that Act and for other purposes*'; and the Bill was read a first time and, under SO 61(2), ordered to be read a second time immediately.

4 **SERIOUS SEX OFFENDERS MONITORING (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Gippsland Rail Line Timetable** — Requesting that the Parliament and the Minister for Transport amend the new V/Line timetable to more closely reflect the community need for a train service which provides a more frequent service, stopping at the Pakenham, Nar Nar Goon, Tynong, Garfield, Bunyip and Longwarry train stations, bearing 325 signatures (*Mr Smith*)

**Lake Mokoan — Decommissioning** — Requesting that the House ensures, with reference to the decommissioning of Lake Mokoan — (a) that the decommissioning of Lake Mokoan does not proceed and investigates other ways to operate this valuable resource; (b) protection of security of supply of water to irrigators as promised by the Minister for Water; (c) that there is no increase in flood risk to residents of Benalla and downstream; (d) that any future wetlands be adequately funded and appropriately managed to protect endangered species such as Latham's Snipe and Murray Cod and to avoid it becoming a weed infested jungle; and (e) the protection of Aboriginal heritage sites, bearing 5,278 signatures (*Dr Sykes*)

**Eastern Carpark, Burwood Railway Station** — Requesting that the House supports the sealing of the rest of the Eastern carpark at Burwood Station as a matter of urgency, bearing 121 signatures (*Mr Stensholt*)

**Donvale Retirement Village** — Requesting that the House installs traffic lights near the entrance to the Donvale Retirement Village, bearing 13 signatures (*Mr Perton*)

**Ferntree Gully Primary School Teacher Residence and Classrooms** — Requesting that funding is made available by the Government to ensure that the original Ferntree Gully Primary School Teacher Residence and classroom both built in 1883, the classroom built in 1901 and a third classroom built in 1937 are retained and maintained for use by the local community and for the benefit of future generations, bearing 35 signatures (*Ms Eckstein*)

**Mildura Specialist School's Transport Contract** — Requesting that the House take steps to ensure the Department of Education gives special consideration to the allocation of the contract to provide transport to the students attending the Mildura Specialist School to the Christie Centre, bearing 193 signatures (*Mr Savage*)

**Train Services — Bendigo Line** — Requesting that the House urges the Government to improve train services on the Bendigo line, bearing 276 signatures (*Mr Mulder*)

**Water (Governance) Bill** — Requesting that the House urges the Minister for Environment, Water and Victorian Communities and the Government to defer the Water (Governance) Bill until 2007 to enable consultation with stakeholders/landowners of 175–199 and 201–219 Ironbark Road, Diamond Creek, 40–60 and 217–233 Pioneer Road, Yarrambat, and others affected likewise in this area in order to allow them to protect existing infrastructure, development rights and/or capabilities, including their right to compensation where applicable before changes to legislation take effect, bearing 5 signatures (*Mrs Powell*)

**Minimum Sentencing — Violent Criminals** — Requesting that the Government — (a) takes action to ensure the community of Victoria is adequately protected from habitual violent criminals who commit violent sexual crimes and violent crimes against children or vulnerable elderly people; and (b) imposes minimum jail sentences for these habitual violent criminals, bearing 32 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 6 **PETITION — EASTERN CARPARK, BURWOOD RAILWAY STATION** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 7 **PETITION — DONVALE RETIREMENT VILLAGE** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 8 **PETITION — LAKE MOKOAN — DECOMMISSIONING** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 9 **PETITION — FERNTREE GULLY PRIMARY SCHOOL TEACHER RESIDENCE AND CLASSROOMS** — Motion made and question — That the petition presented by the



Member for Ferntree Gully be taken into consideration tomorrow (*Ms Eckstein*) — put and agreed to.

## 10 DOCUMENTS

**DRUG PREVENTION COUNCIL** — Motion made, by leave, and question — That the Report from the Premier's Drug Prevention Council for the year 2005–06 be tabled (*Mr Bracks*) — put and agreed to.

**RESPONSE TO AUDITOR-GENERAL'S REPORTS** — Motion made, by leave, and question — That the Response of the Minister for Finance to the Auditor-General's Reports issued during 2005–06 be tabled (*Mr Brumby*) — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 11 of 2006 on the:

Civil Unions Bill  
Environment Protection (Amendment) Bill  
Gambling Regulation (Limitation of Number of Gaming Machines) Bill  
Owners Corporations Bill

together with appendices.

Ordered to be tabled and printed.

**RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE** — Mr Hardman, Chair, presented a report from the Rural and Regional Services and Development Committee on the Inquiry into Retaining Young People in Rural Towns and Communities, together with appendices and minutes 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:

2007 World Swimming Championships Corporation — Report for the year 2005–06

Adult Parole Board — Report for the year 2005–06

Agriculture Victoria Services Pty Ltd — Report for the year 2005–06

Building Commission — Report for the year 2005–06

City West Water Limited — Report for the year 2005–06

Consumer Utilities Advocacy Centre Ltd — Report for the year 2005–06

Corangamite Catchment Management Authority — Report for the year 2005–06

*Crown Land (Reserves) Act 1978* — Section 17DA Orders granting under s 17D leases over:

Geelong Botanical Gardens and Recreation Reserve  
Wombat Hill Botanic Gardens Reserves

*Duties Act 2000* — Reports of exemptions and refunds for the year 2005–06 (two documents)

Eastern Regional Waste Management Group — Report for the year 2005–06

Emergency Services Superannuation Scheme — Report for the year 2005–06

Environment Protection Authority — Report for the year 2005–06

Essential Services Commission — Report for the year 2005–06

*Financial Management Act 1994* — Financial Report for the State of Victoria, incorporating the Quarterly Financial Report No 4, for the year 2005–06 — Ordered to be printed

*Financial Management Act 1994:*

Reports from the Minister for Agriculture that he had received the 2005–06 annual reports of:  
Dairy Food Safety Victoria

Murray Valley Wine Grape Industry Development Committee

Phytogene Pty Ltd

PrimeSafe

Veterinary Practitioners Registration Board

Victorian Broiler Industry Negotiation Committee

Reports from the Minister for Environment that he had received the 2005–06 annual reports of:

Alpine Resorts Co-ordinating Council

Barwon Regional Waste Management Group

Central Murray 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

Northern Regional Waste Management Group

South Eastern Regional Waste Management Group

South Western Regional Waste Management Group

Trust for Nature

Report from the Minister for Planning that he had received the 2005–06 annual report of the Dandenong Development Board

Fisheries Co-Management Council — Report for the year 2005–06

Glenelg Hopkins Catchment Management Authority — Report for the year 2005–06 (three documents)

Goulburn Broken Catchment Management Authority — Report for the year 2005–06

Mallee Catchment Management Authority — Report for the year 2005–06

Melbourne and Olympic Parks Trust — Report for the year 2005–06

Melbourne Cricket Ground Trust — Report for the year ended 31 March 2006

Melbourne Market Authority — Report for the year 2005–06 (two documents)

National Parks Advisory Council — Report for the year 2005–06

North Central Catchment Management Authority — Report for the year 2005–06

North East Catchment Management Authority — Report for the year 2005–06 (two documents)

Parks Victoria — Report for the year 2005–06 (two documents)

*Parliamentary Committees Act 2003* — Response of the Treasurer on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the 2004–05 Budget Outcomes

Parliamentary Contributory Superannuation Fund — Report for the year 2005–06

Phillip Island Nature Park Board of Management — Report for the year 2005–06 (three documents)

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Bass Coast Planning Scheme — No C63

Baw Baw Planning Scheme — Nos C32, C36

Boroondara Planning Scheme — No C52

Cardinia Planning Scheme — No C83

Colac Otway Planning Scheme — No C8

Corangamite Planning Scheme — No C13

Gannawarra Planning Scheme — No C9

Greater Geelong Planning Scheme — No C105

Greater Shepparton Planning Scheme — No C74

Hepburn Planning Scheme — Nos C15, C37

Hume Planning Scheme — Nos C38 Part 1, C38 Part 2

Loddon Planning Scheme — No C13

Maroondah Planning Scheme — No C50

Mildura Planning Scheme — No C37

Moreland Planning Scheme — No C55

Surf Coast Planning Scheme — No C26 Part 1

Wangaratta Planning Scheme — No C26 Part 1

West Wimmera Planning Scheme — No C10

Whitehorse Planning Scheme — No C70

Wodonga Planning Scheme — No C51

Yarra Ranges Planning Scheme — No C16 Part 2

Plumbing Industry Commission — Report for the year 2005–06

Premier and Cabinet, Department of — Report for the year 2005–06

*Prevention of Cruelty to Animals Act 1986* — Code of Accepted Farming Practice for the Welfare of Sheep (Revision No 2)

Primary Industries, Department of — Report for the year 2005–06 (two documents)

Public Record Office Victoria — Report for the year 2005–06

Recreational Fishing Licence Trust Account — Report on Revenue and Disbursements for the year 2005–06

Residential Tenancies Bond Authority — Report for the year 2005–06

South East Water Limited — Report for the year 2005–06

State Electricity Commission — Report for the year 2005–06

State Sport Centres Trust — Report for the year 2005–06

State Trustees Limited — Report for the year 2005–06

Statutory Rules under the following Acts:

*Country Fire Authority Act 1958* — SR No 123

*Fisheries Act 1995* — SR No 122

*National Parks Act 1975* — SR No 121

*Transport Act 1983* — SR No 124

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rule Nos 116, 121

Ministers' exemption certificates in relation to Statutory Rule Nos 121, 122

Transport Accident Commission — Report for the year 2005–06

Treasury and Finance, Department of — Report for the year 2005–06

Treasury Corporation — Report for the year 2005–06

VicForests — Report for the year 2005–06

Victorian Catchment Management Council — Report for the year 2005–06

Victorian Coastal Council — Report for the year 2005–06

Victorian Commission for Gambling Regulation — Report for the year 2005–06

Victorian Environmental Assessment Council — Report for the year 2005–06

Victorian Funds Management Corporation — Report for the year 2005–06

Victorian Government Purchasing Board — Report for the year 2005–06

Victorian Institute of Sport Trust — Report for the year 2005–06 (two documents)

Victorian Managed Insurance Authority — Report for the year 2005–06

Victorian Multicultural Commission — Report for the year 2005–06

Victorian WorkCover Authority — Report for the year 2005–06

West Gippsland Catchment Management Authority — Report for the year 2005–06

*Wildlife Act 1975* — Wildlife (Control of Hunting) Notice No 4/2006

Wimmera Catchment Management Authority — Report for the year 2005–06

Yarra Bend Park Trust — Report for the year 2005–06

Yarra Valley Water Limited — Report for the year 2005–06

Zoological Parks and Gardens Board — Report for the year 2005–06.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

*Environment Protection (Amendment) Act 2006* — Part 4 except for ss 42 and 44 on 13 September 2006 (*Gazette S243, 13 September 2006*). Sections 42 and 44 on 1 October 2006 (*Gazette G39, 28 September 2006*)

Transport Legislation (Further Amendment) Act 2006 — Section 32 on 30 October 2006 (*Gazette G39, 28 September 2006*).

