

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 1 and 2

### No. 1 – Tuesday, 14 May 1996

- 1 The Council met pursuant to the Proclamation of His Excellency the Governor dated 19 April 1996, which Proclamation was read by the Clerk and is as follows:

#### PROCLAMATION

I, Richard E. McGarvie, A.C., Governor of the State of Victoria, acting under section 8 and section 20 of the *Constitution Act 1975* and all other powers vested in me, fix Tuesday 14 May 1996 at 11.00 a.m. as the time for the commencement and holding of the First session of the Fifty-third Parliament of Victoria for the despatch of business, at the Parliament Houses, Melbourne. The Honourable the Members of the Legislative Council and the Members of the Legislative Assembly are required to attend at that time and place.

GIVEN under my Hand and the Seal of Victoria,  
on 19 April 1996  
R.E. McGARVIE  
Governor

(L.S.)

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

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

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

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

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

Then the said Commission was read and is as follows:

BY HIS EXCELLENCY RICHARD E. McGARVIE, A.C.  
GOVERNOR OF VICTORIA  
TO THE HONOURABLE MR JUSTICE JOHN HARBER PHILLIPS,  
CHIEF JUSTICE OF VICTORIA  
AND  
THE HONOURABLE MR JUSTICE JOHN SPENCE WINNEKE,  
PRESIDENT OF THE COURT OF APPEAL  
GREETING:

Acting under all available powers and with the consent of the Premier, I commission you, on my behalf, to begin the first session of the fifty-third Parliament at 11.00 in the morning on Tuesday the fourteenth day of May 1996 and to do all other things that it is necessary or usual for me to do on the opening of a new Parliament.

Given under my hand and the seal of Victoria,  
on 6 May 1996  
R.E. McGARVIE  
Governor

(L.S.)  
By His Excellency's Command,  
J.G. KENNETT  
Premier

Then the Honourable the Chief Justice said —

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

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

The Members of the Legislative Assembly then withdrew.

The Honourable the President of the Court of Appeal withdrew.

### 3 COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS —

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

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

Acting under section 23 of the *Constitution Act 1975* I authorise you, in the Parliament Houses, Melbourne, on Tuesday the fourteenth day of May 1996, to administer the prescribed Oath or Affirmation of allegiance to Members of the Legislative Council.

Given under my hand and the seal of Victoria,  
on 6 May 1996  
R.E. McGARVIE  
Governor

(L.S.)  
By His Excellency's Command  
J.G. KENNETT  
Premier

**4 RETURNS TO WRITS** – The Clerk announced that a Writ issued under the hand of His Excellency the Governor on 5 March 1996 for the election of Members to serve in each of twenty-two Provinces had been received from His Excellency, and by the indorsements on That Writ it appeared that the following Members had been elected in pursuance thereof:

The Honourable Robert Ian Knowles for the Ballarat Province.  
The Honourable Geoffrey Ronald Craige for the Central Highlands Province.  
The Honourable Blair Cameron Boardman for the Chelsea Province.  
The Honourable Monica Mary Gould for the Doutta Galla Province.  
The Honourable David McLean Davis for the East Yarra Province.  
The Honourable Neil Bedford Lucas for the Eumemmerring Province.  
The Honourable Ian James Cover for the Geelong Province.  
The Honourable Peter Ronald Hall for the Gippsland Province.  
The Honourable John William Gameliel Ross for the Higinbotham Province.  
The Honourable Theo Charles Theophanous for the Jika Jika Province.  
The Honourable Gerald Barry Ashman for the Koonung Province.  
The Honourable Barry Thomas Pullen for the Melbourne Province.  
The Honourable Caroline Jennifer Hogg for the Melbourne North Province.  
The Honourable Sang Minh Nguyen for the Melbourne West Province.  
The Honourable Peter Argyris Katsambanis for the Monash Province.  
The Honourable Elizabeth Jeanette Powell for the North Eastern Province.  
The Honourable Ronald Alexander Best for the North Western Province.  
The Honourable Wendy Irene Smith for the Silvan Province.  
The Honourable Kenneth Maurice Smith for the South Eastern Province.  
The Honourable Carlo Angelo Furletti for the Templestowe Province.  
The Honourable Maree Therese Luckins for the Waverley Province.  
The Honourable Bruce Anthony Chamberlain for the Western Province.

The Clerk also announced that on 5 March 1996 Mr. President received the following communication:

5 March 1996

The Honourable Bruce Chamberlain, M.L.C.  
President  
Legislative Council  
Parliament House  
MELBOURNE VIC 3002

Dear President,

I enclose a copy of the letter of resignation as the Member for Doutta Galla Province received by me from the Honourable David White today.

Yours sincerely

R.E. McGarvie  
Governor

5 March 1996

His Excellency The Honourable Richard E. McGarvie, A.C.  
Governor of Victoria  
Government House  
MELBOURNE 3004

Your Excellency,

Following the Premier's decision to call an election on Saturday March 30th, I am writing to tender my resignation as the Member for Doutta Galla Province.

It is hoped that this will assist in enabling a By-election for Doutta Galla to be held on the same day as the General Election, and to enable me to stand as the endorsed ALP candidate for Tullamarine.

I would like to thank you for agreeing to see me to permit me to tender my resignation on the day the Premier has called the State Election.

Yours sincerely,

DAVID WHITE, M.L.C.  
Member for Doutta Galla Province

The Clerk further announced that a Writ issued under the hand of Mr. President on 5 March 1996 for the election of a Member to serve for the Doutta Galla Province had now been received, and by the endorsement therein it appeared that the Honourable Tayfun Ergun Eren had been elected in pursuance thereof.

- 5 DECLARATION OF ALLEGIANCE** – The Honourables R.I. Knowles, G.R. Craige, B.C. Boardman, M.M. Gould, D.M. Davis, Tayfun Eren, N.B. Lucas, I.J. Cover, P.R. Hall, Dr. J.W.G. Ross, T.C. Theophanous, G.B. Ashman, B.T. Pullen, C.J. Hogg, S.M. Nguyen, P.A. Katsambanis, E.J. Powell, R.A. Best, W.I. Smith, K.M. Smith, C.A. Furletti, M.T. Luckins and B.A. Chamberlain approached the Table, and took and subscribed the oath or affirmation required by law.

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

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

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

The Honourable Bruce Anthony Chamberlain, addressing the Clerk, expressed the high sense he had of the honour proposed to be conferred upon him and submitted himself to the will of the Council.

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

The Honourables M.A. Birrell, T.C. Theophanous and W.R. Baxter then congratulated the Honourable the President.

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

*[Sitting suspended from 11.30 a.m. until 2.30 p.m.]*

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

A fanfare was sounded.

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

MR PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL;

MR SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY

The March election overwhelmingly supported the return of the Coalition of the Liberal and National Parties. Consequently, I called upon the Coalition parties to form a Government.

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

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

I have called you together today for the first session of the Fifty Third Parliament to outline the policy directions for the new Government and matters of importance to the people of Victoria.

The sitting of this Parliament heralds the beginning of the second half of the Government's program throughout the 1990s to create the framework and competitive environment for Victorians to command the opportunities of the 21st century.

The next four years will be markedly different from the first term. The Government will build on the enormous achievement of the past three and a half years in reforming government itself, restoring Victoria's economy and raising its economic profile within Australia and globally, and increasing the confidence and pride of its people.

The Government's priority objective is to position Victoria for self-sustaining growth in business and employment throughout the first half of the 21st century. Only in this way are we able to provide the foundation for a mature society, which is able to offer security, care and fulfilment.

In this term, we will all reap some of the rewards for the changes we have made and the difficult times we have endured since Victoria foundered in the early 1990s. Accepting that it has an ongoing responsibility for prudent public and economic management, my Government will place emphasis on the family and individual needs of Victorians and the quality of Victoria's lifestyle.

This is a task that presents new challenges, and is one in which complacency can have no part. We must continue, as Victorians, to dare to achieve and to set the example of leadership. Our agenda must be ingrained with the capacity to reach beyond our own boundaries, to plan for the long term and keep pace with a changing world. It must seek out the best means of maintaining the fundamentally harmonious mould of our society and delivering quality services which are attuned to the needs of modern families.

One of the great strengths of our society in Victoria lies in its cultural diversity. The Government's program for its second term recognises the way in which our many multicultural communities, and the contribution and cultural heritage of our Aboriginal community, enrich our society and broaden its outlook. It is committed to ensure all citizens of Victoria enjoy the same opportunities for advancement, reward and security, and will embrace the diversity of Victoria's society in its global management strategy.

Similarly, the Government fully appreciates the major economic contribution of regional and rural Victoria and the special nature of country communities and the issues they face. The Government will strengthen its Rural Victoria 2001 strategy under which all ministers, departments and agencies are required to develop ongoing initiatives that contribute to the future of country Victoria.

These will be Victoria's founding principles as we enter the 21st century. Far from resting on its laurels, my Government will apply a fresh approach to its duty of management and

care. It will seek out new opportunities and seek to extend the bounds of achievement for Victoria.

The financial management strategy pursued over the last three years is central to the State Government's efforts to rejuvenate Victoria and equip it to move confidently into the 21st century. With measures in place to address the immediate financial imperative of containing State debt, increasing attention is now being given to boosting infrastructure investment responsibly and lowering the burden of taxes and charges in order to improve Victoria's competitiveness.

A major endeavour of this second term will be to generate substantial tax relief as the first of the Government's longer term budget objectives designed to cement in place a sound financial and economic base for Victoria. Measures to ensure Victoria's regime of taxes and charges is competitive within both Australia and Asia Pacific will be determined over the coming year. Reduced taxation will derive from continuing improvement in the budgetary outcome, the application of new technology across government and more efficient delivery of services.

There will also be continuing emphasis on:

- reduction in State debt and debt servicing ratios to a level consistent with the restoration of Victoria's AAA rating; and
- ensuring Victoria has the infrastructure needed to attract new business and make the economy more productive.

The Government will continue to expand its capital works program to strengthen economic performance as well as provide new and upgraded public assets and institutions that will serve our community for the next 100 years and beyond. During the life of this Government Victorians will see substantial progress on the City Link freeway project; the beginning of private sector development of the world class Docklands precinct; construction of the new museum around the historic Royal Exhibition Building; the re-opening of the Regent theatre which will further affirm Melbourne's role as an international cultural capital; the renovation and enhancement of the National Gallery; the creation of Federation Square on the site of the old Gas and Fuel towers which are currently being demolished; and commencement of work to complete the Parliament House.

Many of these projects are incorporated in the Government's Agenda 21 program and are central to the revitalisation of Victoria for the century ahead. We are revisiting the major undertakings - the visions - on which Victoria was built in the 19th century, and reshaping them for today's and future generations.

Many also reflect Melbourne's international renown as a centre of culture. The arts are at the very heart of Victoria's lifestyle, and will take an even higher profile in the coming years as the result of new building and redevelopment projects, the staging of more world class theatrical events and the increasing focus on high technology creativity through multimedia.

The Victorian economy has grown by just under 20% in nominal terms over the last three and a half years. Almost 150,000 new jobs have been created and over 10,000 small businesses have started up. The growth Victoria is now experiencing has been achieved through the establishment of a dynamic partnership between the Government, the bureaucracy and the people of Victoria. The common approach we have been fortunate to mould in this State is unique in Australia and is the motivation for the competitive culture which now thrives here.

This growth is now generating the resources necessary to take proper care of our community, improve people's quality of life and meet their aspirations. In this environment, we are much better able to focus on the particular needs of sectors of our society and, in doing so, enrich our society as a whole.

### **Young Victorians**

In order to continue on the path of recovery and growth it is imperative that young Victorians receive the opportunities to develop and utilise their talents and skills. Their care, security, education, training and, finally, employment options are paramount in attaining this objective.

The Government is committed over this term to ensure our education system builds on the very real gains achieved since 1992, and will spend a total of \$1 billion improving the fabric of our schools.. Education will focus on providing young people with a sound knowledge base

and inspire them to the pursuit of excellence. It will be flexible and will equip them, in every sense, for their adult lives. One of the most important elements of this approach for the 21st century will be to equip them to adapt to change through an awareness of the way in which the world is changing, the nature of change in the workplace, and with a working knowledge of communications and information technology and multimedia. We will ensure they have the means to keep up to date and maintain the capacity for employability throughout their lives.