- 11 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Catchment and Land Protection (Further Amendment) Bill

City of Melbourne and Docklands Acts (Governance) Bill

Owners Corporations Bill

Surveillance Devices (Workplace Privacy) Bill

Transport Legislation (Taxi-cab Accreditation and Other Amendments) Bill.

- 12 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 19 September 2006, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Catchment and Land Protection (Further Amendment) Bill

Heritage Rivers (Further Protection) Bill

Owners Corporations Bill

Surveillance Devices (Workplace Privacy) Bill

Transport (Taxi-cab Accreditation and Other Amendments) Bill

Victorian Renewable Energy Bill.

- 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 4.30 pm on Wednesday 4 October 2006:

Human Services (Complex Needs) (Amendment) Bill

Public Sector Acts (Further Workplace Protection and Other Matters) Bill  
 Serious Sex Offenders Monitoring (Amendment) Bill  
 State Taxation Legislation (Miscellaneous Amendments) Bill  
 Water (Governance) Bill

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 61

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

14 **STATEMENTS BY MEMBERS** — Statements by members were made.

15 **HUMAN SERVICES (COMPLEX NEEDS) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

16 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Conveyancers Bill  
 Crimes (Sexual Offences) (Further Amendment) Bill.

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 **STATE TAXATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 19 **PUBLIC SECTOR ACTS (FURTHER WORKPLACE PROTECTION AND OTHER MATTERS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Mildenhall*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 20 **WATER (GOVERNANCE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Thwaites 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 Walsh*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **PUBLIC SECTOR ACTS (FURTHER WORKPLACE PROTECTION AND OTHER MATTERS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 61

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wynne.

NOES 21

Ms Asher; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Road Legislation (Projects and Road Safety) Bill without amendment.

23 **WATER (GOVERNANCE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Ms Pike*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Cameron*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

24 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Charities (Amendment) Bill

Funerals Bill.

25 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

26 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.43 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*

## No 186 — Wednesday 4 October 2006

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Farm Dams Legislation** — Requesting that the House reviews the farm dams legislation in order to overturn the inequities created whereby — (a) the inherent property right to the use of the water that falls on farm land was removed; and (b) no compensation was made available to land owners who lost that property right, bearing 497 signatures (*Mr Plowman*)



**Ambulance Resource for Riddells Creek** — Requesting that the House takes action to base an ambulance resource in the immediate township of Riddells Creek to improve the health outcomes of the community, bearing 1,002 signatures (*Mrs Shardey*)

**Ferntree Gully Primary School Teacher Residence and Classrooms** — Requesting that funding is made available by the Government to ensure that the original Ferntree Gully Primary School Teacher Residence and classroom both built in 1883, the classroom built in 1901 and a third classroom built in 1937 are retained and maintained for use by the local community and for the benefit of future generations, bearing 84 signatures (*Ms Eckstein*)

**Public Transport Services — Geelong Region** — Requesting that the House ensures that within 12 months of the forthcoming election, the government will provide in the Geelong region — (a) a 15 minute bus service frequency during the day, and a 30 minute frequency in the late evening, for Geelong urban buses; (b) urban bus services until midnight; (c) hourly bus services to Torquay and towns on the Bellarine Peninsula, with half-hourly services at peak times; (d) effective connections with other buses and with trains; (e) the return of bus stops to the centre of Geelong city; and (f) disabled access to platforms 2 and 3 at Geelong Station, bearing 1,028 signatures (*Mr Trezise*)

**Mornington Activity Centre** — Requesting that the House calls on the Mornington Peninsula Shire to withdraw the final draft structure plan for the Mornington Activity Centre until it can prove to the Government the community's acceptance, bearing 182 signatures (*Mr Cooper*)

**Goulburn Irrigation System** — Requesting that the House ensures — (a) that no water be purchased from distressed irrigators in the Goulburn system for urban use in Ballarat and Bendigo; and (b) that Coliban Water and Central Highlands Water exhaust all water saving options in their own systems first and, as a last resort, if water is needed from the Goulburn system, the urban authorities fund water infrastructure projects to generate equivalent water savings for their needs, bearing 3,077 signatures (*Mr Maughan*)

**University Campus — Shepparton Region** — Requesting that the House ensures the \$2 million committed by the Government to La Trobe University for it to establish a stand-alone campus in Shepparton, remain allocated to the Shepparton region, in order for a university campus to be established in the region should La Trobe University decide to abort the stand-alone campus, bearing 1,817 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 3 **PETITION — FARM DAMS LEGISLATION** — Motion made and question — That the petition presented by the Member for Benambra be taken into consideration tomorrow (*Mr Plowman*) — put and agreed to.
- 4 **PETITION — UNIVERSITY CAMPUS — SHEPPARTON REGION** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 5 **PETITION — FERNTREE GULLY PRIMARY SCHOOL TEACHER RESIDENCE AND CLASSROOMS** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Ms Eckstein*) — put and agreed to.

6 **PETITION — AMBULANCE RESOURCE FOR RIDDELLS CREEK** — Motion made and question — That the petition presented by the Member for Caulfield be taken into consideration tomorrow (*Mrs Shardey*) — put and agreed to.

7 **PETITION — MORNINGTON ACTIVITY CENTRE** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

## 8 DOCUMENTS

**OFFICE OF THE PUBLIC ADVOCATE** — Motion made, by leave, and question — That the Report of the Office of the Public Advocate for the year 2005–06 be tabled (*Mr Cameron*) — put and agreed to.

**MELBOURNE 2006 COMMONWEALTH GAMES** — Motion made, by leave, and question — That the Melbourne 2006 Commonwealth Games Special Purpose Financial Report and the Melbourne 2006 Commonwealth Games Corporation Overall Summary Report for the period 15 July 1999 to 31 August 2006 be tabled (*Mr Cameron*) — put and agreed to.

**HEALTH SERVICES COMMISSIONER** — Motion made, by leave, and question — That the Report of the Health Services Commissioner for the year 2005–06 be tabled (*Ms Pike*) — put and agreed to.

**PARLIAMENTARY DEPARTMENTS REPORTS** — Motion made, by leave, and question — That the Reports of the Department of the Legislative Assembly and the Department of Parliamentary Services for the year 2005–06 and the Report of the 150<sup>th</sup> Anniversary Celebrations for the Parliament of Victoria be tabled (*Mr Loney*) — put and agreed to.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on Private investment in public infrastructure, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

**EDUCATION AND TRAINING COMMITTEE** — Mr Herbert, Chair, presented a report from the Education and Training Committee on the Inquiry into the effects of television and multimedia on education in Victoria, together with extracts from the proceedings, appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

**ROAD SAFETY COMMITTEE** — Mr Trezise, Chair, presented a report from the Road Safety Committee on its review of the Inquiry into the Incidence and Prevention of Pedestrian Accidents, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENT BY COMMAND OF THE GOVERNOR**

Mr Hulls presented by Command of the Governor:

County Court — Report for the year 2005–06

Ordered to be tabled.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Accident Compensation Conciliation Service — Report for the year 2005–06

Adult, Community and Further Education Board — Report for the year 2005–06

Alexandra District Hospital — Report for the year 2005–06 (two documents)

Alpine Health — Report for the year 2005–06

Ambulance Service Victoria — Metropolitan Region — Report for the year 2005–06

*Audit Act 1994* — Auditor-General — Report on the Annual Financial Report of the State of Victoria, 2005–06 — Ordered to be printed

Austin Health — Report for the year 2005–06 (two documents)

Australian Grand Prix Corporation — Report for the year 2005–06

Bairnsdale Regional Health Service — Report for the year 2005–06 (two documents)

Ballarat Health Services — Report for the year 2005–06

Barwon Health — Report for the year 2005–06

Barwon Region Water Authority — Report for the year 2005–06

Bass Coast Regional Health — Report for the year 2005–06 (two documents)

Bayside Health — Report for the year 2005–06

Beaufort and Skipton Health Service — Report for the year 2005–06 (two documents)

Beechworth Health Service — Report for the year 2005–06

Benalla and District Memorial Hospital — Report for the year 2005–06 (two documents)

Bendigo Health Care Group — Report for the year 2005–06

Boort District Hospital — Report for the year 2005–06

Casterton Memorial Hospital — Report for the year 2005–06 (two documents)

Central Gippsland Health Service — Report for the year 2005–06 (two documents)

Central Gippsland Region Water Authority — Report for the year 2005–06

Central Highlands Region Water Authority — Report for the year 2005–06

Child Safety Commissioner — Report for the year 2005–06

Cobram District Hospital — Report for the year 2005–06 (two documents)

Cohuna District Hospital — Report for the year 2005–06

Colac Area Health — Report for the year 2005–06

Coliban Region Water Authority — Report for the year 2005–06

Consumer Affairs Victoria — Report for the year 2005–06 — Ordered to be printed

Country Fire Authority — Report for the year 2005–06

Dental Health Services Victoria — Report for the year 2005–06

Djerriwarrh Health Services — Report for the year 2005–06 (two documents)

East Gippsland Catchment Management Authority — Report for the year 2005–06

East Gippsland Region Water Authority — Report for the year 2005–06

East Grampians Health Service — Report for the year 2005–06 (two documents)

Eastern Health — Report for the year 2005–06 (two documents)

Echuca Regional Health — Report for the year 2005–06 (two documents)

Edenhope and District Memorial Hospital — Report for the year 2005–06

Education and Training, Department of — Report for the year 2005–06

Emerald Tourist Railway Board — Report for the year 2005–06

Emergency Services Telecommunications Authority — Report for the year 2005–06

Energy Safe Victoria — Report for the period 10 August 2005 to 30 June 2006

Equal Opportunity Commission — Report for the year 2005–06 — Ordered to be printed

Film Victoria — Report for the year 2005–06

*Financial Management Act 1994:*

Report from the Minister for Agriculture that he had received the 2005–06 annual report of the Murray Valley Citrus Board

Report from the Minister for Environment that he had received the 2005–06 annual report of the Commissioner for Environmental Sustainability

Reports from the Minister for Health that she had received the 2005–06 annual reports of the: Ballarat General Cemeteries Trust

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- Cheltenham and Regional Cemeteries Trust  
 Chinese Medicine Registration Board  
 Chiropractors Registration Board  
 Dental Practice Board  
 Dunmunkle Health Service  
 Geelong Cemeteries Trust  
 Health Purchasing Victoria  
 Lorne Community Hospital  
 Manangatang and District Hospital  
 Mental Health Review Board  
 Nathalia District Hospital  
 O'Connell Family Centre  
 Omeo District Health  
 Optometrists Registration Board  
 Osteopaths Registration Board  
 Pharmacy Board  
 Physiotherapists Registration Board  
 Podiatrists Registration Board  
 Timboon and District Healthcare Service  
 Tweddle Child and Family Health Service  
 Wyndham Cemeteries Trust  
 Reports from the Minister for Planning that he had received the 2005–06 annual reports of the:  
 Architects Registration Board  
 Heritage Council  
 Surveyors Registration Board  
 Reports from the Premier that he had received the 2005–06 annual reports of the:  
 Shrine of Remembrance  
 VITS Languagelink
- First Mildura Irrigation Trust — Report for the year 2005–06
- Food Safety Council — Report for the year 2005–06
- Freedom of Information Act 1982* — Report of the Attorney-General on the operation of the Act for the year 2005–06
- Geelong Performing Arts Centre Trust — Report for the year 2005–06
- Gippsland and Southern Rural Water Authority — Report for the year 2005–06 (two documents)
- Gippsland Southern Health Service — Report for the year 2005–06 (two documents)
- Goulburn-Murray Rural Water Authority — Report for the year 2005–06
- Goulburn Valley Health — Report for the year 2005–06
- Goulburn Valley Region Water Authority — Report for the year 2005–06
- Greyhound Racing Victoria — Report for the year 2005–06

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- Harness Racing Victoria — Report for the year 2005–06
- Health Services Act 1988* — Report of the Community Visitors for the year 2005–06 — Ordered to be printed
- Hepburn Health Service — Report for the year 2005–06
- Hesse Rural Health Service — Report for the year 2005–06
- Heywood Rural Health — Report for the year 2005–06
- Human Services, Department of — Report for the year 2005–06
- Infertility Treatment Authority — Report for the year 2005–06
- Infrastructure, Department of — Report for the year 2005–06
- Inglewood and Districts Health Service — Report for the year 2005–06
- Innovation, Industry and Regional Development, Department of — Report for the year 2005–06
- Intellectually Disabled Persons' Services Act 1986* — Report of the Community Visitors for the year 2005–06
- Judicial College of Victoria — Report for the year 2005–06
- Justice, Department of — Report for the year 2005–06
- Kerang District Health — Report for the year 2005–06
- Kilmore and District Hospital — Report for the year 2005–06
- Kooweerup Regional Health Service — Report for the year 2005–06 (two documents)
- Kyabram and District Health Services — Report for the year 2005–06
- Kyneton District Health Service — Report for the year 2005–06
- Latrobe Regional Hospital — Report for the year 2005–06
- Legal Practice Board — Report for the period 1 July 2005 to 11 December 2005
- Legal Practitioners Liability Committee — Report for the year 2005–06
- Library Board — Report for the year 2005–06
- Lower Murray Urban and Rural Water Authority — Report for the year 2005–06
- McIvor Health and Community Services — Report for the year 2005–06
- Maldon Hospital — Report for the year 2005–06
- Mansfield District Hospital — Report for the year 2005–06 (three documents)

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- Maryborough District Health Service — Report for the year 2005–06 (two documents)
- Melbourne 2006 Commonwealth Games Corporation — Report for the year 2005–06
- Melbourne Convention and Exhibition Trust — Report for the year 2005–06
- Melbourne Health — Report for the year 2005–06
- Melbourne Water Corporation — Report for the year 2005–06
- Members of Parliament (Register of Interests) Act 1978* — Cumulative Summary of Returns — 30 September 2006 — Ordered to be printed
- Mental Health Act 1986* — Report of the Community Visitors for the year 2005–06
- Mercy Public Hospitals Incorporated — Report for the year 2005–06 (three documents)
- Metropolitan Fire and Emergency Services Board — Report for the year 2005–06
- Moyne Health Services — Report for the year 2005–06
- Mt Alexander Hospital — Report for the year 2005–06
- Museums Board — Report for the year 2005–06
- National Gallery, Council of Trustees — Report for the year 2005–06
- National Parks Act 1975* — Report on the working of the Act for the year 2005–06
- North East Water — Report for the year 2005–06
- Northeast Health Wangaratta — Report for the year 2005–06
- Northern Health — Report for the year 2005–06 (two documents)
- Numurkah District Health Service — Report for the year 2005–06 (two documents)
- Nurses Board — Report for the year 2005–06
- Orbost Regional Health — Report for the year 2005–06
- Otway Health and Community Services — Report for the year 2005–06
- Peninsula Health — Report for the year 2005–06 (two documents)
- Peter MacCallum Cancer Centre — Report for the year 2005–06
- Port of Hastings Corporation — Report for the year 2005–06
- Port of Melbourne Corporation — Report for the year 2005–06
- Port Phillip and Westernport Catchment Management Authority — Report for the year 2005–06 (two documents)

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Portland District Health — Report for the year 2005–06

Prince Henry's Institute of Medical Research — Report for the year 2005–06

Professional Standards Council Victoria — Report for the year 2005–06

Public Prosecutions — Report of the Director, Committee and Office for the year 2005–06

Public Transport Ticketing Body — Report for the year 2005–06

Queen Elizabeth Centre — Report for the year 2005–06 (two documents)

Queen Victoria Women's Centre Trust — Report for the year 2005–06

Regional Development Victoria — Report for the year 2005–06

Roads Corporation — Report for the year 2005–06

Robinvale District Health Services — Report for the year 2005–06

Rochester and Elmore District Health Service — Report for the year 2005–06

Rolling Stock Holdings (Victoria) Pty Limited — Report for the year 2005–06

Rolling Stock Holdings (Victoria-VL) Pty Limited — Report for the year 2005–06

Rolling Stock (VL-1) Pty Limited — Report for the year 2005–06

Rolling Stock (VL-2) Pty Limited — Report for the year 2005–06

Rolling Stock (VL-3) Pty Limited — Report for the year 2005–06

Royal Children's Hospital — Report for the year 2005–06

Royal Victorian Eye and Ear Hospital — Report for the year 2005–06

Royal Women's Hospital — Report for the year 2005–06

Rural Ambulance Victoria — Report for the year 2005–06

Rural Finance Corporation — Report for the year 2005–06

Rural Northwest Health — Report for the year 2005–06

Sentencing Advisory Council — Report for the year 2005–06

Small Business Commissioner — Report of the Office for the year 2005–06

South Gippsland Hospital — Report for the year 2005–06

South Gippsland Region Water Authority — Report for the year 2005–06

South West Healthcare — Report for the year 2005–06



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- Southern and Eastern Integrated Transport Authority — Report for the year 2005–06
- Southern Cross Station Authority — Report for the year 2005–06
- Southern Health — Report for the year 2005–06
- Special Investigations Monitor — Report of the Office for the year 2005–06
- State Services Authority — Report for the year 2005–06
- Stawell Regional Health — Report for the year 2005–06 (two documents)
- Sustainability and Environment, Department of — Report for the year 2005–06
- Sustainability Victoria — Report for the year 2005–06
- Swan Hill District Hospital — Report for the year 2005–06
- Tallangatta Health Service — Report for the year 2005–06 (two documents)
- Terang and Mortlake Health Service — Report for the year 2005–06
- Terrorism (Community Protection) Act 2003* — Report by the Chief Commissioner for the year 2005–06
- Tourism Victoria — Report for the year 2005–06
- Tricontinental Holdings Ltd — Financial statement for the year 2005
- Upper Murray Health and Community Services — Report for the year 2005–06 (two documents)
- Victoria Legal Aid — Report for the year 2005–06
- Victoria Police — Report of the Office of the Chief Commissioner for the year 2005–06 (two documents)
- Victoria State Emergency Service Authority — Report for the year 2005–06
- Victoria Trade and Investment Office Pty Ltd — Report for the year 2005–06
- Victorian Arts Centre Trust — Report for the year 2005–06
- Victorian Communities, Department for — Report for the year 2005–06
- Victorian Curriculum and Assessment Authority — Report for the year 2005–06
- Victorian Electoral Commission — Report for the year 2005–06
- Victorian Energy Networks Corporation — Report for the year 2005–06
- Victorian Health Promotion Foundation — Report for the year 2005–06 (two documents)
- Victorian Industry Participation Policy — Report for the year 2005–06

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- Victorian Institute of Forensic Medicine — Report for the year 2005–06
- Victorian Institute of Forensic Mental Health — Report for the year 2005–06
- Victorian Institute of Teaching — Report for the year 2005–06
- Victorian Law Reform Commission — Report for the year 2005–06 — Ordered to be printed
- Victorian Learning and Employment Skills Commission — Report for the year 2005–06
- Victorian Privacy Commissioner — Report of the Office for the year 2005–06 — Ordered to be printed
- Victorian Qualifications Authority — Report for the year 2005–06
- Victorian Rail Heritage Operations Pty Ltd — Report for the year 2005–06
- Victorian Rail Track — Report for the year 2005–06
- Victorian Regional Channels Authority — Report for the year 2005–06
- Victorian Urban Development Authority — Report for the year 2005–06
- V/Line Passenger Corporation — Report for the year 2005–06
- V/Line Passenger Pty Ltd — Report for the year 2005–06
- Wannon Water — Report for the year 2005–06
- West Gippsland Healthcare Group — Report for the year 2005–06
- West Wimmera Health Service — Report for the year 2005–06
- Western District Health Service — Report for the year 2005–06
- Western Health — Report for the year 2005–06
- Western Region Water Authority — Report for the year 2005–06
- Westernport Region Water Authority — Report for the year 2005–06
- Wimmera Health Care Group — Report for the year 2005–06
- Wodonga Regional Health Service — Report for the year 2005–06 (two documents)
- Yarram and District Health Service — Report for the year 2005–06 (two documents)
- Yarrawonga District Health Service — Report for the year 2005–06 (two documents)
- Yea and District Memorial Hospital — Report for the year 2005–06
- Young Farmers' Finance Council — Report for the year 2005–06.

9 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the House (*Mr Cameron*) — put, after debate, and agreed to.

10 **STATEMENTS BY MEMBERS** — Statements by members were made.

11 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

12 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Education and Training Committee's Report on the Inquiry into the effects of television and multimedia on education in Victoria

Public Accounts and Estimates Committee's Report on the 2006–07 Budget Estimates

Public Accounts and Estimates Committee's Report on Private investment in public infrastructure

Road Safety Committee's Report on the Review of the Inquiry into the Incidence and Prevention of Pedestrian Accidents

Rural and Regional Services and Development Committee's Report on the Inquiry into Retaining Young People in Rural Towns and Communities.