Emphasis will be placed on training for the workplace, improving accessibility to apprenticeships and significantly widening the opportunity for young people to undertake the VCE course in association with vocational education and training qualifications.

A wide range of community based services and programs will be introduced or strengthened in the coming years to extend the learning experience for young people, provide greater personal development opportunities and provide the alternative of entertainment venues which are free of alcohol and drugs. Youth and family services will be expanded, better integrated and better linked into local communities to provide the necessary support to young people in cases of family breakdown or personal crisis. Particular attention will be paid to addressing the tragedy of youth suicide.

### **Women**

The Coalition Government has been at the forefront of governments around Australia in elevating the status of women in the community and reducing inequality. A more flexible industrial relations system and improved access to relevant training has offered women the ability to balance work and family responsibilities much better.

During the last term the Coalition improved women's safety and their access to justice and legal assistance and enhanced the status of women through historic appointments in the public sector and within the judiciary.

In this term we will make women's health a priority through the development of a world leading initiative to combat breast cancer, and place increased emphasis on addressing domestic violence. An additional five women parliamentarians will ensure that this government remains committed to such programs.

The Government's \$100 million Strategy for Carers - to provide support to the many thousands of people who care unselfishly for relatives and friends who are elderly, disabled or ill - will be implemented from this year. The program for carers will provide home based respite care, at-home services for those who care for the elderly, and flexible respite options for carers of the disabled and those with acquired brain injury.

The strategy is integral to the provision of the best quality community services for Victorians.

This first session of Parliament will see the Government address the Report of the Premier's Drug Advisory Council, initially through an open debate involving the members of the Legislative Assembly on the Council's recommendations.

The Council has undertaken a most comprehensive examination of the problem of illicit drugs, drawing on our own community's experience as well as international knowledge and expertise.

Its report has raised many serious issues which have been the subject of broad ranging community debate over the past month. While illicit drugs are a devastating problem the world over, it is heartening to be part of this community endeavour to tackle the problem in Victoria.

The refocus of health care in Victoria will continue over the coming term with the primary objective of taking health care to people in their own communities.

Governments around the world are endeavouring to come to terms with pressures affecting health services because of their enormous cost, their structure which is outdated in many respects, and their delivery to people in need of care. My Government has moved to implement changes which come to terms with these issues and to establish a health system which is co-ordinated, efficient and readily available and which is capable of continuing to evolve to serve Victoria effectively into the future.

The development of health care networks in metropolitan Melbourne will continue, and an unprecedented \$600 million will be spent in the next four years to establish new services in

growing communities, link hospitals and specialists with telemedicine networks and use these same networks to deliver specialist services to country centres.

Environmental protection and conservation of Victoria's natural assets are a vital community responsibility.

In Victoria we are committed to a natural resource management strategy which will deliver the optimal mix of short term and long term benefits and the best possible combination of economic, environmental and social outcomes.

We now face several challenges in terms of our natural environment including salinity, water quality and soil degradation. The Government has been addressing these threats with sustainable regional development initiatives, integrated catchment management programs, campaigns to promote sustainable practices in primary industry, conservation programs and measures to preserve biodiversity.

Programs like Salinity Management, Landcare, Coastwatch and Land for Wildlife owe their success to the effective partnerships established with communities.

As a major initiative, the Government will implement a dedicated strategy for the long term protection of Port Phillip Bay through measures to reduce the pressures of commercial fishing, enhance beaches around the bay and further improve water quality. It will be part of the first ever Victorian coastal strategy which is designed to preserve the marine environment and place due importance on our coastline as a major lifestyle asset.

Speedy and reliable access to data and ideas, and efficient communications between the Government, business and individuals are the preconditions for innovation and development in the information age.

Through its Victoria 21 high technology strategy, the Government is positioning Victoria to play a leading role in communications and multimedia development, products and services within Australia and Asia Pacific.

The Government has identified high technology as one of Victoria's major growth opportunities for the future and is advancing a program to put the entire State online by the year 2001. We are embarking on a major technology push because of its importance for business and employment growth and because it will give Victoria a key stake in an industry which will be a world leader over the course of the next century. A command of high technology will give the State a strong competitive advantage, and is also central to more efficient public administration and more effective service delivery.

The Government sees the availability of telecommunications as the fundamental infrastructure of the 21st century, just as the railways were a century ago. It is developing networks across the State to deliver Government services and information to people in their own homes and communities and to enable business, communities and individuals to use the network infrastructure.

The application of technology in this way will overcome the barrier of distance for Victorians. People in all corners of the State will be able to click onto the information superhighway within just a few years through Community Communications Centres, and will be provided with training to ensure they are able to make use of the technology.

We are thus grasping the challenges of the information age, and turning them to advantage for all Victorians.

My Government has exerted leadership in terms of its national responsibility - in its relationships with the other governments under the Federation, and their collective responsibility towards a competitive Australia. It is committed to economic and taxation reform as a means of maximising Australia's opportunities in its region. It will continue to be a leader in the move towards a more relevant Federation which better co-ordinates the use of the nation's resources and best serves Australians.

In its pursuit of new opportunities and growth, the Government will continue to market the State around the world to attract new investment and trade and promote the use of Victorian expertise.

The marketing advantages of the State's communications networks will be put to use to generate new business in country Victoria and to serve and inform country communities. In this way, technology will have substantially added benefits for businesses, farmers and residents away from Melbourne.



Our technological capacity will draw further development in its own field, as is being evidenced with the growth of the Ballarat Technology Park. This same technology, and the networks which provide its infrastructure, will be used to develop sophisticated international investment promotions for Victoria's world class food industry, for wool, resources and regional manufacturing.

The Government will continue working with Local Government throughout the suburbs and country Victoria to achieve greater efficiency through competitive tendering and to ensure we maintain the rate reductions and improved services achieved through the reform of councils.

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

- Appropriation;
- Removal of the surcharge on WorkCover premiums;
- Establishment of the Parliament House Completion Authority;
- Changes to the structure and regulation of the legal profession;
- Establishment of the Victorian Managed Insurance Authority;
- Children's services; and
- Amendments to a variety of legislation covering child protection, employee relations, Office of the Regulator General, Docklands Authority and City Link, all with the intention of ensuring that such legislation remains pertinent, up-to-date and dynamic.

Parliament, as the supreme law giving body of the State, is requested to grant the essential early passage of the legislation put before it during this session to complete the task of establishing the foundation for dynamic growth in Victoria in the century ahead.

This is an exciting and challenging time to be at the helm of government in Victoria. The past three and a half years has shown it is possible to bring about a fundamental change in fortunes and outlook. Victoria is working all the better for the change. It is an outcome which reinforces the importance of presenting a vision for the future, and working as a community towards that vision. Ministers and all members should be mindful, however, of their ongoing responsibility to provide good government in the interests of all Victorians.

It is with deep regret I advise that since the Parliament was last opened, eleven former members have died: Hayden Wilson Birrell, MLA for Geelong and Geelong West; the Honourable Sir Vernon Howard Colville Christie, MLA for Ivanhoe and Speaker of the House for several years; the Honourable Sir Raymond William Garrett, AFC, AEA, MLC for the seat of Southern and then Templestowe; the Honourable Geoffrey Phillip Hayes, MLA for Scoresby and then Wantirna who served as Minister for Planning and Minister of Housing; Ronald Graham Henry McAlister, MLA for Brunswick; Lawrence Alexander McArthur, MLC for Nunawading; the Honourable Sir William John Farquhar McDonald, MLA for Dundas who served as Speaker and variously as Minister of Lands, Soldier Settlement and Conservation; Leslie Victor Shilton, MLA for Midlands; the Honourable Herbert Arthur Thomas, MLC for Melbourne West; Morris Thomas Williams, MLA for Box Hill and then Doncaster; and the Honourable Sir Kenneth Wheeler, MLA for Essendon and Speaker of the House for several years.

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

14 May 1996

RICHARD E. MCGARVIE, A.C.  
Governor of Victoria

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

The Legislative Assembly withdrew.

*[Sitting suspended from 3.11 p.m. until 5.03 p.m.]*

8 The President resumed the Chair and read the Prayer.

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

Mr. President,

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

The able manner in which you have discharged the duties you have undertaken during your parliamentary career including the office of President since 1992, is recognised by Members of the Legislative Council who in their wisdom have selected you again as their President.

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

R.E. McGARVIE  
Governor of Victoria

Melbourne  
14 May 1996

**10 THE LATE LAWRENCE ALEXANDER McARTHUR** – The Honourable M.A. Birrell moved, That this House expresses its sincere sorrow at the death, on 3 March 1996, of Lawrence Alexander McArthur and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Nunawading Province from 1982 to 1988.

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

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

**11 THE LATE HONOURABLE SIR KENNETH HENRY WHEELER** – The Honourable M.A. Birrell moved, That this House expresses its sincere sorrow at the death, on 10 May 1996, of the Honourable Sir Kenneth Henry Wheeler and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the Electoral District of Essendon from 1958 to 1979 and Speaker of the Legislative Assembly from 1973 to 1979.

And other Honourable Members having addressed the House –

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

**12 ADJOURNMENT** – The Honourable M.A. Birrell moved, That as a further mark of respect to the memory of the late Lawrence Alexander McArthur and the late Honourable Sir Kenneth Henry Wheeler, the House do now adjourn until this day at 8.00 p.m.

Question – put and resolved in the affirmative.

And then the Council, at 5.42 p.m., adjourned until this day at 8.00 p.m.

A.V. BRAY  
*Clerk of the Legislative Council*

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1 The President took the Chair.

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

BY HIS EXCELLENCY RICHARD E. MCGARVIE, A.C.  
GOVERNOR OF VICTORIA  
TO THE HONOURABLE BRUCE ANTHONY CHAMBERLAIN,  
PRESIDENT OF THE LEGISLATIVE COUNCIL OF VICTORIA  
GREETING:

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

GIVEN under my hand and the seal of Victoria  
on 14 May 1996  
R.E. MCGARVIE  
Governor

(L.S.)  
By His Excellency's Command  
J.G. KENNETT  
Premier

- 3 PRIVILEGE BILL – STATUTE LAW REVISION (MARINE) BILL** – On the motion of the Honourable M.A. Birrell, leave was given to bring in a Bill *to make minor amendments of a statute law revision nature to the Ports Acts (Amendment) Act 1996, the Port Services Act 1995 and the Marine Act 1988*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 CHAIRMAN OF COMMITTEES** – The Honourable W.R. Baxter moved, That the Honourable Peter Ronald Hall be appointed Chairman of Committees of the Council, which motion was seconded by the Honourable R.I. Knowles.  
Question – put and resolved in the affirmative.
- 5 TEMPORARY CHAIRMEN OF COMMITTEES** – The President laid upon the Table the following Warrant nominating Temporary Chairmen of Committees:

LEGISLATIVE COUNCIL  
VICTORIA

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

The Honourable Gerald Barry Ashman  
The Honourable Barry Wilfred Bishop  
The Honourable William Forwood  
The Honourable Jean McLean  
The Honourable Donato Antonio Nardella  
The Honourable Barry Thomas Pullen and  
The Honourable Christopher Arthur Strong –

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

Given under my hand this fourteenth day of May, One thousand nine hundred and ninety-six.

BRUCE CHAMBERLAIN  
President of the Legislative Council

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

**7 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, by leave, That unless otherwise ordered by the House, in each week of the present Session –

- (a) the days and hours of meeting of the Council shall be Tuesday at 2.30 p.m., Wednesday at 10.00 a.m. and Thursday at 10.00 a.m.;
- (b) the transaction of Government Business shall take precedence of all other business, except business governed by Standing Orders Nos. 20A, 68A and 86, on any sitting day except Wednesday, and at 2.00 p.m. on Wednesday;
- (c) the transaction of General Business shall take precedence of all other business on Wednesday until 2.00 p.m.;
- (d) no new business shall be taken after 10.00 p.m.;
- (e) the time appointed for the asking of questions without notice and the giving of answers to questions on notice shall be 2.30 p.m. each day;
- (f) the provisions of this resolution, so far as they are inconsistent with the Standing Orders and practice of the House, shall have effect notwithstanding anything contained in those Standing Orders.