*Business having been interrupted at 2.00 pm under standing orders.*

13 **QUESTIONS** — (Under SO 55).

14 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 12 of 2006 on the Serious Sex Offenders Monitoring (Amendment) Bill, 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:

Fed Square Pty Ltd — Report for the year 2005–06

*Financial Management Act 1994* — Report from the Minister for Environment that he had received the 2005–06 annual reports of:

Calder Regional Waste Management Group  
Desert Fringe Regional Waste Management Group

Housing Guarantee Fund Limited — Report for the year 2005–06

*Interpretation of Legislation Act 1984* — Notice under s 32(4)(a)(iii) in relation to Waste Management Policy (Used Packaging Materials) (*Gazette G37, 14 September 2006*)

*Project Development and Construction Management Act 1994:*

Amendment order under s 9

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)

Royal Botanic Gardens Board — Report for the year 2005–06

Statutory Rules under the following Acts:

*Racing Act 1958* — SR No 128

*Sentencing Act 1991* — SR No 125

*Sex Offenders Registration Act 2004* — SR No 127

*Subordinate Legislation Act 1994* — SR Nos 126, 129

*Subordinate Legislation Act 1994* — Minister's exemption certificates in relation to Statutory Rule Nos 119, 125

Western Regional Waste Management Group — Report for the year 2005–06.

- 15 **SERIOUS SEX OFFENDERS MONITORING (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 16 **WATER (GOVERNANCE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time* — *The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 3 October 2006 had expired.*

Question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 60

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

## NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That Government amendment Nos 1 to 13 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **VALEDICTORY STATEMENTS** — Retiring members made statements in accordance with the resolution of the House on Thursday 14 September 2006.
- 18 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 6.48 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JUDY MADDIGAN  
*Speaker*



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**SESSION 2003–2006**  
**MESSAGES RECEIVED AFTER THE ADJOURNMENT OF**  
**THE HOUSE ON 4 OCTOBER 2006**

**MESSAGES FROM THE LEGISLATIVE COUNCIL**

Agreeing to the following bills without amendment:

On 4 October 2006

Human Services (Complex Needs) (Amendment) Bill

Justice Legislation (Further Amendment) Bill

Public Sector Acts (Further Workplace Protection and Other Matters) Bill

Sentencing (Suspended Sentences) Bill

Serious Sex Offenders Monitoring (Amendment) Bill

State Taxation Legislation (Miscellaneous Amendments) Bill

On 5 October 2006

Water (Governance) Bill

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**MESSAGE FROM THE GOVERNOR**

Informing the Assembly that he had, on 10 October 2006, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Charities (Amendment) Bill

City of Melbourne and Docklands Acts (Governance) Bill

Conveyancers Bill

Crimes (Sexual Offences) (Further Amendment) Bill

Funerals Bill

Human Services (Complex Needs) (Amendment) Bill

Justice Legislation (Further Amendment) Bill

Public Sector Acts (Further Workplace Protection and Other Matters) Bill

Road Legislation (Projects and Road Safety) Bill

Sentencing (Suspended Sentences) Bill

Serious Sex Offenders Monitoring (Amendment) Bill

State Taxation Legislation (Miscellaneous Amendments) Bill

**MESSAGE FROM THE LIEUTENANT-GOVERNOR**

Informing the Assembly that she had, on 17 October 2006, given the royal assent to the following bill, presented to her by the Deputy Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments:

Water (Governance) Bill



# Victoria Government Gazette

No. S 297 Tuesday 31 October 2006  
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## Constitution Act 1975

### PROCLAMATION

I, David de Kretser, Governor of Victoria, with the advice of the Premier, the Honourable Steve Bracks MP, do, by this Proclamation, declare that I have today ordered that the Writs be issued according to law for an election of Members to serve in the Legislative Assembly and for Members to serve in the Legislative Council.

Given under my Hand and the Seal of the State of Victoria  
on this 31st day of October 2006,

(L.S.)

DAVID de KRETSER  
Governor  
By His Excellency's Command

STEVE BRACKS MP  
Premier of Victoria

## NOTICE OF ELECTION

Notice is hereby given that the Governor of Victoria will issue Writs for an election of Members to serve in the Legislative Assembly of Victoria, and for Members to serve in the Legislative Council of Victoria, specifying the following dates:

Date of Issue of Writs	31 October 2006
Date for the Close of the Rolls	7 November 2006
Final Nomination Day	10 November 2006
Election Day	25 November 2006
Return of Writs	On or before 16 December 2006

By His Excellency's Command  
The Governor's Office

Dated 31 October 2006

RUTH LEACH  
Clerk of the Executive Council

**SPECIAL**



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**COMMITTEES****SESSION 2003–2006****DRUGS AND CRIME PREVENTION (JOINT)**

*(Assembly members appointed 26 March 2003 unless otherwise indicated)*

Mr Cooper  
Ms Marshall  
Mr Maxfield  
Dr Sykes  
Mr Wells

**ECONOMIC DEVELOPMENT (JOINT)**

*(Assembly members appointed 26 March 2003 unless otherwise indicated)*

Mr Delahunty (*Lowan*)  
Mr Jenkins  
Ms Morand  
Mr Robinson

**EDUCATION AND TRAINING (JOINT)**

*(Assembly members appointed by resolution on 26 March 2003 contingent upon the coming into operation of the Parliamentary Committees and Parliamentary Salaries and Superannuation Acts (Amendment) Act 2003)*

Ms Eckstein  
Mr Herbert  
Mr Kotsiras  
Ms Munt  
Mr Perton

**ENVIRONMENT AND NATURAL RESOURCES (JOINT)**

*(Assembly members appointed 26 March 2003 unless otherwise indicated)*

Ms Duncan  
Ms Lindell  
Mr Seitz

**FAMILY AND COMMUNITY DEVELOPMENT (JOINT)**

*(Assembly members appointed 26 March 2003 unless otherwise indicated)*

Ms McTaggart  
Ms Neville  
Mrs Powell  
Mrs Shardey  
Mr Wilson

**HOUSE (JOINT)**

*(Assembly Members appointed 26 March 2003 unless otherwise indicated)*

The Speaker (*ex-officio*)  
Mr Cooper  
Mr Leighton  
Mr Lockwood  
Mr Maughan  
Mr Savage (*resigned 19 October 2005, see p 867*)  
Mr Smith

**LAW REFORM (JOINT)**

*(Assembly members appointed 26 March 2003 unless otherwise indicated)*

Ms Beard  
Ms Beattie (*appointed 5 May 2005*)  
Mr Hudson  
Mr Lupton  
Mr Maughan

**LIBRARY (JOINT)**

*(Assembly members appointed 26 March 2003 unless otherwise indicated)*

*(Committee abolished 1 July 2005 on the commencement of s 40 of the Parliamentary Administration Act 2005)*

The Speaker (*ex-officio*)  
Mr Carli  
Mrs Powell  
Mr Seitz  
Mr Thompson

**OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT (JOINT)**

*(Assembly members appointed by resolution on 26 March 2003 contingent upon the coming into operation of the Parliamentary Committees and Parliamentary Salaries and Superannuation Acts (Amendment) Act 2003)*

Mr Baillieu *(resigned 6 June 2006, see p 1073)*

Ms Buchanan

Mr Dixon

Mr Honeywood *(appointed 6 June 2006)*

Mr Nardella

Mr Smith

**PRIVILEGES**

*(Assembly members appointed 26 March 2003 unless otherwise indicated)*

Mr Cooper

Mr Herbert

Mr Honeywood

Ms Lindell

Mr Lupton

Mr Maughan

Mr Nardella

Mr Perton

Mr Stensholt

**PUBLIC ACCOUNTS AND ESTIMATES (JOINT)**

*(Assembly members appointed 26 March 2003 unless otherwise indicated)*

Ms Campbell

Mr Clark

Mr Donnellan *(resigned 4 May 2005, see p 667)*

Ms Green

Mr Merlino

**ROAD SAFETY (JOINT)**

*(Assembly members appointed 26 March 2003 unless otherwise indicated)*

Mr Harkness

Mr Langdon

Mr Mulder

Mr Trezise

**RURAL AND REGIONAL SERVICES AND DEVELOPMENT (JOINT)**

*(Assembly members appointed by resolution on 26 March 2003 contingent upon the coming into operation of the Parliamentary Committees and Parliamentary Salaries and Superannuation Acts (Amendment) Act 2003)*

Mr Crutchfield  
Mr Hardman  
Mr Ingram  
Dr Napthine  
Mr Walsh

**SCRUTINY OF ACTS AND REGULATIONS (JOINT)**

*(Assembly members appointed 26 March 2003 unless otherwise indicated)*

Ms D'Ambrosio  
Mr Jasper  
Mr Leighton  
Mr Lockwood  
Mr McIntosh  
Mr Perera  
Mr Thompson

**STANDING ORDERS**

*(Assembly members appointed 26 March 2003 unless otherwise indicated)*

The Speaker  
Ms Campbell  
Mr Cooper (*appointed 14 June 2006*)  
Mr Dixon (*discharged 14 June 2006*)  
Mr Helper  
Mr Kotsiras (*appointed 14 June 2006*)  
Mr Loney  
Mr Perton (*discharged 31 March 2004*)  
Mr Plowman (*appointed 31 March 2004*) (*discharged 14 June 2006*)  
Mrs Powell

## LEGISLATIVE ASSEMBLY OF VICTORIA

**DIVISIONS IN COMMITTEE OF THE WHOLE — No 1****Thursday 20 March 2003****No 1 CONSTITUTION (PARLIAMENTARY REFORM) BILL — Clause 1.****1. Purpose**

The purpose of this Act is to reform the Parliament of Victoria based on recommendations made by the Constitution Commission Victoria by—

- (a) providing for a fixed 4 year term Parliament unless the Assembly is dissolved sooner;
- (b) re-constituting the Legislative Council to consist of 40 members elected from 8 regions each returning 5 members;
- (c) providing for the election of members of the Legislative Council by using a proportional representation system with optional preferential voting;
- (d) providing for the filling of casual vacancies in the Legislative Council by a joint sitting of the Legislative Council and the Legislative Assembly; *[(d) consists of lines 10 to 13]*
- (e) providing that the President of the Legislative Council has a deliberative vote but not a casting vote;
- (f) recognising the principle of Government mandate;
- (g) removing the power of the Legislative Council to block the Annual Appropriation Bill;
- (h) enacting a procedure to deal with disputes concerning Bills between the Legislative Assembly and the Legislative Council;
- (i) providing for the entrenchment of certain legislative provisions. *[line 26]*

*(Mr Bracks)*

Amendment proposed —

1. Clause 1, page 2, line 26, omit “.” and insert “;”.

*(Mr Ryan)*

Question — That the expression proposed to be omitted stand part of the Bill — put.