Question – put and resolved in the affirmative.

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

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

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

Question – put and resolved in the affirmative.

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

Question – put and resolved in the affirmative.

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

Question – put and resolved in the affirmative.

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

Upon any matter of privilege arising –

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

Question – put and resolved in the affirmative.

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

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

Question – put and resolved in the affirmative.

**13 PRIVILEGES COMMITTEE** – The Honourable R.I. Knowles moved, by leave, That a Select Committee of five Members be appointed to inquire into and report upon complaints of breach of privilege referred to it by the Council, that the Committee have power to send for persons, papers and records, three to be the

quorum; and that the Honourables W.R. Baxter, P.R. Davis, W. Forwood, M.M. Gould and T.C. Theophanous be members of that Committee.

Question – put and resolved in the affirmative.

- 14 STANDING ORDERS COMMITTEE** – The Honourable R.I. Knowles moved, by leave, That the Honourables the President, G.B. Ashman, R.A. Best, B.W. Bishop, R.S. de Fegley, D.A. Nardella and P. Power be members of the Select Committee on the Standing Orders of the House; three to be the quorum.

Question – put and resolved in the affirmative.

- 15 COMMUNITY DEVELOPMENT COMMITTEE** – The Honourable R.I. Knowles moved, by leave, That the Honourables D.M. Davis, C.J. Hogg, S.M. Nguyen and E.J. Powell be members of the Community Development Committee.

Question – put and resolved in the affirmative.

- 16 CRIME PREVENTION COMMITTEE** – The Honourable R.I. Knowles moved, by leave, That the Honourables A.R. Brideson, J. McLean and Dr. J.W.G. Ross be members of the Crime Prevention Committee.

Question – put and resolved in the affirmative.

- 17 ECONOMIC DEVELOPMENT COMMITTEE** – The Honourable R.I. Knowles moved, by leave, That the Honourables R.H. Bowden, P. Power and C.A. Strong be members of the Economic Development Committee.

Question – put and resolved in the affirmative.

- 18 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** – The Honourable R.I. Knowles moved, by leave, That the Honourables B.W. Bishop, B.C. Boardman and Tayfun Eren be members of the Environment and Natural Resources Committee.

Question – put and resolved in the affirmative.

- 19 LAW REFORM COMMITTEE** – The Honourable R.I. Knowles moved, by leave, That the Honourables C.A. Furletti and M.M. Gould be members of the Law Reform Committee.

Question – put and resolved in the affirmative.

- 20 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** – The Honourable R.I. Knowles moved, by leave, That the Honourables W. Forwood, N.B. Lucas and T.C. Theophanous be members of the Public Accounts and Estimates Committee.

Question – put and resolved in the affirmative.

- 21 ROAD SAFETY COMMITTEE** – The Honourable R.I. Knowles moved, by leave, That the Honourables R.A. Best, Graeme Stoney, D.T. Walpole and Sue deC. Wilding be members of the Road Safety Committee.

Question – put and resolved in the affirmative.

- 22 SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** – The Honourable R.I. Knowles moved, by leave, That the Honourables P.A. Katsambanis, M.T. Luckins and D.A. Nardella be members of the Scrutiny of Acts and Regulations Committee.

Question – put and resolved in the affirmative.

- 23 HEALTH ACTS (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable R.I. Knowles, leave was given to bring in a Bill *to amend the Mental Health Act 1986, the Pathology Services Accreditation Act 1984 and the Psychologists Registration Act 1987 and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 24 PAPERS** –

**COUNTY COURT JUDGES** – The Honourable L. Asher presented, by command of His Excellency the Governor, the report of the County Court Judges for the year 1994-95.

Ordered to lie on the Table.

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**COMMUNITY DEVELOPMENT COMMITTEE – WHEEL CLAMPING** – The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Report from the Community Development Committee on its Review of the Practice of Immobilising and Removing Trespassing Vehicles on Private Property, together with Appendices and Minutes of Evidence.

Question – put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table and the report and appendices to be printed.

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**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) ACT 1995** – The Honourable L. Asher moved, by leave, That there be laid before this House a copy of –

- (a) Determination of Printed Matter Classification Guidelines;
- (b) Determination of Guidelines for the Classification of Films and Videotapes;
- (c) Determination of Guidelines for the Classification of Computer Games;
- (d) Amendment No. 1 to the National Classification Code; and
- (e) Agreement between the Commonwealth and States relating to a revised co-operative legislative scheme for censorship in Australia.

Question – put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable L. Asher and ordered to lie on the Table.

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

Adult Education Council – Report, 1995.

Albury-Wodonga Development (Victoria) Corporation – Report, 1994-95.

Alpine Resorts Commission – Report, year ended 31 October 1995.

Bacchus Marsh Shire (Water and Wastewater Functions) –

Minister's report of 16 February 1996 of failure of body to submit annual report to him within the prescribed period and the reasons therefor.

Report, year ended 30 September 1994.

Barton Institute of TAFE – Report, 1995.

Barwon Region Water Authority – Report, 1994-95.

Bendigo Regional Institute of TAFE – Report, 1995.

Box Hill Institute of TAFE – Report, 1995.

Broken River Management Board –

Minister's report of 15 February 1996 of failure of body to submit annual report to him within the prescribed period and the reasons therefor.

Report, 1994-95.

Casey Institute of TAFE – Report, 1995.

Central Gippsland College of TAFE – Report, 1995 (four papers).

Central Highlands Region Water Authority –

Minister's report of 23 January 1996 of failure of body to submit annual report to him within the prescribed period and the reasons therefor.

Report, 1994-95.



- Cobram Shire (Water and Wastewater Functions) –  
Minister's report of 16 February 1996 of failure of body to submit annual report to him within the prescribed period and the reasons therefor.  
Report, year ended 30 September 1994.
- Dental Board – Report, year ended 30 September 1995 [incorporating the Report of the Specialist Practitioners Qualifications Committee].
- Drugs, Poisons and Controlled Substances Act 1981 – Documents required to be tabled pursuant to section 12H of the Act – Poisons Code – Amendment of Code by Standard for the Uniform Scheduling of Drugs and Poisons, No. 10, July 1995, together with Amendments Nos. 1 and 2 and Minister's Notices regarding the Amendment, Commencement and Availability of the Code (five papers).
- East Gippsland Institute of TAFE – Report, 1995.
- Euroa Nagambie Regional Water Authority – Report, 1 July 1994 to 31 December 1994.
- Gippsland Rural Water Authority – Report, 1994-95.
- Glenelg Region Water Authority –  
Minister's report of 23 January 1996 of failure of body to submit annual report to him within the prescribed period and the reasons therefor.  
Report, 1994-95.
- Gordon Institute of TAFE – Report, 1995.
- Goulburn Valley Institute of TAFE – Report, 1995.
- Goulburn Valley Region Water Authority –  
Minister's report of 23 January 1996 of failure of body to submit annual report to him within the prescribed period and the reasons therefor.  
Report, 1994-95.
- Government Employee Housing Authority – Report, 1 July 1994 to 29 February 1996.
- Grain Elevators Board – Report, 1 October 1994 to 31 December 1995.
- Harness Racing Board – Report, 1 August 1994 to 30 June 1995.
- Holmesglen College of TAFE – Report, 1995.
- Interpretation of Legislation Act 1984 – Notices pursuant to section 32(3)(a)(iii) in relation to Statutory Rules Nos. 81 and 82/1995 and Amendment No. 9 of the Building Code of Australia.
- John Batman Institute of TAFE – Report, 1995.
- Kangan Institute of TAFE – Report, 1995.
- Kiewa Murray Region Water Authority –  
Minister's report of 28 March 1996 of failure of body to submit annual report to him within the prescribed period and the reasons therefor.  
Report, 1994-95.
- Latrobe Regional Commission – Report, 1 July 1994 to 15 August 1995 [*in lieu of that tabled on 22 November 1995*].
- Law Foundation – Report, year ended 30 September 1995.
- Lower Murray Region Water Authority –  
Minister's report of 23 January 1996 of failure of body to submit annual report to him within the prescribed period and the reasons therefor.  
Report, 1 October 1994 to 31 January 1995.
- Macarthur and District Community Outreach Service – Report 1994-95.
- Martial Arts Board –

- Minister's report of failure of Board to submit annual report to him within the prescribed period and the reasons therefor.  
Report, 1994-95.
- Medical Practitioners Board – Report, year ended 30 September 1995 [incorporating the Report of the Intern Training Accreditation Committee].
- Melbourne City Link Act 1995 – Variations to the Melbourne City Link Project Agreement, 20 February 1996, pursuant to section 15 (2) of the Act (two papers).
- Melbourne Institute of Textiles – Report, 1995.
- Mornington Peninsula Hospital – Report, 1994-95 (two papers).
- National Tennis Centre Trust – Report, 1994-95.
- Northern Melbourne Institute of TAFE – Report, 1995.
- Northern Regional Refuse Disposal Group – Report, 1994-95.
- Numurkah Shire (Water and Wastewater Functions) –  
Minister's report of 16 February 1996 of failure of body to submit annual report to him within the prescribed period and the reasons therefor.  
Report, year ended 30 September 1994.
- Ombudsman – Report, 1994-95 [incorporating the Report of the Deputy Ombudsman (Police Complaints)].
- Outer Eastern College of TAFE – Report, 1995.
- Ovens Region Water Authority –  
Minister's report of 28 March 1996 of failure of body to submit annual report to him within the prescribed period and the reasons therefor.  
Report, 1 October 1994 to 18 December 1994.
- Ovens River Management Board –  
Minister's report of 15 February 1996 of failure of body to submit annual report to him within the prescribed period and the reasons therefor.  
Report, 1994-95.
- Parliamentary Committees Act 1968 – Minister's response to recommendations in Law Reform Committee's first, second and third reports upon the Law Relating to Directors and Managers of Insolvent Corporations: *Curbing the Phoenix Company*.
- Peninsula Institute of TAFE – Report, 1995.
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
- Alberton Planning Scheme – Amendments L39 and L43.
  - Altona Planning Scheme – Amendment L44.
  - Ararat Planning Scheme – Amendment L2.
  - Bacchus Marsh Planning Scheme – Amendment L52.
  - Ballan Planning Scheme – Amendment L14.
  - Ballarat Planning Scheme – Amendment L5.
  - Ballarat Planning Scheme – Ballarat Consolidation Amendment.
  - Bass Planning Scheme – Amendments L41 and L43.
  - Beechworth Planning Scheme – Amendment L28.
  - Belfast Planning Scheme – Amendment L4.
  - Benalla (City) Planning Scheme – Amendment L33 and Delatite Amalgamation Amendment.
  - Bendigo – Greater Bendigo Planning Scheme – Amendments L7, L19, L20, L27, L28, L33, L41 and L44 to L46.
  - Berwick Planning Scheme – Amendments L74, L75, L102 and L105.