Committee divided.

(Chair — Mr Loney)

AYES 71

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms Delahunty (*Northcote*); Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Ingram; Mr Jenkins; Mr Kotsiras; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Dixon; Mr Hudson; Mr Langdon.

NOES 6

Mr Ryan; Mr Sykes; Mr Walsh. Tellers: Mr Delahunty (*Lowan*); Mr Maughan; Mrs Powell.

And so it was resolved in the affirmative.

**No 2 CONSTITUTION (PARLIAMENTARY REFORM) BILL** — Clause 1.

Amendment proposed —

1. Clause 1, page 2, lines 10 to 13, omit all words and expressions on these lines.

(*Mr Ingram*)

Question — That the words proposed to be omitted stand part of the Bill — put.

Committee divided.

(Chair — Mr Loney)

AYES 82

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mrs Powell; Mr Robinson; Mr Ryan; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Sykes; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Dixon; Mr Langdon.

## NOES 2

Tellers: Mr Ingram; Mr Savage.

And so it was resolved in the affirmative.

**No 3 CONSTITUTION (PARLIAMENTARY REFORM) BILL** — Clause 1.

Question — That clause 1 stand part of the Bill — put.

Committee divided.

(Chair — Mr Loney)

\*AYES 60

Ms Allan, Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Harkness; Mr Langdon; Ms McTaggart.

## NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Maughan; Mr Sykes.

And so it was resolved in the affirmative.

By Authority. Government Printer for the State of Victoria

## LEGISLATIVE ASSEMBLY OF VICTORIA

## DIVISIONS IN COMMITTEE OF THE WHOLE — No 2

Wednesday 7 May 2003

## No 1 SUMMARY OFFENCES (OFFENSIVE BEHAVIOUR) BILL — Clause 3.

3. *New section 18 inserted*

After section 17 of the **Summary Offences Act 1966** insert—

“18. *Offensive behaviour by a person in a motor vehicle in a declared area*

- (1) A person is guilty of an offence if—
  - (a) the person uses words, or makes a gesture, while in a motor vehicle; and
  - (b) the person does so within the view or hearing of another person in a public place; and
  - (c) the motor vehicle is (wholly or partly) in a area declared by the Minister under sub-section (4); and *[(c) consists of lines 13 to 15]*
  - (d) the words are likely to offend, or the gesture is likely to offend, a reasonable person.
- (2) An offence against sub-section (1) is an offence of strict liability.
- (3) A person who is guilty of an offence against sub-section (1) is liable to a fine not exceeding 5 penalty units.

Note: A member of the police force may issue an infringement notice for an offence against sub-section (1) (see sections 60AA to 60AH). *[line 26]*

- (4) The Minister may, by notice published in the Government Gazette, declare one or more areas for the purposes of sub-section (1)(c) if the Minister is satisfied that conduct contrary to section 12 or 13 of the **Prostitution Control Act 1994** frequently occurs in the area or areas.
- (5) A declaration under sub-section (4) must specify the particular streets or parts of streets that are included in the area or form its boundary.
- (6) Unless sooner revoked, a declaration under sub-section (4) expires on the day which is the first anniversary of the day on which it was published in the Government Gazette.”. *[Amendment No 4 relates to (4)–(6)]*

*(Mr Hulls)*

Amendments proposed —

1. Clause 3, lines 13 to 15, omit all words and expressions on these lines.
2. Clause 3, line 16, omit “(d)” and insert “(c)”.



3. Clause 3, line 26, omit “60AH).” and insert ‘60AH).’.
4. Clause 3, lines 27 to 33 and page 4, lines 1 to 8, omit all words and expressions on these lines.

(*Mr McIntosh*)

Question — That Amendments Nos 1 to 4 be agreed to — put.

Committee divided.

(Chair — Mr Loney)

AYES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Maughan; Mrs Powell.

NOES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D’Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Ms Green; Mr Langdon; Ms Neville.

And so it passed in the negative.

## LEGISLATIVE ASSEMBLY OF VICTORIA

## DIVISIONS IN COMMITTEE OF THE WHOLE — No 3

Wednesday 21 May 2003

## No 1 CORRECTIONS (AMENDMENT) BILL — Clause 7.

7. *Changes concerning the effect of the permit*In section 83 of the **Corrections Act 1986**—

- (a) in sub-section (1)(a), **omit** “in the physical custody of a prison officer”;
- (b) in sub-section (1)(b), for “authorises the prison” **substitute** “if the Secretary requires the prisoner to be escorted while absent from the prison, authorises the escort”;
- (c) in sub-section (2), for “3 days” **substitute** “7 days”;
- (d) sub-section (4) is **repealed**.

*(Mr Haermeyer)*

Amendment proposed —

## 1. Clause 7, after line 15 insert—

“(c) in sub-section (1)(c), after “set out in” **insert** “sub-section (4) and in”.*(Mr Wells)*

Question — That the words proposed to be inserted not be so inserted — put.

Committee divided.

(Chair — Mr Loney)

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D’Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Ms Lobato; Ms McTaggart.

## NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Maughan; Mr Sykes.

And so it was resolved in the affirmative.

## Thursday 22 May 2003

### No 2 COURTS LEGISLATION (AMENDMENT) BILL — Clause 1.

#### 1. *Purposes*

The purposes of this Act are—

- (a) to amend the **Constitution Act 1975** and the **County Court Act 1958** with respect to the recognition for pension purposes of certain prior service of persons appointed as judges; and
- (b) to amend the **Magistrates' Court Act 1989**—
  - (i) to provide for fixed term appointment of Deputy Chief Magistrates; and
  - (ii) to clarify the operation of adjournments to undertake diversion programs and other powers of the Court.

*(Mr Hulls)*

Amendment proposed —

1. Clause 1, page 2, lines 3 to 9, omit paragraph (b) and insert—

“(b) to amend the **Magistrates' Court Act 1989** to clarify the operation of adjournments to undertake diversion programs and other powers of the Court.”.

*(Mr McIntosh)*

Question — That the words proposed to be omitted stand part of the bill — put.

Committee divided.

(Chair — Mr Loney)

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Merlino; Mr Perera.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Maughan; Mrs Powell.

And so it was resolved in the affirmative.

## LEGISLATIVE ASSEMBLY OF VICTORIA

**DIVISIONS IN COMMITTEE OF THE WHOLE — No 4****Thursday 5 June 2003****No 1 STATE TAXATION ACTS (MISCELLANEOUS AMENDMENTS) BILL — Clause 2.****2. Commencement**

- (1) This Act (except sections 4, 6, 13(2), 15, 19, 20 and 23) comes into operation on the day after the day on which it receives the Royal Assent.
- (2) Sections 6, 13(2), 15 and 20 are deemed to have come into operation on 1 July 2001.
- (3) Section 4 is deemed to have come into operation on 8 February 2003.
- (4) Section 23(1) and (2) is deemed to have come into operation on 7 May 2003.
- (5) Section 19 comes into operation on 1 July 2003.
- (6) Section 23(3) comes into operation on 1 January 2004.

*(Mr Brumby)*

Amendment proposed —

2. Clause 2, lines 9 and 10, omit sub-clause (4).

*(Mr Clark)*

Question — That the words proposed to be omitted stand part of the bill — put.

Committee divided.

(Chair — Mr Loney)

AYES 55

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Mr Languiller; Mr Leighton; Ms Lindell; Ms Lobato; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Lockwood; Ms Marshall.

## NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Maughan; Mr Sykes.

And so it was resolved in the affirmative.

## **No 2 STATE TAXATION ACTS (MISCELLANEOUS AMENDMENTS) BILL — Clause 22.**

### **22. Grouping provisions**

- (1) For section 9A(1A)(b), (c) and (d) of the **Pay-roll Tax Act 1971** substitute—
  - (b) one or more employees of an employer perform duties for or in connection with one or more businesses carried on by the employer and one or more other persons (“**associates**”); or
  - (c) one or more employees of an employer are employed solely or mainly to perform duties for or in connection with one or more businesses carried on by one or more other persons (“**associates**”); or
  - (d) one or more employees of an employer perform duties for or in connection with one or more businesses carried on by one or more other persons (“**associates**”), being duties performed in connection with, or in fulfilment of the employer’s obligation under, an agreement, arrangement or undertaking for the provision of services to any one or more of the associates in connection with that business or those businesses—
    - (i) whether the agreement, arrangement or undertaking is formal or informal, express or implied; and
    - (ii) whether or not the agreement, arrangement or undertaking provides for duties to be performed by the employee or specifies the duties to be performed by them—
- (2) At the foot of section 9A(1A) of the **Pay-roll Tax Act 1971** insert—
 

“Note: Sub-section (1J) allows the Commissioner to exclude members from a group constituted under this sub-section in certain circumstances.”.
- (3) At the foot of section 9A(1B) of the **Pay-roll Tax Act 1971** insert—
 

“Note: Sub-section (1J) allows the Commissioner to exclude members from a group constituted under this sub-section in certain circumstances.”.
- (4) At the foot of section 9A(2) of the **Pay-roll Tax Act 1971** insert—
 

“Note: Sub-section (1J) allows the Commissioner to exclude members from a group constituted under this sub-section in certain circumstances.”.

(*Mr Brumby*)

Amendment proposed —

4. Clause 22, lines 3 to 33, omit sub-clause (1).

(*Mr Clark*)

Question — That the words proposed to be omitted stand part of the bill — put.

Committee divided.

(Chair — Mr Loney)

AYES 54

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D' Ambrosio; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Mr Languiller; Mr Leighton; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wynne. Tellers: Mr Donnellan; Mr Langdon; Mr Wilson.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphine; Mr Plowman; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Wells. Tellers: Mr Dixon; Mr Maughan; Mrs Powell.

And so it was resolved in the affirmative.

## LEGISLATIVE ASSEMBLY OF VICTORIA

## DIVISIONS IN COMMITTEE OF THE WHOLE — No 5

Thursday 28 August 2003

## No 1 CHILD EMPLOYMENT BILL — Clause 1.

## 1. Purpose and outline of Act

- (1) The purpose of this Act is to reform the law relating to the employment of children under the age of 15.
- (2) In outline this Act—
  - provides a system of permits to allow the employment of children under the age of 15;
  - allows children under the age of 15 to work in family businesses without a permit;
  - sets out general conditions of employment for children under the age of 15;
  - provides for the making of a mandatory code of practice for the employment of children in the entertainment industry;
  - prohibits the employment of children under the age of 15 in certain kinds of work;
  - empowers the Governor in Council to declare kinds of employment prohibited for children under the age of 15;
  - sets out offences;
  - provides for the appointment of child employment officers and powers of inspection of workplaces where children are employed to ensure compliance with the Act;
  - repeals Division 9 of Part III of the **Community Services Act 1970** (Employment of Children) and makes consequential amendments of that Act and the **Education Act 1958**.
- (3) Sub-section (2) is intended only as a guide to readers as to the general scheme of this Act.