- Boroondara Planning Scheme – Amendments L2, L3 Part 1, L6, L9 and L11.
- Bright Planning Scheme – Amendments L43 and L44.
- Brighton Planning Scheme – Amendments L26, L28 and L29.
- Brimbank Planning Scheme – Amendments L3, L5, L10, L12 and L14.
- Planning and Environment Act 1987 – *continued*
- Broadford Planning Scheme – Amendment L14.
- Broadmeadows Planning Scheme – Amendments L69 and L73.
- Bulla Planning Scheme – Amendments L78 and L114 and Hume Amalgamation Amendment.
- Campaspe Planning Scheme – Amendments L4 and L8.
- Castlemaine Planning Scheme – Amendments L14 and L18.
- Caulfield Planning Scheme – Amendments L33 and L37.
- Charlton Planning Scheme – Buloke (Shire) Amalgamation Amendment.
- Chelsea Planning Scheme – Kingston Amalgamation Amendment.
- Colac Otway Planning Scheme – Amendment L7.
- Corangamite (Shire) Planning Scheme – Amendment L4.
- Cranbourne Planning Scheme – Amendments L24, L100 Part 2, L131 and L171.
- Creswick Planning Scheme – Amendment L4.
- Croydon Planning Scheme – Amendments L66 Part 2 and L73.
- Dandenong Planning Scheme – Amendment L45.
- Darebin Planning Scheme – Amendments L1, L8 and L20.
- Diamond Valley Planning Scheme – Amendments L60 to L63.
- Doncaster and Templestowe Planning Scheme – Amendments L52, L82, L99, L101 to L104 and L106.
- Eltham Planning Scheme – Amendments L45, L51 and L52.
- Essendon Planning Scheme – Amendment L62 and Moonee Valley Amalgamation Amendment.
- Flinders Planning Scheme – Amendments L109, L127 and L136.
- Frankston Planning Scheme – Amendments L71 and L72.
- French Island Planning Scheme – Amendment L8.
- Geelong – Greater Geelong Planning Scheme – Amendments L137, R92, R103, R115 Part 2, R118 Part 2, R129, R131, R132, R138, R140, R144 and RL135.
- Healesville Planning Scheme – Amendments L61, L62 and R15.
- Heidelberg Planning Scheme – Amendment L74 and Banyule Amalgamation Amendment.
- Heywood Planning Scheme – Amendment L13.
- Horsham (Rural City) Planning Scheme – Amendments L1 to L3 and L6.
- Keilor Planning Scheme – Amendments L82 and L100.
- Kingston Planning Scheme – Amendments L1 and L6.
- Knox Planning Scheme – Amendments L88, L94, L95, L97 to L99 and L103.
- Lillydale Planning Scheme – Amendments L151, L157, L159, L164, L166 and R15.
- Macedon Ranges Planning Scheme – Amendments L26 and L39.
- Maribyrnong Planning Scheme – Amendments L10, L11 and L13.

- Melbourne Planning Scheme – Amendments L196, L199, L203 to L205, L207, L208, L210, L211 and L214.
- Melbourne Planning Scheme (City of Moonee Valley) – Amendment L1.
- Melton Planning Scheme – Amendments L43 and L65.
- Metropolitan Region Planning Schemes – Amendment RL168.
- Planning and Environment Act 1987 – *continued*
- Milawa Planning Scheme – Amendments L4, L6 and L7.
- Mildura (City) Planning Scheme – Amendment L50.
- Mildura (Shire) Planning Scheme – Amendments L35 and L37.
- Mirboo Planning Scheme – Amendment L13.
- Mitchell Planning Scheme – Amendments L9, L10 and L73.
- Moonee Valley Planning Scheme – Amendment L6.
- Moorabbin Planning Scheme – Amendments L36, L54 and L56.
- Mordialloc Planning Scheme – Amendments L14 to L16.
- Moreland Planning Scheme – Amendments L7, L11, L12 and L18.
- Mornington Planning Scheme – Amendments L48 Part 1, L51, L58 and L63.
- Mortlake Planning Scheme – Amendment L5.
- Morwell Planning Scheme – Amendments L41 Part B and L50 to L53.
- Narracan Planning Scheme – Amendments L35 Part 2 and L52.
- Nunawading Planning Scheme – Amendment L79.
- Oakleigh Planning Scheme – Amendments L42, L45 and L50.
- Pakenham Planning Scheme – Amendments L86 Part 1, L97, L101, L102 L106, L109 and L118.
- Port Fairy Planning Scheme – Amendments L13 Part 2 and L14.
- Port of Melbourne Planning Scheme – Amendment L15.
- Port Phillip Planning Scheme – Amendments L9, L15, L17 and RL169.
- Portland (City) Planning Scheme – Amendment L40.
- Ringwood Planning Scheme – Amendments L38 to L40 and L48.
- Rodney Planning Scheme – Amendment L86.
- Rosedale Planning Scheme – Amendment L37.
- Sale Planning Scheme – Amendment L29.
- Sandringham Planning Scheme – Amendment L18.
- Shepparton (Shire) Planning Scheme – Amendment L74.
- Sherbrooke Planning Scheme – Amendments L83, L88, L92, L96, L99, L101, L111, L113, L118 and R15.
- South Gippsland Planning Scheme – Amendment L31.
- Springvale Planning Scheme – Amendments L90, L91 and L94.
- Stawell (City) Planning Scheme – Amendment L30.
- Stawell (Shire) Planning Scheme – Amendment L9 Part 1.
- Stonnington Planning Scheme – Amendments L3, L6, L9 and L12.
- Surf Coast Planning Scheme – Amendments L35, R27, R34, R37 and RL33.
- Swan Hill (City) Planning Scheme – Amendments L20 and L21.
- Tallangatta Planning Scheme – Amendment L7.
- Tambo Planning Scheme – Amendment L65.
- Traralgon (City) Planning Scheme – Amendments L51, L57 and L62.
- Traralgon (Shire) Planning Scheme – Amendment L52.

- Upper Yarra Planning Scheme – Amendments L33, L41, L50 to L52, L54 and R15.
- Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan – Amendments 83 to 90.
- Victoria – State Section Planning Schemes – Amendments S41, S52, S53, S57 to S59 and SL2.
- Planning and Environment Act 1987 – *continued*
- Warrnambool (City) Planning Scheme – Amendments L2 and L16.
- Warrnambool (Shire) Planning Scheme – Amendments L11 Part 2, L11 Part 3 and L12.
- Warragul Planning Scheme – Amendments L40, L46, L47 and L49.
- Waverley Planning Scheme – City of Monash Amalgamation Amendment.
- Werribee Planning Scheme – Amendments L77, L84, L89, L95 and L97.
- Whittlesea Planning Scheme – Amendments L111, L120, L122, L125 and L126.
- Williamstown Planning Scheme – Amendment L37.
- Wodonga Planning Scheme – Amendment L72 and Wodonga Amalgamation Amendment.
- Woorayl Planning Scheme – Amendment L48.
- Yackandandah Planning Scheme – Amendment L28.
- Yallourn Works Area Planning Scheme – Amendment L2.
- Yarra Planning Scheme – Amendments L3, L17 and L19.
- Prince Henry’s Institute of Medical Research – Report, 1995.
- Rural Finance Act 1988 – Treasurer’s direction of 28 February 1996 to Rural Finance Corporation.
- Rural Water Corporation – Report, 1 July 1994 to 31 October 1995.
- School of Mines and Industries, Ballarat – Report, 1995.
- South Gippsland Region Water Authority –  
Minister’s report of 23 January 1996 of failure of body to submit annual report to him within the prescribed period and the reasons therefor.  
Report, 1 July 1994 to 31 December 1994.
- South West Institute of TAFE – Report, 1995.
- Statutory Rules under the following Acts of Parliament:
- Australian Grand Prix Act 1994 – No. 196/1995.
- Chiropractors and Osteopaths Act 1978 – No. 160/1995.
- Conservation, Forests and Lands Act 1987 – No. 159/1995.
- Country Fire Authority Act 1958 – No. 188/1995.
- County Court Act 1958 – No. 169/1995.
- Dangerous Goods Act 1985 – Nos. 181 to 183/1995.
- Dentists Act 1972 – No. 161/1995.
- Equal Opportunity Act 1995 – No. 158/1995.
- Estate Agents Act 1980 – No. 179/1995.
- Firearms Act 1958 – No. 153/1995.
- Food Act 1984 – No. 162/1995.
- Gas Industry Act 1994 – No. 178/1995.
- Health Act 1958 – No. 163/1995.
- Land Tax Act 1958 – No. 166/1995.
- Livestock Disease Control Act 1994 – No. 170/1995.

Local Government Act 1989 – No. 164/1995.  
 Magistrates' Court Act 1989 – Nos. 149, 152 and 172/1995.  
 Metropolitan Fire Brigades Act 1958 – No. 187/1995.  
 Mineral Resources Development Act 1990 – Nos. 173 to 175/1995.  
 Occupational Health and Safety Act 1985 – Nos. 184 and 185/1995.  
 Petroleum Act 1958 – No. 176/1995.

Statutory Rules – *continued*

Pharmacists Act 1974 – No. 147/1995.  
 Physiotherapists Act 1978 – No. 148/1995.  
 Pipelines Act 1967 – No. 177/1995.  
 Prevention of Cruelty to Animals Act 1986 – No. 171/1995.  
 Psychologists Registration Act 1987 – No. 180/1995.  
 Road Safety Act 1986 – Nos. 154, 190, 192 and 193/1995.  
 Stamps Act 1958 – No. 197/1995.  
 Subordinate Legislation Act 1994 – No. 165/1995.  
 Supreme Court Act 1986 – Nos. 150, 155, 156 and 167/1995.  
 Supreme Court Act 1986 – Adoption Act 1984 – No. 168/1995.  
 Tertiary Education Act 1993 – No. 195/1995.  
 Trade Measurement Act 1995 – Trade Measurement (Administration) Act 1995 – No. 194/1995.  
 Transport Act 1983 – Nos. 189 and 191/1995.  
 Vegetation and Vine Diseases Act 1958 – No. 157/1995.  
 Veterinary Surgeons Act 1958 – No. 151/1995.  
 Water Industry Act 1994 – No. 186/1995.

Subordinate Legislation Act 1994 –

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 147 to 149, 151, 155, 156, 158, 160, 161, 166, 167, 169, 173 to 177, 181 to 185, 188 and 197/1995.

Ministers' exemption certificates under section 9(6) in respect of following Statutory Rules Nos. 159, 162, 163, 171, 189, 195 and 196/1995.

Sunraysia Institute of TAFE – Report, 1995.

Transport Act 1983 – Minister's Order of 1 February 1996 transferring assets and liabilities from the Public Transport Corporation to the Roads Corporation.

United Energy Limited – Report, 11 May 1994 to 30 June 1995.

Upper Yarra Valley and Dandenong Ranges Authority – Report, 1 October 1994 to 30 June 1995.

Victorian Plantations Corporation – Report, 1994-95.

Wangaratta Institute of TAFE – Report, 1995.

Waste Management Council – Report, 1 October 1994 to 30 June 1995.

Western Highlands Health Service – Report, 1994-95 (two papers).

Western Metropolitan College of TAFE – Report, 1995.

Wildlife Act 1975 – Notice of closure of areas to hunting, 12 March 1996.

William Angliss Institute of TAFE – Report, 1995.

Wimmera Institute of TAFE – Report, 1995.

Wodonga College of TAFE – Report, 1995.

Yarrawonga Shire (Water and Wastewater Functions) –

Minister's report of 16 February 1996 of failure of body to submit annual report to him within the prescribed period and the reasons therefor. Report, year ended 30 September 1994.

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**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 14 May 1996:

- Agricultural and Veterinary Chemicals (Control of Use) Act 1992 – Sections 50, 51 and 78 (3) – 20 December 1995 (*Gazette No. G49, 14 December 1995*).
- Australian Grand Prix (Further Amendment) Act 1995 – Parts 2, 3A and 3 – 7 December 1995 (*Gazette No. G48, 7 December 1995*).
- Building (Amendment) Act 1995 – Section 7 – 1 February 1996 (*Gazette No. G50, 21 December 1995*); section 20 – 1 May 1996 (*Gazette No. G15, 18 April 1996*).
- Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 – Whole Act (except Part 1) – 1 January 1996 (*Gazette No. G50, 21 December 1995*).
- Consumer Credit (Victoria) Act 1995 – Section 52 – 5 March 1996 – (*Gazette No. G8, 29 February 1996*).
- Domestic Building Contracts and Tribunal Act 1995 – Parts 4, 5 and 8 – 1 April 1996; remaining provisions – 1 May 1996 (*Gazette No. G8, 29 February 1996*).
- Electricity Industry (Amendment) Act 1995 – Sections 37 and 38 – 28 November 1995 (*Gazette No. S116, 28 November 1995*).
- Electricity Industry (Further Amendment) Act 1995 – Section 39 – 5 December 1995 (*Gazette No. G48, 7 December 1995*); remaining provisions (except Part 3 and section 39) – 28 November 1995 (*Gazette No. S116, 28 November 1995*); Part 3 – 12 December 1995 (*Gazette No. G49, 14 December 1995*).
- Equal Opportunity Act 1995 – Remaining provisions (except sections 115 and 225 and Item 14 of Schedule 2) – 1 January 1996 (*Gazette No. G50, 21 December 1995*).
- Estate Agents (Amendment) Act 1994 – Section 14 – 1 June 1996 (*Gazette No. G17, 2 May 1996*).
- Fisheries Act 1995 – Part 1 (except section 10); Part 5 (except Division 2); sections 95, 160 (3) (a) and (b), 160 (10) (b) and 163 – 25 January 1996 (*Gazette No. G3, 25 January 1996*); section 160 (10) (a) – 1 April 1996 (*Gazette No. S31, 1 April 1996*).
- Government Employee Housing Authority (Repeal) Act 1995 – Part 3 – 29 February 1996 (*Gazette No. G6, 15 February 1996*).
- Grain Handling and Storage Act 1995 – Section 39 (2) – 1 January 1996 (*Gazette No. S124, 19 December 1995*).
- Land Revocation (And Other Matters) Act 1995 – Section 11 and Schedule 5 – 25 January 1996 (*Gazette No. G3, 25 January 1996*).
- Liquor Control (Further Amendment) Act 1995 – Part 4 – 5 December 1995 (*Gazette No. G48, 7 December 1995*); sections 3 and 4 and Parts 2 and 3 – 20 February 1996 (*Gazette No. G7, 22 February 1996*).
- Marcus Oldham College Act 1995 – Part 2 – 1 February 1996 (*Gazette No. G50, 21 December 1995*).
- Melbourne City Link Act 1995 – Part 3 (except sections 27 and 30) and Parts 5 and 6 – 14 December 1995 (*Gazette No. S120, 14 December 1995*); section 27 and Schedule 3 – 4 April 1996 (*Gazette No. S32, 2 April 1996*).



Proclamations – *Continued*

- Mental Health (Amendment) Act 1995 – Section 60 – 26 May 1996 (*Gazette No. G18, 9 May 1996*).
- Mildura College Lands (Amendment) Act 1995 – Remaining provisions – 1 February 1996 (*Gazette No. G4, 1 February 1996*).
- Miscellaneous Acts (Omnibus Amendments) Act 1995 – Parts 7, 16 and 17 – 1 April 1996 (*Gazette No. G11, 21 March 1996*); Part 2 – 30 April 1996 (*Gazette No. S45, 30 April 1996*).
- National Parks (Yarra Ranges and Other Amendments) Act 1995 – Part 2, sections 46 and 47 and Schedule 1 – 15 December 1995 (*Gazette No. G49, 14 December 1995*).
- Planning and Environment (Development Contributions) Act 1995 – Sections 3 and 5 – 30 November 1995 (*Gazette No. G47, 30 November 1995*).
- Ports Acts (Amendment) Act 1995 – Sections 8, 12, 17, 19, 22 and 24 – 12 December 1995 (*Gazette No. G49, 14 December 1995*).
- Ports Services Act 1995 – Sections 14 to 16, 64 to 67, 74, 76, 77, 83 to 92, 98, 100, 126 (2), 135 (1), 135 (4), 135 (6), 135 (8), 135 (10), 135 (11), 135 (14), 135 (15), 144 (2), 144 (9), 144 (11), 153 (2), 154, 174, 181 to 193 – 1 March 1996 (*Gazette No. S14, 27 February 1996*); sections 10 to 13 and 17 – 1 February 1996 (*Gazette No. G2, 18 January 1996*); sections 93, 96, 97, 99, 101 to 103, 105 to 125, 126 (1), 126 (3), 127 to 134, 135 (2), 135 (3), 135 (16), 135 (18) to (20), 136 (2), 137 to 143, 144 (7), 144 (12), 144 (14), 144 (15), 145 (2), 146 to 151, 152 (14), 152 (16), 152 (17) 153 (1), 169, 194 to 207 and Schedule 1 – 12 December 1995; sections 18 to 63, 68 to 73, 75, 78 to 82, 94, 95, 104, 152(9), 155 to 165 and 170 to 180 – 1 January 1996 (*Gazette No. G49, 14 December 1995*).
- Psychologists Registration Act 1987 – Remaining provisions – 30 December 1995 (*Gazette No. G50, 21 December 1995*).
- Racing (Amendment) Act 1995 – Section 11 – 19 December 1995; Part 2 – 1 March 1996 (*Gazette No. G49, 14 December 1995*).
- Road Safety (Miscellaneous Amendments) Act 1995 – Section 10 – 1 February 1996 (*Gazette No. G3, 25 January 1996*).
- Road Transport Charges (Victoria) Act 1995 – Remaining provisions (except sections 1 and 2) – 1 January 1996 (*Gazette No. G50, 21 December 1995*).
- Trade Measurement Act 1995 – Sections 7 to 81 – 1 January 1996 (*Gazette No. G48, 7 December 1995*).
- Trade Measurement (Administration) Act 1995 – Sections 7, 8, 10 to 28 (except section 27 (2)) – 1 January 1996; section 27 (2) – 1 April 1996 (*Gazette No. G48, 7 December 1995*).
- Zoological Parks and Gardens Act 1995 – Remaining provisions – 30 April 1996 (*Gazette No. S45, 30 April 1996*).

**25 SPEECH OF HIS EXCELLENCY THE GOVERNOR** – The President reported the Speech of His Excellency the Governor on the Opening of Parliament.

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

MAY IT PLEASE YOUR EXCELLENCY:

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

— which motion was seconded by the Honourable M.T. Luckins.

Debate ensued.

The Honourable W.I. Smith moved, That the debate be now adjourned.

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

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

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

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.40 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 2 — Wednesday, 15 May 1996**

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

**2 HOUSE COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That the Honourables R.A. Best, Tayfun Eren, C.J. Hogg, D.T. Walpole and Sue deC. Wilding be members of the House Committee.

Question — put and resolved in the affirmative.

**3 LIBRARY COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That the Honourables the President, E.J. Powell, P. Power, B.T. Pullen and C.A. Strong be members of the Joint Committee to manage the Library.

Question — put and resolved in the affirmative.

**4 PETITIONS** —

**POULTRY FARM, TYNONG** — The Honourable C.J. Hogg presented a Petition bearing 56 signatures from certain citizens of Victoria requesting that a stay of work be granted to ascertain whether the environmental conditions of the permit granted by the Shire of Cardinia for the development of a 200,000 bird egg laying poultry farm in Tynong North adjacent to Cannibal Creek and the Bunyip State Park can be complied with.

Ordered to lie on the Table.

\* \* \* \* \*

**CROWN CASINO** — The Honourable R.A. Best presented a Petition bearing 18 signatures from certain citizens of Victoria requesting that the Government take action to ensure that Crown Casino does not open on Christmas Day, Good Friday or Anzac Day.

Ordered to lie on the Table.

\* \* \* \* \*

**FAIRFIELD HOSPITAL** — The Honourable P.A. Katsambanis presented a Petition bearing 2,615 signatures from certain citizens of Victoria praying that

the integrated services which have been developed at Fairfield Hospital be maintained on site regardless of any new hospital arrangements.

Ordered to lie on the Table.

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

Auditor-General – Report on Marketing government services – *Are you being served?*, March 1996.

Financial Management Act 1994 – Minister for Tertiary Education and Training's report of receipt by him of the Driver Education Centre of Australia Limited report pursuant to section 53A of the Act.

Parliamentary Committees Act 1968 – Minister's response to recommendations in Environment and Natural Resources Committee's report upon Problems in Victoria caused by Long-billed Corellas, Sulphur-crested Cockatoos and Galahs.

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

Bacchus Marsh Planning Scheme – Amendment L48 Part 1.

Berwick Planning Scheme – Amendments L91 Part 2 and L101.

Boroondara Planning Scheme – Amendment L15.

Brimbank Planning Scheme – Amendment L16.

Campaspe Planning Scheme – Amendment L7.

Cranbourne Planning Scheme – Amendment L162.

Planning and Environment Act 1987 – *continued*

Darebin and Banyule Planning Scheme – Amendment RL170.

Doncaster and Templestowe Planning Scheme – Amendment L77.

Geelong – Greater Geelong Planning Scheme – Amendments R134 Part 1, R145 and R146.

Lillydale Planning Scheme – Amendment L155.

Maribyrnong Planning Scheme – Amendment L4.

Mitchell Planning Scheme – Amendment L2.

Narracan Planning Scheme – Amendment L50.

Pakenham Planning Scheme – Amendment L116.

Springvale Planning Scheme – Amendment L86.

Traralgon (City) Planning Scheme – Amendments L52, L55 and L61.

Warrnambool Planning Scheme – Amendment L15.

Wodonga Rural (City) Planning Scheme – Amendment L4.

**6 LABOUR MARKET PROGRAMS** – The Honourable T.C. Theophanous moved, That this House condemns the Government for its failure to support programs which would ensure increased job opportunities for Victorians, particularly young people, in view of –

(a) its failure to oppose the Howard Government's proposals to – (i) cut Export Development Grants to Victorian businesses which if implemented, will result in the loss of export expansion opportunities and 20,000 jobs in Victoria; and (ii) abolish virtually all labor market programs despite the fact that these programs have resulted in a massive reduction in the number of long term unemployed; and

(b) the decision of the Victorian Workcover Authority to force employers who participate in New Work Opportunity and Land Care and Environment Action Programs to take responsibility for workers compensation, which has resulted in – (i) a reluctance by employers to support these important

programs; (ii) participants being dropped by employers midway through their programs; and (iii) the undermining of what have proven to be highly successful programs that have been able to secure full-time employment for more than 50 per cent of the participants.

Debate ensued.

Question – put.

The Council divided.

AYES, 8

The Hon. Tayfun Eren (*Teller*)  
 M.M. Gould  
 C.J. Hogg  
 D.A. Nardella (*Teller*)  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen  
 T.C. Theophanous

NOES, 29

The Hon. L. Asher  
 G.B. Ashman (*Teller*)  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.C. Boardman (*Teller*)  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC. Wilding

And so it passed in the negative.

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

**8 STATUTE LAW REVISION (MARINE) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

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

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

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

**9 HEALTH ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

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

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

**10 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** – The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 24*) –

Debate resumed.

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

**11 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**12 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** – Debate continued on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech –

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

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

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

**13 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 28 May 1996.

Question – put and resolved in the affirmative.

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

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 5.42 p.m., adjourned until Tuesday, 28 May 1996.

A.V. BRAY  
*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 3 and 4

### No. 3 – Tuesday, 28 May 1996

- 1 The President took the Chair and read the Prayer.
- 2 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 3 **ADJOURNMENT OF BILLS** – The Honourable R.I. Knowles moved, by leave, That –
  - (a) unless otherwise ordered, where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 21 June 1996, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1996: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 24 June 1996 may be taken through all stages; and
  - (b) this Order shall have effect until 30 June 1996.

Question – put and resolved in the affirmative.

- 4 **FEDERAL-STATE RELATIONS COMMITTEE** – The Honourable R.I. Knowles moved, by leave, That –
  - (a) pursuant to section 4A of the *Parliamentary Committees Act 1968*, a Specific Purpose Committee, to be called the Federal-State Relations Committee, be appointed; and
  - (b) the functions of the Federal-State Relations Committee be to inquire into, consider and report to the Parliament on any proposal, matter or thing connected with relations between the Commonwealth Government and State and Territory Governments, if the Committee is required or permitted so to do by or under the *Parliamentary Committees Act 1968*.

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them of the foregoing Resolution and desiring their concurrence therein.

- 5 **FEDERAL-STATE RELATIONS COMMITTEE** – The Honourable R.I. Knowles moved, by leave, That, contingent upon the Legislative Assembly concurring with the Resolution to appoint the Federal-State Relations Committee, the Honourables G.B. Ashman, B.T. Pullen and W.I. Smith be members of that Committee.

Question — put and resolved in the affirmative.

- 6 PETITION — DEAKIN UNIVERSITY, BURWOOD CAMPUS EXPANSION —**  
The Honourable D.A. Nardella presented a Petition bearing 124 signatures from certain citizens of Victoria praying that the State Government immediately call on the Deakin University Council to abandon plans to use Glengarry Avenue, Burwood, as an access route for the University and to consult with the community before proceeding further.

Ordered to lie on the Table.

- 7 ROAD SAFETY (WHEEL CLAMPING) BILL —** On the motion (by leave without notice) of the Honourable G.R. Craig, leave was given to bring in a Bill *to prohibit, except in certain circumstances, the detention or immobilisation of motor vehicles that enter on certain land, to regulate the removal of vehicles from certain areas, to enable a breach of parking restrictions on private property to be prosecuted where the owner or occupier has entered into a parking services agreement with the municipal council, to amend the Road Safety Act 1986, and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**8 PAPERS —**

**PREMIER'S DRUG ADVISORY COUNCIL —** The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Report and Highlights Summary of the Premier's Drug Advisory Council - *Drugs and our Community*, March 1996.