*(Mr Hulls)*

Amendment proposed—

- 1 Clause 1, page 2, lines 8 to 10 omit all words and expressions on these lines.

*(Mr McIntosh)*

Question — That the words proposed to be omitted stand part of the bill — put.



Committee divided.

(Chair — Mr Loney)

AYES 54

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Ms Green; Mr Langdon; Mr Perera.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mr Ryan; Mr Savage; Mrs Shardey; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Delahunty (*Lowan*); Mrs Powell.

And so it was resolved in the affirmative.

## **No 2 CHILD EMPLOYMENT BILL — Clause 4.**

### **4. What is employment?**

- (1) For the purposes of this Act, a child is engaged in employment if the child takes part or assists in any business, trade or occupation carried on for profit—
  - (a) whether or not the child receives payment or other reward for his or her participation or assistance; and
  - (b) whether the child is engaged under a contract of service, a contract for services or any other arrangement.
- (2) For the purposes of this Act, a person who causes or permits a child to engage in employment—
  - (a) employs the child; and
  - (b) is an employer of the child.
- (3) Despite sub-section (2)—
  - (a) a parent or guardian of a child is not to be taken to employ the child, or to be an employer of the child, only because he or she permits the child to engage in employment, except in relation to a family business;
  - (b) the Secretary is not to be taken to employ a child, or to be an employer of a child, only because he or she issues a permit for the child to engage in employment;
  - (c) a principal or head teacher of a school is not to be taken to employ a child who is a pupil at the school, or to be an employer of the child, only because he or she makes a work experience arrangement under the **Education Act 1958** in respect of the child.
- (4) Examples of activities that do not constitute employment include—
  - (a) participating in a church service or religious program;

- (b) participating in an occasional project or entertainment the net proceeds of which are applied for the benefit of a church or school;
  - (c) performing any activity for a non-profit organisation;
  - (d) participating in a sporting activity (including coaching, refereeing or umpiring).
- (5) Nothing in sub-section (4) limits the kinds of activities that constitute or do not constitute employment.

*(Mr Hulls)*

Amendment proposed—

5. Clause 4, line 8, after “profit” insert “(other than a farming business)”.

*(Mr McIntosh)*

Question — That the words proposed to be inserted be so inserted — put.

Committed divided.

(Chair — Mr Loney)

AYES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Delahunty (*Lowan*); Mr Sykes.

NOES 55

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D’Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lupton; Ms McTaggart; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Herbert; Mr Langdon; Mr Lockwood.

And so it passed in the negative.

## LEGISLATIVE ASSEMBLY OF VICTORIA

## DIVISIONS IN COMMITTEE OF THE WHOLE — No 6

Thursday 30 October 2003

**No 1 ELECTORAL (AMENDMENT) BILL** — Clause 2.**2. Commencement**

This Act comes into operation on the day after the day on which it receives the Royal Assent.

*(Mr Hulls)*

Amendment proposed —

1. Clause 2, line 5, omit “This Act” and insert “(1) This Act, other than section 10, 11, 12, 13, 14, 15 and 16,”.

*(Mr Ingram)*

Question — That the words proposed to be omitted stand part of the bill — put.

Committee divided.

(Chair — Mr Loney)

AYES 75

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Ms D’Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Honeywood; Mr Howard; Mr Hulls; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mrs Powell; Mr Robinson; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Sykes; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wells; Mr Wilson.

NOES 2

Mr Ingram; Mr Savage.

And so it was resolved in the affirmative.

## LEGISLATIVE ASSEMBLY OF VICTORIA

## DIVISIONS IN COMMITTEE OF THE WHOLE — No 7

Thursday 6 November 2003

No 1 FAIR TRADING (FURTHER AMENDMENT) BILL — Clause 7.

## 7 New Division 2A inserted in Part 4

After Division 2 Part 4 of the Fair Trading Act 1999 insert—

## 'Division 2A—Telephone Marketing Agreements

## 67A. What is a telephone marketing agreement?

- (1) An agreement is a telephone marketing agreement if—
  - (a) it is for the supply in trade or commerce of goods or services of a kind ordinarily used for personal, household or domestic use; and
  - (b) the negotiations leading to the making of the agreement (whether or not they are the only negotiations that precede the making of the agreement) take place between the supplier or a person acting on behalf of the supplier and the purchaser over the telephone; and
  - (c) the initial telephone call for the purpose of entering into the negotiations was made by or on behalf of the supplier; and
  - (d) the total consideration payable by the purchaser under the agreement—
    - (i) is not ascertainable at the time of making the agreement; or
    - (ii) is ascertainable at the time of making the agreement and exceeds \$50.
- (2) Despite sub-section (1)(c), an agreement is not a telephone marketing agreement if—
  - (a) the purchaser invited the supplier or a person acting on behalf of the supplier to make that initial telephone call (including by a prior written consent of the purchaser for the supplier or a person acting on behalf of the supplier to telephone the purchaser for the purpose of entering into a telephone marketing agreement); or
  - (b) after that initial telephone call, the purchaser telephoned the supplier or a person acting on behalf of the supplier to continue the negotiations; or
  - (c) after that initial telephone call, the negotiations were continued in the physical presence of the purchaser or a person acting on behalf of the purchaser and the supplier or a person acting on behalf of the supplier.
- (3) If—
  - (a) 2 or more agreements relate substantially to the same transaction; and

- (b) the transaction could have been effected by a single agreement which would have constituted a telephone marketing agreement—  
then—
- (c) each of the agreements that would not, if it stood alone, constitute a telephone marketing agreement becomes a telephone marketing agreement; and
- (d) for the purpose of ascertaining the cooling-off period in relation to each of the agreements, each agreement is deemed to have been made when the last of the agreements was made.
- (4) If it is alleged in any proceeding in respect of a matter arising under this Act that an agreement is a telephone marketing agreement, it is presumed, unless the contrary intention is established, that the agreement is a telephone marketing agreement.
- (5) Despite sub-section (1), the following are not telephone marketing agreements—
- (a) an agreement solely for the provision of credit;
- (b) a contract of guarantee;
- (c) a mortgage;
- (d) an agreement for the connection of premises to water, sewerage or a telephone service (other than a mobile telephone service) unless, as a result of the agreement, responsibility for the supply of that service is transferred from one supplier to another supplier.

[Remainder of clause not printed]  
[Underlining denotes line 31]

*(Mr Hulls)*

Amendment proposed —

1. Clause 7, page 6, after line 31 insert—

“(d) an agreement where the purchaser is an existing customer of the supplier at the time the agreement is made;”.

*(Mr Kotsiras)*

Question — That the words proposed to be inserted be so inserted — put.

Committee divided.

(Chair — Mr Loney)

AYES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

## NOES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield, Ms D'Ambrosio; Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

And so it passed in the negative.

## **No 2 FAIR TRADING (FURTHER AMENDMENT) BILL** — Clause 7.

[Earlier part of clause not printed]

### **67H. When and how can the purchaser cancel the agreement?**

- (1) Subject to sub-section (2), a purchaser under a telephone marketing agreement may cancel that agreement by giving notice of cancellation to the supplier or a person acting on behalf of the supplier within 10 days from and including the day on which the purchaser receives the agreement document and the notice completed in accordance with Part 2 of Schedule 2 or within such longer period as the agreement may provide.
- (2) In relation to a telephone marketing agreement for the supply of raffle or other lottery tickets, the right of the purchaser to cancel the agreement under sub-section (1) does not apply on or after the date of the drawing of the raffle or other lottery.
- (3) Despite sub-section (1), the purchaser under the telephone marketing agreement may cancel the agreement by giving notice of cancellation to the supplier within 6 months from the day on which the agreement was made if the supplier or a person acting on behalf of the supplier does not comply with section 67E(1) or 67E(3)(b)(i).
- (4) A notice of cancellation may be given in the form of the notice in Part 2 of Schedule 2.
- (5) Sub-section (4) does not apply to an agreement or agreement document approved or in a class approved under section 67E(5) if the Director approves a different method of notice of cancellation in the case of that agreement or document.
- (6) A notice of cancellation under this section may be given—
  - (a) if a form of notice of cancellation accompanied the agreement document—
    - (i) by leaving it at or posting it to the business address of the supplier or other address of the supplier shown on that form; or
    - (ii) by faxing it to the facsimile number of the supplier shown on that form; or
  - (b) if the form of notice of cancellation does not accompany the agreement document, by leaving it at or posting it to the last known place of business of the supplier; or

(c) by telephoning the supplier or the person acting on behalf of the supplier with whom the negotiations were conducted.

(7) In this section, "**raffle**", "**lottery**" and "**ticket**" have the same meanings as in section 3 of the **Gaming No. 2 Act 1997**.

[Remainder of clause not printed]  
[Underlining denotes end of line 34]

*(Mr Hulls)*

Amendment proposed —

3 Clause 7, page 14, after line 34 insert—

“(7) This section and sections 67I to 67L do not apply to the following telephone marketing agreements—

- (a) an agreement for the supply of indivisible goods or services where those goods or services have started to be provided;
- (b) an agreement for the supply of divisible goods or services to the extent that it applies to goods or services which have already been used or performed;
- (c) an agreement concerning securities and other goods and services whose price is dependent on financial market fluctuations, which cannot be controlled by the supplier;
- (d) an agreement for the supply of made to measure goods or clearly personalised goods;
- (e) an agreement for the supply of goods that can be immediately copied such as books, magazines, computer software, cassettes, videos, compact discs, digital video discs and other products with or without wrapping or seal, unless the immediate wrapping or seal is unbroken;
- (f) an agreement for personal health or hygiene products where any wrappings or seals have been broken or tampered with;
- (g) an agreement for goods, which by reason of their nature, cannot be returned or are likely to deteriorate rapidly.”.

*(Mr Kotsiras)*

Question — That the words and expressions proposed to be inserted be so inserted — put.

Committee divided.

(Chair — Mr Loney)

AYES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

And so it passed in the negative.

### **No 3 FAIR TRADING (FURTHER AMENDMENT) BILL** — Clause 17.

#### **17. Amendment of regulation-making powers**

- (1) In section 165(1)(aa) of the **Fair Trading Act 1999** after “contractual term” insert “or a class of contractual term”.

*(Mr Hulls)*

Amendment previously circulated under the government business program —

Clause 17, after line 15 insert—

‘() After section 165(1)(c) of the **Fair Trading Act 1999** insert—

“(ca) providing for the exemption of a class of telephone marketing agreement from any or all of the provisions of Part 4;”.’.

*(Mr Hulls)*

Question — That clauses 7 to 16, the government amendment, clause 17 as amended and clauses 18 to 29 be agreed to — put.