Question — put and resolved in the affirmative.

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

The Honourable R.I. Knowles moved, That the papers tabled pursuant to the foregoing Order be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

\* \* \* \*

**AUTUMN ECONOMIC STATEMENT —** The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Autumn Economic Statement, May 1996, presented by the Honourable Alan Stockdale, MP, Treasurer of Victoria, to the Legislative Assembly on 15 May 1996, and the Treasurer's Speech thereon.

Question — put and resolved in the affirmative.

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

The Honourable R.M. Hallam moved, That the papers tabled pursuant to the foregoing Order be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

\* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST —**  
The Honourable P.A. Katsambanis presented Alert Digest No. 1 of 1996 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

\* \* \* \*

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



- Casino (Management Agreement) Act 1993 – Authorized changes to Drawings of the Melbourne Casino Complex, pursuant to section 16(2) (48 papers).
- Crown Land (Reserves) Act 1978 – Minister’s order of 20 May 1996 giving approval to granting of lease (Albert Park).
- Corangamite Regional Hospital Services – Report, 1994-95.
- Electoral Commissioner – Statement of function conferred, 14 May 1996.
- Nhill Hospital – Report, 1994-95.
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
- Bendigo – Greater Bendigo Planning Scheme – Amendment L37.
  - Berwick Planning Scheme – Amendments L91 Part 1 and L94.
  - Boroondara Planning Scheme – Amendment L12.
  - Brighton Planning Scheme – Amendments L17 Parts 1, 3 and 5.
  - Chiltern Planning Scheme – Amendment L22.
  - Darebin Planning Scheme – Amendments L11, L15 and L19.
  - Flinders Planning Scheme – Amendment L144.
  - Knox Planning Scheme – Amendment L102.
  - Lillydale Planning Scheme – Amendments L154 Part 2 and L162.
  - Macedon Ranges Planning Scheme – Amendment L7.
  - Moonee Valley Planning Scheme – Amendment L8.
  - Mornington Planning Scheme – Amendment L65.
  - Narracan Planning Scheme – Amendment L54.
  - Pakenham Planning Scheme – Amendment L55.
  - Springvale Planning Scheme – Amendment L89.
  - Stonnington Planning Scheme – Amendment L7.
  - Surf Coast Planning Scheme – Amendment R32.
  - Traralgon (City) Planning Scheme – Amendment L59.
  - Upper Murray Planning Scheme – Amendment L7.
  - Warragul Planning Scheme – Amendments L32 Part 1 and L41.
  - Werribee Planning Scheme – Amendments L75 and L76.
  - Whittlesea Planning Scheme – Amendment L115.
  - Wodonga Rural (City) Planning Scheme – Amendment L1.
  - Yarra Planning Scheme – Amendments L6, L7, L12, L14 and L16.
- Statutory Rules under the following Acts of Parliament:
- Building Act 1993 – No. 24.
  - Club Keno Act 1993 – Tattersall Consultations Act 1958 – No. 3.
  - Coroners Act 1985 – No. 36.
  - County Court Act 1958 – Nos. 30, 31 and 34.
  - Dangerous Goods Act 1985 – No. 29.
  - Domestic Building Contracts and Tribunal Act 1995 – No. 32.
  - Domestic (Feral and Nuisance) Animals Act 1994 – No. 25.
  - Drugs, Poisons and Controlled Substances Act 1981 – No. 20.
  - Estate Agents Act 1980 – No. 13.
  - Financial Institutions Duty Act 1982 – Nos. 4 and 28.
  - Fisheries Act 1968 – Nos. 14, 16 and 26.
  - Guardianship and Administration Board Act 1986 – No. 1.

Statutory Rules – *continued*

Health Act 1958 – No. 38.

Liquor Control Act 1987 – No. 11.

Magistrates' Court Act 1989 – Nos. 35 and 37.

Mental Health Act 1986 – No. 10.

Murray Valley Citrus Marketing Act 1989 – No. 8.

Office of the Regulator-General Act 1994 – No. 2.

Pollution of Waters by Oil and Noxious Substances Act 1986 – No. 18.

Prevention of Cruelty to Animals Act 1986 – No. 6.

Road Safety Act 1986 – Nos. 5 and 17.

Royal Botanic Gardens Act 1991 – No. 12.

Stamps Act 1958 – No. 39.

Subordinate Legislation Act 1994 – Nos. 27 and 33.

Supreme Court Act 1986 – No. 19.

The Constitution Act Amendment Act 1958 – Nos. 22 and 23.

Tobacco Act 1987 – Nos. 7 and 9.

Wildlife Act 1975 – No. 21.

Wildlife Act 1975 – Conservation, Forests and Lands Act 1987 – No. 15.

## Subordinate Legislation Act 1994 –

Ministers' exception certificates under section 8 (4) in respect of Statutory Rules Nos. 6, 10, 16, 19 and 34 to 38/1996.

Ministers' exemption certificates under section 9 (6) in respect of Statutory Rules Nos. 3, 4, 8, 9, 11, 12, 14, 18, 20, 21, 28, 29 and 39/1996.

## Victorian Institute of Sport – Report, 1994-95.

\* \* \* \*

**PROCLAMATION** – A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council of 14 May 1996:

Heritage Act 1995 – Remaining provisions (except sections 215 and 218 (2)) – 23 May 1996 (*Gazette No. G20, 23 May 1996*).

**9 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR –**

The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 24*) -

Debate resumed.

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

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

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

**10 JOINT SITTING – SENATE VACANCY –** The President announced the receipt of –

- (a) a Message from His Excellency the Governor transmitting a despatch from the President of the Senate notifying that a vacancy had happened in the Senate through the resignation of Senator the Honourable Gareth John Evans, QC; and

- (b) a Message from the Assembly acquainting the Council that they had agreed to meet the Council to choose a person to hold the vacant place, and proposing that the place and time of the Joint Sitting be the Assembly Chamber on Tuesday, 28 May 1996 at 6.00 p.m., and desiring the concurrence of the Council.

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

The Honourable R.M. Hallam moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Gareth John Evans, QC, and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber this day at 6.00 p.m.

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them therewith.

#### 11 JOINT SITTING – APPOINTMENTS TO VARIOUS BODIES – The President announced the receipt of –

- (a) letters requesting that arrangements be made for a Joint Sitting of the Council and the Assembly for the purpose of making the following appointments:

Two Members to replace the Honourables David Ernest Henshaw and Ann Mary Henderson on the Deakin University Council for the term ending 30 June 1998.

Two Members to replace the Honourable James Vincent Chester Guest and Dr. Gerard Marshall Vaughan on the Monash University Council for the term ending 9 December 1999.

A Member to replace the Honourable David Mylor Evans on the Royal Melbourne Institute of Technology Council for the term ending 31 December 1998.

Two Members to replace Mr. Robert Stuart Ives and the Honourable Phillip Neville Honeywood on the Swinburne University of Technology Council for the term ending 31 December 1998.

Three Members to replace Mr. George Ian Davis, the Honourable David Mylor Evans and Mrs. Licia Kokocinski on the Victoria University of Technology Council for the term ending 18 April 1998.

A Member to replace the Honourable Ronald Alexander Best on the La Trobe University Council for the term ending 31 December 1999.

A Member to succeed Mr. Bruce Allan Mildenhall on the Victorian Health Promotion Foundation for a three year term commencing on 23 May 1996 and a Member to replace the Honourable George Graeme Weideman for the term ending 19 October 1996; and

- (b) a Message from the Assembly acquainting the Council that they had agreed to meet the Council for that purpose and proposing that the place and time of the Joint Sitting be the Assembly Chamber on Tuesday, 28 May 1996 at 6.00 p.m., and desiring the concurrence of the Council.

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

The Honourable R.I. Knowles moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting and voting together to recommend Members for appointment to the Councils of Deakin University, Monash University, Royal Melbourne Institute of Technology, Swinburne University of Technology, Victoria University of Technology and La Trobe University and to elect Members of Parliament to the Victorian Health

Promotion Foundation, and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber this day at 6.00 p.m.

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them therewith.

**12 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR – .**

The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 24*) -

Debate resumed.

*Interruption –*

**13 JOINT SITTING –** The President announced that the time had arrived for the House to meet the Assembly in the Assembly Chamber to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Gareth John Evans, QC, to recommend Members for appointment to the Councils of Deakin University, Monash University, Royal Melbourne Institute of Technology, Swinburne University of Technology, Victoria University of Technology and LaTrobe University and to elect Members of Parliament to the Victorian Health Promotion Foundation.

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

The President reported that at the Joint Sitting -

Mr. Stephen Michael Conroy

was chosen to hold the vacant place in the Senate;

The Honourable Ian James Cover, M.L.C.; and

Ms Mary Jane Gillett, M.P.,

were chosen to be recommended for appointment as members of the Council of the Deakin University for the term ending on 30 June 1998;

The Honourable Andrew Ronald Brideson, M.L.C.; and

Mr Hong Lim, M.P.,

were chosen to be recommended for appointment as members of the Council of the Monash University for the term ending on 9 December 1999;

The Honourable Ronald Alexander Best, M.L.C.;

was chosen to be recommended for appointment as a member of the Council of the Royal Melbourne Institute of Technology for the term ending on 31 December 1998;

The Honourable Sang Minh Nguyen, M.L.C.; and

The Honourable Rosemary Varty, M.L.C.,

were chosen to be recommended for appointment as members of the Council of the Swinburne University of Technology for the term ending on 31 December 1998;

The Honourable Ronald Alexander Best, M.L.C.,

Mr Bernard Thomas Christopher Finn, M.P.; and

The Honourable Jean McLean, M.L.C.,

were chosen to be recommended for appointment as members of the Council of the Victoria University of Technology for the term ending on 18 April 1998;

The Honourable Elizabeth Jeanette Powell, M.L.C.,

was chosen to be recommended for appointment as a member of the Council of the LaTrobe University for the term ending on 31 December 1999;

The Honourable Gerald Barry Ashman, M.L.C., and

Mrs Janet Tindale Calder Wilson, M.P.,

were elected to the Victorian Health Promotion Foundation for a term ending on 19 October 1996 and a three year term commencing on 23 May 1996, respectively.

**14 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** – Debate continued on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 24*) –

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

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

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

**15 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**16 STATUTE LAW REVISION (MARINE) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**17 HEALTH ACTS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**18 PREMIER'S DRUG ADVISORY COUNCIL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the following Resolution:

1. The Legislative Assembly invites Members of the Legislative Council to attend in the Legislative Assembly Chamber to hear the address by Professor David Penington, A.C., Chairman of the Premier's Drug Advisory Council.
2. Further to the Resolution adopted by the Legislative Assembly on 14 May 1996 relating to the address by Professor David Penington, A.C., Chairman of the Premier's Drug Advisory Council -
  - (a) Members of the Legislative Assembly and Members of the Legislative Council be permitted to address questions to Professor Penington for a period of 30 minutes at the conclusion of his address; and
  - (b) That the lower public gallery on the Opposition side of the House be deemed to be part of the Legislative Assembly Chamber for the duration of the address and questions to provide additional accommodation for Members of the Legislative Council.

3. The Speaker of the Legislative Assembly shall chair the address and the conduct of the proceedings will be in accordance with the Standing Orders of the Legislative Assembly.

And invites Honourable Members of the Legislative Council to attend in the Legislative Assembly Chamber at 9.00 a.m. on Friday, 31 May 1996 to hear the address by Professor David Penington, A.C., Chairman of the Premier's Drug Advisory Council on the recommendations of the Council's report.

**19 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Friday, 31 May 1996 at 10.15 a.m.

Question – put and resolved in the affirmative.

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

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.37 p.m., adjourned until Friday, 31 May 1996 at 10.15 a.m.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 4 – Friday, 31 May 1996**

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

**2 APPROPRIATION (INTERIM 1996/97) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill “*to make interim appropriation of moneys out of the Consolidated Fund for recurrent services and for certain works and services for the period July to October 1996*” and desiring the concurrence of the Council therein.

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

**3 APPROPRIATION (PARLIAMENT) (INTERIM 1996/97) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill “*to make interim appropriation of moneys out of the Consolidated Fund for recurrent services and for certain works and services for the Parliament for the period July to October 1996*” and desiring the concurrence of the Council therein.

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

**4 BIOLOGICAL CONTROL (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill “*to amend the Biological Control Act 1986 and for other purposes*” and desiring the concurrence of the Council therein.

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

**5 LEGAL PROFESSION PRACTICE (DIRECT MORTGAGES) BILL** – The President announced the receipt of a Message from the Assembly transmitting a

Bill "to amend the Legal Profession Practice (Amendment) Act 1995 and for other purposes" and desiring the concurrence of the Council therein.

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

**6 DOMESTIC BUILDING CONTRACTS AND TRIBUNAL (AMENDMENT)**

**BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill "to amend the Domestic Building Contracts and Tribunal Act 1995, the House Contracts Guarantee Act 1987 and the Building Act 1993 and for other purposes" and desiring the concurrence of the Council therein.

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

**7 FEDERAL-STATE RELATIONS COMMITTEE** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have concurred with the Council and have agreed to the Resolution relating to the appointment of the Federal-State Relations Committee.

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

Agricultural Industry Development Act 1990 – Emu Industry Development Order in Council of 8 May 1996.

Auditor-General –

Report on Ministerial Portfolios, May 1996.

Report on The Community Support Fund – *A significant community asset*, May 1996.

Employee Relations Commission – Report of the President, 1 November 1994 to 31 December 1995.

Melbourne City Link Act 1995 – Variations to the Melbourne City Link Project Agreement, 28 May 1996, pursuant to section 15(2) of the Act (two papers).

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

Berwick Planning Scheme – Amendment L106.

Boroondara Planning Scheme – Amendment L16.

Cranbourne Planning Scheme – Amendments L139 and L173 to L175.

Darebin Planning Scheme – Amendments L23 and L24.

Doncaster and Templestowe Planning Scheme – Amendment L71.

Flinders Planning Scheme – Amendment L145.

Heywood Planning Scheme – Amendment L14.

Macedon Ranges Planning Scheme – Amendments L9 and L10.

Melbourne Planning Scheme – Amendment L161.

Mildura (Shire) Planning Scheme – Amendment L38.

Mirboo Planning Scheme – Amendment L14.

Monash Planning Scheme – Amendments L4 and L6.

Moreland Planning Scheme – Amendments L14 and L25 to L27.

Narracan Planning Scheme – Amendment L53.

Nunawading Planning Scheme – Amendments L89 to L91.

Ringwood Planning Scheme – Amendment L53.

Planning and Environment Act 1987 — *continued*

Springvale Planning Scheme — Amendment L97.

Surf Coast Planning Scheme — Amendment L30.

Swan Hill (Shire) Planning Scheme — Amendment L22.

Werribee Planning Scheme — Amendment L96.

Whittlesea Planning Scheme — Amendment L127.

Yarra Planning Scheme — Amendment L15.

Yarra Ranges Amalgamation Amendment.

Rural Finance Act 1988 — Treasurer's direction of 18 May 1996 to Rural Finance Corporation.

Statutory Rules under the following Acts of Parliament:

Business Franchise (Tobacco) Act 1974 — No. 41.

Chiropractors and Osteopaths Act 1978 — No. 40.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9 (6) in respect of Statutory Rules Nos. 40 and 41.

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

**10 PREMIER'S DRUG ADVISORY COUNCIL** — The Order of the Day having been read for the consideration of the Report of the Premier's Drug Advisory Council, March 1996, the Honourable R.I. Knowles moved. That the Council take note of the report of the Premier's Drug Advisory Council, March 1996.

Debate ensued.

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

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

**12 PREMIER'S DRUG ADVISORY COUNCIL** — Debate continued on the motion to take note of the Report of the Premier's Drug Advisory Council.

Question — put and resolved in the affirmative.

**13 ROAD SAFETY (WHEEL CLAMPING) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

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

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

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

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

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.58 p.m., adjourned until Tuesday next.

A.V. BRAY

*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 5 and 6

### No. 5 – Tuesday, 4 June 1996

- 1 The President took the Chair and read the Prayer.
- 2 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 3 **PETITION – MARIJUANA** – The Honourable R.A. Best presented a Petition bearing 221 signatures from certain citizens of Victoria praying that use and possession of marijuana will not be decriminalized or legalized in Victoria.  
Ordered to lie on the Table.
- 4 **PAPERS –**  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST –**  
The Honourable P.A. Katsambanis presented Alert Digest No. 2 of 1996 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.  
Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

- Advanced Dental Technicians Qualifications Board – Report, 1994-95.
- Alexandra and District Ambulance Service – Report, 1994-95.
- Anderson's Creek Cemetery Trust – Report, 1995.
- Ballaarat General Cemeteries – Report, 1995.
- Ballarat University – Report, 1995.
- Bendigo Cemeteries Trust – Report, 1995.
- Cheltenham Cemeteries Trust – Report, 1995.
- Chiropodists Registration Board – Report, 1995.
- Crown Land (Reserves) Act 1978 – Minister's order of 3 June 1996 giving approval to granting of lease.
- Deakin University – Report, 1995.
- Dental Technicians Licensing Committee – Report, 1994-95.
- Fawkner Crematorium and Memorial Park – Report, 1995.
- Geelong Cemeteries Trust – Report, 1995.
- Keilor Cemetery Trust – Report, 1 October 1994 to 30 June 1995.
- La Trobe University – Report, 1995.
- Lilydale Memorial Park and Cemetery Trust – Report, 1995.

Melbourne University – Report, 1995.  
 Monash University – Report, 1995.  
 Murray Valley Wine Grape Industry Development Committee – Report, 16 June 1994 to 31 July 1995.  
 Necropolis Trust – Report, 1995.  
 Royal Melbourne Institute of Technology – Report, 1995.  
 Swinburne University of Technology – Report, 1995.  
 Templestowe Cemetery Trust – Report, 1995.  
 Victoria University of Technology – Report, 1995.  
 Victorian College of Agriculture and Horticulture Limited – Report, 1995 (four papers).

\* \* \* \*

**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 14 May 1996:

Melbourne City Link Act 1995 – Section 30 – 1 June 1996 (*Gazette No. S58, 28 May 1996*).

Port Services Act 1995 – Sections 136 (1), 144 (1), 144 (4), 144 (6) and 144 (10) – 1 July 1996 (*Gazette No. S58, 28 May 1996*).

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

**6 APPROPRIATION (INTERIM 1996/97) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

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

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

**7 APPROPRIATION (PARLIAMENT) (INTERIM 1996/97) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

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

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

**8 BIOLOGICAL CONTROL (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

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

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

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

**9 LEGAL PROFESSION PRACTICE (DIRECT MORTGAGES) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

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

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

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

**10 DOMESTIC BUILDING CONTRACTS AND TRIBUNAL (AMENDMENT)**

**BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

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

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

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

**11 ROAD SAFETY (WHEEL CLAMPING) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative – Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable W. Forwood having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

**12 VICTORIAN MANAGED INSURANCE AUTHORITY BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill “to establish the Victorian Managed Insurance Authority and for other purposes” and desiring the concurrence of the Council therein.

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

**13 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** —

The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency’s Opening Speech (*for address see page 24*) —

Debate resumed.

The Honourable B.N. Atkinson moved, That the debate be now adjourned.

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

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

**14 WATER ACTS (AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill “to amend the Water Act 1989, the Water Industry Act 1994 and the Melbourne and Metropolitan Board of Works Act 1958 and for other purposes” and desiring the concurrence of the Council therein.

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

**15 SUPERANNUATION ACTS (AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill “to amend the Emergency Services Superannuation Act 1986, the Hospitals Superannuation Act 1988, the Local Authorities Superannuation Act 1988, the Melbourne and Metropolitan Board of Works Act 1958, the Parliamentary Salaries and Superannuation Act 1968, the Public Sector Superannuation (Administration) Act

1993, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988, the Superannuation (Public Sector) Act 1992, the Superannuation (Portability) Act 1989, the Transport Superannuation Act 1988 and certain other Acts, to repeal the Superannuation Acts (General Amendment) Act 1995 and the Superannuation Acts (Miscellaneous Amendments) Act 1995 and for other purposes" and desiring the concurrence of the Council therein.

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

Accordingly, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

**16 BUSINESS OF THE HOUSE** — The Honourable R.M. Hallam moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

**17 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** —

The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the following Address to His Excellency the Governor in reply to His Excellency's Opening Speech:

MAY IT PLEASE YOUR EXCELLENCY —

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

Debate resumed.

Question — put and resolved in the affirmative.

The Honourable M.A. Birrell moved, That the Address be presented to His Excellency the Governor by the President and such Members of the Council as may wish to accompany him.

Question — put and resolved in the affirmative.

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

Debate ensued.

Question — put and resolved in the affirmative.

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

A.V. BRAY

*Clerk of the Legislative Council*

## No. 6 – Wednesday, 5 June 1996

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Crown Land (Reserves) Act 1978 – Minister's orders of 3 June 1996 giving approval to granting of leases and licences (11 Papers).
  - Subordinate Legislation Act 1994 – Ministers' exception certificates under section 8 (4) in respect of Statutory Rules Nos 165/1995 and 27 and 33/1996.

- 3 **BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended during the sitting of the Council this day as would allow Notice of Motion, No. 1, Business to take Precedence, to be moved and debated during the time allocated for General Business and for General Business to take precedence over other business until 2.30 p.m.

Question – put and resolved in the affirmative.

- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, General Business, be postponed until later this day.
- 5 **MELBOURNE CITY LINK AGREEMENT** – The Honourable T.C. Theophanous moved, That the agreements amending the Melbourne City Link Agreement tabled in the Legislative Council on 14 May 1996 be disallowed.

Debate ensued.

Question – put.

The Council divided.

AYES, 9

The Hon. Tayfun Eren  
 M.M. Gould  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella (*Teller*)  
 P. Power  
 B.T. Pullen (*Teller*)  
 T.C. Theophanous  
 D.T. Walpole

NOES, 31

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden (*Teller*)  
 A.R. Brideson  
 I.J. Cover (*Teller*)  
 G.R. Craige  
 D.M. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins

E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC. Wilding

And so it passed in the negative.

- 6 **PUBLIC FUNDS FOR POLITICAL ADVERTISING** – The Honourable T.C. Theophanous moved, That this House endorses the Auditor-General's findings in his report on Marketing Government Services, that the use of public funds for party political purposes is totally inappropriate, and calls on the Government to implement the Auditor-General's recommendation for conventions to be established with the support of all political parties covering publicly funded advertising and promotion.

Debate ensued.

Question – put.

The Council divided.

AYES, 9

The Hon. Tayfun Eren  
 M.M. Gould  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella  
 P. Power (*Teller*)  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole (*Teller*)

NOES, 32

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson (*Teller*)  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis (*Teller*)  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross

K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Sue deC. Wilding

And so it passed in the negative.

**7 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 to 3 inclusive, be postponed until later this day.

**9 BIOLOGICAL CONTROL (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**10 DOMESTIC BUILDING CONTRACTS AND TRIBUNAL (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 6 and 7, be postponed until later this day.

**12 LEGAL PROFESSION PRACTICE (DIRECT MORTGAGES) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**13 SUPERANNUATION ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**14 VICTORIAN MANAGED INSURANCE AUTHORITY BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

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

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

- 15 WATER ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

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

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

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

- 16 APPROPRIATION (INTERIM 1996/97) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable M.T. Luckins moved, That the debate be now adjourned.

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

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

- 17 STATE TAXATION (OMNIBUS AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill “to make miscellaneous amendments to the Business Franchise (Tobacco) Act 1974, the Debts Tax Act 1990, the Financial Institutions Duty Act 1982, the Land Tax Act 1958, the Pay-roll Tax Act 1971, the Stamps Act 1958 and the Valuation of Land Act 1960 and for other purposes” and desiring the concurrence of the Council therein.

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

- 18 ACCIDENT COMPENSATION (AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill “to amend the Accident Compensation Act 1985 and the Accident Compensation (WorkCover Insurance) Act 1993 and for other purposes” and desiring the concurrence of the Council therein.