Committee divided.

(Chair — Mr Loney)

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

## LEGISLATIVE ASSEMBLY OF VICTORIA

## DIVISIONS IN COMMITTEE OF THE WHOLE — No 8

Tuesday 18 November 2003

## No 1 CRIMES (STALKING) BILL — Clause 3.

## 3. Cyberstalking

In section 21A(2) of the **Crimes Act 1958**, for paragraph (b) **substitute**—

- “(b) contacting the victim or any other person by post, telephone, fax, text message, e-mail or other electronic communication or by any other means whatsoever;
- (ba) publishing on the Internet or by an e-mail or other electronic communication to any person a statement or other material—
  - (i) relating to the victim or any other person; or
  - (ii) purporting to relate to, or to originate from, the victim or any other person;
- (bb) causing an unauthorised computer function (within the meaning of Subdivision (6) or Division 3) in a computer owned or used by the victim or any other person;
- (bc) tracing the victim’s or any other person’s use of the Internet or of e-mail or other electronic communications;”.

*(Mr Hulls)*

Amendment proposed —

- 2. Clause 3, line 3, before “In” insert “(1)”.

*(Mr Hulls)*

Question — That the expression proposed to be inserted be so inserted — put.

Committee divided.

(Chair — Mr Nardella)

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Loney; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

## **No 2 CRIMES (STALKING) BILL** — Clause 3.

[Reproduced Above]

Amendment proposed —

3. Clause 3, after line 22 insert—

‘(2) After section 21A(4) of the **Crimes Act 1958** insert—

“(4A) In a proceeding for an offence against sub-section (1) it is a defence to the charge for the accused to prove that the course of conduct was engaged in without malice—

- (a) in the normal course of a lawful business, trade, profession or enterprise (including that of any body or person whose business, or whose principal business, is the publication, or arranging for the publication, of news or current affairs material); or
- (b) for the purpose of an industrial dispute; or
- (c) for the purpose of engaging in political activities or discussion or communicating with respect to public affairs.”’.

(*Mr Hulls*)

Question — That the words and expressions proposed to be inserted be so inserted — put

Committee divided.

(Chair — Mr Nardella)

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Loney; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

**No 3 CRIMES (STALKING) BILL** — Clause 3.

[Reproduced Above]

Question — That Clause 3 as amended stand part of the Bill — put.

Committee divided.

(Chair — Mr Nardella)

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

## Thursday 20 November 2003

### No 4 HEALTH LEGISLATION (FURTHER AMENDMENT) BILL — Clause 1.

#### 1. Purpose

The main purpose of this Act is to amend various Acts relating to the registration of health practitioners and the **Health Records Act 2001** and the **Health Services Act 1988** and to repeal the **Pathology Services Accreditation Act 1984**.

*(Ms Pike)*

Amendment proposed —

1. Clause 1, page 2, lines 1 and 2, omit “and to repeal the **Pathology Services Accreditation Act 1984**”.

*(Mrs Shardey)*

Question — That the words proposed to be omitted stand part of the clause — put.

Committee divided.

(Chair — Mr Loney)

AYES 62

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield, Ms D’Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 17

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

And so it was resolved in the affirmative.

## LEGISLATIVE ASSEMBLY OF VICTORIA

<b>DIVISIONS IN COMMITTEE OF THE WHOLE — No 9</b>
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**Thursday 4 March 2004**

**No 1 STANDING ORDERS NO 131****131 Time limit of speeches**

A member may speak for the specified period in the following debates:

**Appropriation bills — second reading**

Mover .....	unlimited
Lead speaker in response from opposition.....	unlimited
Lead speaker in response from any other party, each .....	1 hour
Any other member .....	15 minutes

**Government bills (excluding appropriation bills) — second reading**

Mover .....	unlimited
Lead speaker in response from opposition.....	30 minutes*
Lead speaker in response from any other party, each .....	20 minutes*
Any other member .....	10 minutes

\*Plus, where the minister speaks for more than 30 minutes, an additional time equivalent to the minister's time in excess of 30 minutes

**Private members' bills — second reading**

Mover .....	30 minutes
Lead speakers in response from government and/or opposition each.....	30 minutes
Lead speaker in response from any other party, each .....	20 minutes*
Any other member .....	10 minutes

**All bills — consideration in detail**

Mover .....	unlimited (in time and how often a mover may speak to a question)
Any other member .....	twice on each question, 5 minutes each time

**Motions other than procedural motions**

Mover .....	30 minutes
Lead speakers in response from government and/or opposition each.....	30 minutes
Lead speaker in response from any other party, each .....	20 minutes
Any other member .....	10 minutes

**Procedural motions**

These time limits apply to procedural motions, dilatory motions and debate on the question that remaining business be postponed.

All members .....5 minutes (subject to the overall time period) (maximum of 6 speakers or 30 minutes total debating time, whichever is the shorter)

**No-confidence motions**

Mover .....	unlimited
Lead speaker in response from opposition.....	unlimited
Lead speaker in response from any other party, each .....	1 hour
Any other member .....	15 minutes

**Address-in-reply**

Mover and seconder, each.....	20 minutes
Any other member .....	15 minutes

*(Mr Batchelor)*

Question — That SO 131 be agreed to — put.

Committee divided.

(Chair, Mr Loney)

AYES 52

Ms Allan, Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Crutchfield; Ms D’Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 18

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Smith; Mr Thompson; Mr Wells.

And so it was resolved in the affirmative.

**No 2 STANDING ORDERS**

Motion made and question proposed —

That standing orders as amended be adopted.

*(Mr Batchelor)*

Amendment proposed —

That all the words after ‘That’ be omitted with the view of inserting in place thereof ‘the proposed new standing orders, as amended by the Committee of the Whole, be referred to the Standing Orders Committee for consideration and report.

*(Mr Plowman)*

Question — That the words proposed to be omitted stand part of the question — put.

Committee divided.

(Chair, Mr Loney)

AYES 52

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Crutchfield; Ms D’Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 20

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

And so it was resolved in the affirmative.

**No 3 STANDING ORDERS**

Question — That the Standing Orders as amended be agreed to — put.



Committee divided.

(Chair, Mr Loney)

AYES 52

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 20

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

And so it was resolved in the affirmative.

#### **No 4 STANDING ORDERS**

Motion made and question —

That the Standing Orders as agreed to by the Committee of the Whole be adopted on a trial basis until 30 June 2005 and that the Standing Orders Committee examine the operation of the Standing Orders and report back to the House by the end of March 2005 — put.

(*Mr Ingram*)

Committee divided.

(Chair, Mr Loney)

AYES 20

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

## NOES 52

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

And so it passed in the negative.



**MINUTES OF THE PROCEEDINGS  
OF THE  
JOINT SITTING  
OF THE HOUSES OF PARLIAMENT OF THE  
STATE OF VICTORIA**

**TO ELECT THREE MEMBERS OF THE PARLIAMENT TO THE  
VICTORIAN HEALTH PROMOTION FOUNDATION**

**26 March 2003**

*Held in accordance with the provisions of the Tobacco Act 1987*

**MINUTES OF THE PROCEEDINGS**  
*of the*  
**JOINT SITTING**  
*held in the*  
**LEGISLATIVE ASSEMBLY CHAMBER**

**Wednesday 26 March 2003**

**THE VICTORIAN HEALTH PROMOTION FOUNDATION**

*The members of the Legislative Council and the members of the Legislative Assembly having assembled in the Legislative Assembly Chamber pursuant to resolutions of the two Houses —*

- 1 **ELECTION OF PRESIDENT** — The Honourable S P Bracks, MP moved — That the Honourable Monica Mary Gould MLC, President of the Legislative Council, be appointed President of this Joint Sitting which motion having been seconded by Mr R K Doyle, MP, was resolved in the affirmative.

The Honourable Monica Mary Gould, MLC, having expressed her acknowledgement of the honour conferred upon her by the Joint Sitting, then took the Chair.

- 2 **RULES OF PROCEDURE** — The President announced that section 21 of the *Tobacco Act 1987* provides that the Joint Sitting shall be conducted in accordance with rules adopted for the purpose by members at the sitting. Accordingly, the Honourable S P Bracks, MP submitted the following rules of procedure for the consideration of honourable members, and moved — That these rules be the rules of procedure for this Joint Sitting —

- (1) On any debate arising the same shall be conducted according to Parliamentary usage.
- (2) A member, addressing the President, shall propose a member or members to be elected and any such proposal shall be duly seconded. When each member is so proposed, the proposer shall state that such member is willing to be so elected, if chosen.
- (3) If no more than the required number of members are proposed and seconded, the President shall declare such members as having been elected.
- (4) If more than the required number of members are proposed and seconded in respect of the vacancies the members to be elected shall be chosen by ballot in the manner prescribed by rules 5 to 8, inclusive.

- (5) In the ballot for the vacancies, the President shall announce the names of the members proposed and shall cause each member present to be provided with a ballot paper initialled by the Clerk of each House. Each member shall write on such ballot paper the names of the members that the member voting wishes to be elected; and if any ballot paper contains more than the appropriate number of names, it shall be rejected. Having marked the ballot paper as provided, the member voting shall place it in a ballot box provided for the purpose.
- (6) The President shall appoint three members to be scrutineers, who, with one of the Clerks, shall ascertain the number of votes for each member. The required number of members reported to have the greatest number of votes shall be deemed to be duly elected. In case of doubt arising through two or more members having an equality of votes, the scrutineers, by drawing lots, shall determine which of such members has been duly elected.
- (7) No informal vote shall be taken into account.
- (8) The President shall be entitled to a vote.
- (9) As soon as a ballot has been concluded the President shall declare —  
  
‘That ..... have been elected to the Victorian Health Foundation’.
- (10) The President shall advise the responsible minister of the members elected.
- (11) The records of the proceedings and the ballot papers shall be retained by the Clerk of the Parliaments who shall be the custodian thereof and shall keep the ballot papers safely for one year and thereafter destroy them.

Mr R K Doyle, MP, seconded the motion.

Question — put and resolved in the affirmative.

- 3 **VICTORIAN HEALTH PROMOTION FOUNDATION** — The President announced that she was now prepared to receive proposals from honourable members with regard to three members to be elected to the Victorian Health Promotion Foundation.

The Honourable S P Bracks, MP proposed that Mr Hugh Francis Delahunty, MP, the Honourable Bill Forwood, MLC and Ms Maxine Morand, MP be elected to the Victorian Health Promotion Foundation, and stated that they were willing to be elected, if chosen; which proposal was seconded by Mr R K Doyle, MP.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that the Mr Hugh Francis Delahunty, MP, the Honourable Bill Forwood, MLC and Ms Maxine Morand, MP had been elected.