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

Accordingly, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

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

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

- 19 APPROPRIATION (INTERIM 1996/97) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

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

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



**20 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 18 June 1996.

Question – put and resolved in the affirmative.

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

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.07 p.m., adjourned until Tuesday, 18 June 1996.

A.V. BRAY

*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 7, 8 and 9

### No. 7 – Tuesday, 18 June 1996

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE WILLIAM MONTGOMERY CAMPBELL** – The Honourable M.A. Birrell moved, That this House expresses its sincere sorrow at the death, on 9 June 1996, of the Honourable William Montgomery Campbell and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the East Yarra Province from 1964 to 1983.  
And other Honourable Members and the President having addressed the House – The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.
- 3 **ADJOURNMENT** – The Honourable M.A. Birrell moved, That as a further mark of respect to the memory of the late Honourable William Montgomery Campbell, the House do now adjourn until this day at 5.00 p.m.  
Question – put and resolved in the affirmative.  
And then the Council, at 2.48 p.m., adjourned until this day at 5.00 p.m.

- 
- 1 The President took the Chair.
  - 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Biological Control (Amendment) Act*  
*Domestic Building Contracts and Tribunal (Amendment) Act*  
*Legal Profession Practice (Direct Mortgages) Act*  
*Superannuation Acts (Amendment) Act.*
  - 3 **PARLIAMENT HOUSE COMPLETION AUTHORITY BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill “to establish an Authority to control the improvement, refurbishment, alteration, extension and completion of Parliament House, to abolish the Public Bodies Review Committee and change the names and functions of two other Parliamentary Committees, to amend the Parliamentary Committees Act 1968 and certain other Acts and for other purposes” and desiring the concurrence of the Council therein.

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

- 4 HOUSING (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *“to amend the Housing Act 1983 and for other purposes”* and desiring the concurrence of the Council therein.

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

- 5 ELECTRICITY INDUSTRY (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *“to amend the Electricity Industry Act 1993 and certain other Acts and for other purposes”* and desiring the concurrence of the Council therein.

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

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

- 7 FARM PRODUCE WHOLESALE (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable G.R. Craige, leave was given to bring in a Bill *to repeal the Farm Produce Wholesale Act 1990 and to make interim arrangements for the administration of that Act by the Melbourne Market Authority until its repeal, to make consequential amendments to the Melbourne Market Authority Act 1977 and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 8 PAPERS** –

**OBSTETRIC AND PAEDIATRIC MORTALITY AND MORBIDITY** – The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Report of the Consultative Council on Obstetric and Paediatric Mortality and Morbidity for the year 1994.

Question – put and resolved in the affirmative.

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

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – AUDITOR-GENERAL’S OFFICE FINANCIAL AUDIT** – The Honourable W. Forwood presented a Report from the Public Accounts and Estimates Committee upon the Appointment of an Auditor to conduct a Financial Audit of the Victorian Auditor-General’s Office, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST** –

The Honourable P.A. Katsambanis presented Alert Digest No. 3 of 1996 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Auditor-General – Report on Arts Victoria and the Arts 21 Strategy: *Maintaining the State for the Arts*, June 1996.

- Infertility – Standing Review and Advisory Committee – Report, 1995.
- Interpretation of Legislation Act 1984 – Notice pursuant to section 32(3)(a) in relation to Statutory Rule No. 29/1996.
- Melbourne City Link Act 1995 – Order in Council of 28 May 1996 varying the Project area of land pursuant to section 8(4) of the Act.
- Parliamentary Committees Act 1968 – Minister’s response to recommendations in Road Safety Committee’s Report upon the Revision of Speed Limits in Victoria.
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
- Ararat Planning Scheme – Amendment L3.
  - Bendigo – Greater Bendigo Planning Scheme – Amendment L42.
  - Berwick Planning Scheme – Amendment L87.
  - Booroondara Planning Scheme – Amendment L4.
  - Brighton Planning Scheme – Amendment L17 Part 4B.
  - Brimbank Planning Scheme – Amendment L13.
  - Campaspe Planning Scheme – Amendment L9.
  - Cranbourne Planning Scheme – Amendments L138, L155, L157 and L165.
  - Darebin Planning Scheme – Amendment L27.
  - Doncaster and Templestowe Planning Scheme – Amendments L94, L96 and L97.
  - Geelong – Greater Geelong Planning Scheme – Amendment R155.
  - Kingston Planning Scheme – Amendment L5.
  - Lillydale Planning Scheme – Amendment L149.
  - Macedon Ranges Planning Scheme – Amendments L11 and L34.
  - Maribyrnong Planning Scheme – Amendments L14 and L18.
  - Melton Planning Scheme – Amendment L45.
  - Moe Planning Scheme – Amendment L37.
  - Monash Planning Scheme – Amendment L3.
  - Narracan Planning Scheme – Amendment L51.
  - Pakenham Planning Scheme – Amendments L92 and L108.
  - Port Phillip Planning Scheme – Amendments L4, L10 and L13.
  - Shepparton (Shire) Planning Scheme – Amendment L81.
  - Sherbrooke Planning Scheme – Amendment L117.
  - Stawell (City) Planning Scheme – Amendment L35.
  - Stawell (Shire) Planning Scheme – Amendment L21.
  - Werribee Planning Scheme – Amendment L75 (*in lieu of that tabled on 28 May 1996*).
  - Yarra Planning Scheme – Amendment L7 (*in lieu of that tabled on 28 May 1996*).
- Prevention of Cruelty to Animals Act 1986 –
- Code of Accepted Farming Practice for the Welfare of Cattle (Victoria) (Revision No. 1).
  - Code of Accepted Farming Practice for the Welfare of Poultry (Revision No. 1).
- Queen Victoria Medical Centre (Guarantees) Act 1982 – Treasurer’s notice of guarantees executed, 6 June 1996.

A Statutory Rule under the Extractive Industries Development Act 1995 – No. 42.

Transport Act 1983 – Minister's Order of 12 June 1996 transferring assets and liabilities from the Public Transport Corporation to the Roads Corporation.

Western Region Water Authority –

Minister's report of 29 May 1996 of failure of Authority to submit annual report to him within the prescribed period and the reasons therefor.

Report, 1994-95 (four papers).

Western Regional Waste Management Group – Report, 1994-95.

- 10 POLICE REGULATION (SELECTION AND REVIEW) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill “to amend the Police Regulation Act 1958 and for other purposes” and desiring the concurrence of the Council therein.

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

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

The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

- 12 PARLIAMENT HOUSE COMPLETION AUTHORITY BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

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

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

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

- 13 HOUSING (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

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

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

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

- 14 ELECTRICITY INDUSTRY (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

**15 POLICE REGULATION (SELECTION AND REVIEW) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

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

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

**16 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**17 STATE TAXATION (OMNIBUS AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**18 WATER ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 31

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis (*Teller*)  
R.S. de Fegely  
W. Forwood  
C.A. Furletti (*Teller*)  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas

NOES, 9

The Hon. Tayfun Eren  
M.M. Gould  
C.J. Hogg (*Teller*)  
J. McLean  
S.M. Nguyen (*Teller*)  
P. Power  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole

M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC. Wilding

And so it was resolved in the affirmative.

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

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

- 19 FIREARMS (PROHIBITED FIREARMS) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill “to amend the Firearms Act 1958 and for other purposes” and desiring the concurrence of the Council therein.

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

- 20 BALLARAT LANDS (LAKESIDE DEVELOPMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill “to revoke the permanent reservation over land known as the Lakeside Psychiatric Hospital site at Ballarat and for other purposes” and desiring the concurrence of the Council therein.

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

- 21 WESTPAC AND BANK OF MELBOURNE (CHALLENGE BANK) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill “to provide for the transfer to Westpac Banking Corporation of the banking business of Challenge Bank Limited and the transfer to Bank of Melbourne Limited of part of that business and for other purposes” and desiring the concurrence of the Council therein.

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

- 22 VICTORIAN MANAGED INSURANCE AUTHORITY BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

- 23 FIREARMS (PROHIBITED FIREARMS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.



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

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

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

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.14 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 8 – Wednesday, 19 June 1996**

1 The President took the Chair and read the Prayer.

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

Eastern Energy Limited – Report, 1 July 1995 to 30 September 1995.

3 **LOCAL GOVERNMENT CHANGE** – The Honourable P. Power moved, That this House expresses its concern at the Government's continued failure to manage local government change in a manner which is inclusive and co-operative, particularly its continued rejection of – (i) the value of working in partnership with the industry sector; and (ii) the legitimate views of ratepayers and residents, while concentrating on strategies which weaken the capacity of municipalities to meet community expectations and demands.

Debate ensued.

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

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

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

4 **BUSINESS OF THE HOUSE** – The Honourable R.M. Hallam moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

5 **LOCAL GOVERNMENT CHANGE** – The Order of the Day having been read for the resumption of the debate on the motion expressing concern at the Government's failure to manage local government change (*for text see item 3*) –

Debate resumed.

*General Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders the debate stood adjourned in the name of the Honourable E.J. Powell.*

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

7 **BALLARAT LANDS (LAKESIDE DEVELOPMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

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

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

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

- 8 WESTPAC AND BANK OF MELBOURNE (CHALLENGE BANK) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

*And the Deputy President having ruled the Bill to be a Private Bill —*

The Honourable R.M. Hallam moved, That this Bill be dealt with as a Public Bill except in relation to the payment of fees.

Question — put and resolved in the affirmative.

*And the Honourable R.M. Hallam having produced a receipt showing that the sum of \$1000 had been paid to the Department of the Legislative Council as a deposit to meet the expenses of the Bill —*

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

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

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

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

- 10 ELECTRICITY INDUSTRY (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative — Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

- 11 BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

- 12 MELBOURNE CITY LINK (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill "*to amend the Melbourne City Link Act 1995 and the Melbourne City Link Authority Act 1994 and for other purposes*" and desiring the concurrence of the Council therein.

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

- 13 PUBLIC SECTOR MANAGEMENT AND PARLIAMENTARY OFFICERS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill "*to amend the Public Sector Management Act 1992, the Parliamentary Officers Act 1975, the Ombudsman Act 1973, the Parliamentary Salaries and Superannuation Act 1968, the Employee Relations Act 1992, the Constitution Act 1975 and the Subordinate Legislation Act 1994, and for other purposes*" and desiring the concurrence of the Council therein.

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

**14 ACCIDENT COMPENSATION (OCCUPATIONAL HEALTH AND SAFETY)**

**BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill “to further amend the Accident Compensation Act 1985, to amend the Dangerous Goods Act 1985, the Equipment (Public Safety) Act 1994, and the Occupational Health and Safety Act 1985 and for other purposes” and desiring the concurrence of the Council therein.

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

**15 HOUSING (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**16 MELBOURNE CITY LINK (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable G.R. Craige) moved, That this Bill be now read a second time.

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

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

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

**17 PARLIAMENT HOUSE COMPLETION AUTHORITY BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**18 FORESTS (WOOD PULP AGREEMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill “to ratify an Agreement between the Minister administering the Forests Act 1958 and AMCOR Limited with respect to the supply of pulpwod for the manufacture of wood pulp and for other purposes” and desiring the concurrence of the Council therein.

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

Accordingly, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

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

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

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

**19 MISCELLANEOUS ACTS (OMNIBUS AMENDMENTS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill “to amend the Corrections Act 1986, the Crimes Act 1958, the Equal Opportunity Act 1995, the Legal Aid Act 1978, the Office of the Regulator-General Act 1994, the Parliamentary Salaries and Superannuation Act 1968, the Planning and Environment Act 1987, the Prevention of Cruelty to Animals Act 1986, the Sentencing Act 1991 and the Teaching Service Act 1981 and for other purposes” and desiring the concurrence of the Council therein.

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

**20 HEALTH ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

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

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.59 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## No. 9 – Thursday, 20 June 1996

1 The President took the Chair and read the Prayer.

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

Auditor-General – Report on Protecting Victoria’s Children: *The role of the Department of Human Services*, June 1996.

Members of Parliament (Register of Interests) Act 1978 – Summary of Primary Returns, June 1996 and Summary of Variations notified between 23 November 1995 and 19 June 1996.

Parliamentary