The President declared the Joint Sitting closed.

W R TUNNECLIFFE  
*Clerk of the Legislative Council*

R W PURDEY  
*Clerk of the Legislative Assembly*





**MINUTES OF THE PROCEEDINGS**

OF THE

**JOINT SITTING**

OF THE HOUSES OF PARLIAMENT OF THE  
STATE OF VICTORIA

TO CHOOSE A PERSON TO HOLD THE PLACE IN THE SENATE  
RENDERED VACANT BY THE RESIGNATION OF SENATOR THE  
HONOURABLE RICHARD KENNETH ROBERT ALSTON

**31 March 2004**

*Held in accordance with the provisions of section 15 of the Commonwealth of Australia  
Constitution Act.*

## MINUTES OF THE PROCEEDINGS

of the

JOINT SITTING

held in the

LEGISLATIVE ASSEMBLY CHAMBER

WEDNESDAY, 31 MARCH 2004

*The Members of the Legislative Council and the Members of the Legislative Assembly having assembled in the Legislative Assembly Chamber pursuant to resolutions of the two Houses —*

- 1 **ELECTION OF PRESIDENT** — The Honourable Steve Bracks, Premier, moved — That Ms Judy Maddigan, MP, Speaker of the Legislative Assembly, be appointed President of this Joint Sitting, which motion having been seconded by Mr Robert Doyle, MP, the Leader of the Opposition, was resolved in the affirmative.

Ms Judy Maddigan, MP, having expressed her acknowledgment of the honour conferred upon her by the Joint Sitting, then took the Chair.

**SENATE VACANCY**

- 2 **RULES OF PROCEDURE** — The Honourable Steve Bracks, MP, submitted the following rules of procedure for the consideration of Honourable Members, and moved — That these rules be the rules of procedure for the Joint Sitting to fill the Senate vacancy:

1. On any debate arising the same shall be conducted according to Parliamentary usage.

2. A Member, addressing himself to the President, shall propose a person to hold the vacant place in the Senate and any such proposal shall be duly seconded. When a person is so proposed, the proposer shall state that such person is — (a) willing to hold the vacant place, if chosen; and (b) a member of the same political party as that subscribed to by the Senator last elected by the people in whose place the vacancy has occurred.

3. If only one person be proposed and seconded, the President shall declare "That .....has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Richard Kenneth Robert Alston."

4. If more than one person be proposed and seconded the person to hold the vacant place shall be chosen by ballot in the manner prescribed by rules 5 to 13, inclusive.

5. In the ballot for the vacancy, the President shall announce the names of the persons proposed and shall cause each Member present to be provided



with a ballot paper initialled by the Clerks of the two Houses. The Member shall write on such ballot paper the name of the person desired to be chosen; and if any ballot paper contains more than one name, it shall be rejected. Having marked the ballot paper as provided, the Member voting shall place it in the ballot box provided for the purpose.

6. The President shall ask the proposer of each nominated person to name some Member present to be a scrutineer. The scrutineers, with the Clerks of the two Houses, shall retire and ascertain the number of votes for each person; and the scrutineers shall make a written report of the result to the President showing the number of votes for each person.

7. No informal vote shall be taken into account.

8. The President shall be entitled to vote.

9. If on the first ballot no person shall have received an absolute majority of the votes polled, a second ballot shall be taken, and the name of the person who shall have received the fewest votes at the first ballot shall be excluded; but if at the first ballot the names of only two persons be submitted and the number of votes for such persons be equal, the scrutineers shall by drawing lots determine which of such persons shall be chosen to hold the vacant place, and the person whose name shall be first drawn shall be deemed to have been duly chosen.

10. Until one of the persons proposed obtains an absolute majority of the votes polled, or (as the case may be) is chosen by lot to hold the vacant place, successive ballots shall be taken, and at each such ballot the name of the person who shall have received the fewest votes at the preceding ballot shall be excluded.

11. If on any ballot it shall be necessary to decide between two or more persons as to which one is to be excluded from a subsequent ballot through the number of votes for such persons being equal, a special ballot shall be taken at which the names of only those persons shall be submitted, and the name of the person having the fewest votes at such special ballot shall be excluded; but if on any special ballot it shall be necessary to decide between two or more persons as to which one is to be excluded from a subsequent ballot through the number of votes for such persons being equal, the scrutineers by drawing lots shall determine which one of such persons shall be excluded, and the name of the person last drawn shall be excluded.

12. If at any ballot, other than the first ballot or a special ballot hereinbefore provided for, the names of only two persons be submitted and the number of votes for such persons be equal, the scrutineers shall, by drawing lots, determine which of those persons shall be chosen to hold the vacant place, and the person whose name shall be first drawn shall be deemed to have been duly chosen.

13. As soon as any person obtains an absolute majority of the votes polled, or (as the case may be) is chosen by lot to hold the vacant place, the President shall declare —

".....has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Richard Kenneth Robert Alston."

14. The records of the proceedings and the ballot papers shall be retained by the Clerk of the Parliaments who shall be the custodian thereof and shall keep the ballot papers safely for one year and thereafter destroy them.

Mr Robert Doyle, MP, seconded the motion.

Question — put and resolved in the affirmative.

- 3 **PERSON PROPOSED AND CHOSEN TO HOLD THE VACANT PLACE IN THE SENATE** — The President announced that, the rules having been adopted, she was now prepared to receive proposals from Honourable members of persons to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Richard Kenneth Robert Alston.

The Honourable Steve Bracks, MP, proposed Mr Mitchell Peter Fifield as the person to hold the vacant place. He also stated that such person was willing to hold the vacant place, if chosen and that he was in possession of advice from the Liberal Party, that the nominee is the selection of the Liberal Party, the party previously represented in the Senate by Senator the Honourable Richard Kenneth Robert Alston; which proposal was seconded by Mr Robert Doyle, MP.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that Mr Mitchell Peter Fifield, had been chosen to hold the place rendered vacant by the resignation of Senator the Honourable Richard Kenneth Robert Alston.

- 4 **NOTIFICATION TO HIS EXCELLENCY THE GOVERNOR** — The Honourable Steve Bracks, MP, moved — That the President of the Joint Sitting inform the Governor that Mitchell Peter Fifield has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Richard Kenneth Robert Alston, which motion was seconded by Mr Robert Doyle, MP.

Question — put and resolved in the affirmative, Mr Craig Ingram, MP and Mr Russell Savage, MP having requested that their dissent be recorded.

The President declared the Joint Sitting closed.

**W.R. TUNNECLIFFE**  
*Clerk of the Legislative Council*

**R.W. PURDEY**  
*Clerk of the Legislative Assembly*



**MINUTES OF THE PROCEEDINGS  
OF THE  
JOINT SITTING  
OF THE HOUSES OF PARLIAMENT OF THE  
STATE OF VICTORIA**

**TO ELECT THREE MEMBERS OF THE PARLIAMENT TO THE  
VICTORIAN HEALTH PROMOTION FOUNDATION**

**26 October 2005**

*Held in accordance with the provisions of the Tobacco Act 1987*

**MINUTES OF THE PROCEEDINGS**  
*of the*  
**JOINT SITTING**  
*held in the*  
**LEGISLATIVE ASSEMBLY CHAMBER**

**Wednesday 26 October 2005**

**THE VICTORIAN HEALTH PROMOTION FOUNDATION**

*The members of the Legislative Council and the members of the Legislative Assembly having assembled in the Legislative Assembly Chamber pursuant to resolutions of the two Houses —*

- 1 **ELECTION OF PRESIDENT** — The Honourable S P Bracks, MP moved — That the Honourable Monica Mary Gould MLC, President of the Legislative Council, be appointed President of this Joint Sitting which motion having been seconded by Mr P N Honeywood, MP, was resolved in the affirmative.

The Honourable Monica Mary Gould, MLC, then took the Chair.

- 2 **RULES OF PROCEDURE** — The President announced that section 21 of the *Tobacco Act 1987* provides that the Joint Sitting shall be conducted in accordance with rules adopted for the purpose by members at the sitting. Accordingly, the Honourable S P Bracks, MP submitted the following rules of procedure for the consideration of honourable members, and moved — That these rules be the rules of procedure for this Joint Sitting —

- 1 On any debate arising the same shall be conducted according to Parliamentary usage.
- 2 A member, addressing the President, shall propose a member or members to be elected and any such proposal shall be duly seconded. When each member is so proposed, the proposer shall state that such member is willing to be so elected, if chosen.
- 3 If no more than the required number of members are proposed and seconded, the President shall declare such members as having been elected.
- 4 If more than the required number of members are proposed and seconded in respect of the vacancies the members to be elected shall be chosen by ballot in the manner prescribed by rules 5 to 8, inclusive.

- 5 In the ballot for the vacancies, the President shall announce the names of the members proposed and shall cause each member present to be provided with a ballot paper initialled by the Clerk of each House. Each member shall write on such ballot paper the names of the members that the member voting wishes to be elected; and if any ballot paper contains more than the appropriate number of names, it shall be rejected. Having marked the ballot paper as provided, the member voting shall place it in a ballot box provided for the purpose.
- 6 The President shall appoint three members to be scrutineers, who, with one of the Clerks, shall ascertain the number of votes for each member. The required number of members reported to have the greatest number of votes shall be deemed to be duly elected. In case of doubt arising through two or more members having an equality of votes, the scrutineers, by drawing lots, shall determine which of such members has been duly elected.
- 7 No informal vote shall be taken into account.
- 8 The President shall be entitled to a vote.
- 9 As soon as a ballot has been concluded the President shall declare —  
"That ..... have been elected to the Victorian Health Foundation".
- 10 The President shall advise the responsible minister of the members elected.
- 11 The records of the proceedings and the ballot papers shall be retained by the Clerk of the Parliaments who shall be the custodian thereof and shall keep the ballot papers safely for one year and thereafter destroy them.

P N Honeywood, MP, seconded the motion.

Question — put and resolved in the affirmative.

- 3 **VICTORIAN HEALTH PROMOTION FOUNDATION** — The President announced that she was now prepared to receive proposals from honourable members with regard to three members to be elected to the Victorian Health Promotion Foundation.

The Honourable S P Bracks, MP proposed that Mr Hugh Francis Delahunty, MP, the Honourable Bill Forwood, MLC and Ms Maxine Morand, MP be elected to the Victorian Health Promotion Foundation, and stated that they were willing to be elected, if chosen; which proposal was seconded by P N Honeywood, MP.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that Mr Hugh Francis Delahunty, MP, the Honourable Bill Forwood, MLC and Ms Maxine Morand, MP had been elected.

The President declared the Joint Sitting closed.

W R TUNNECLIFFE  
*Clerk of the Legislative Council*

R W PURDEY  
*Clerk of the Legislative Assembly*

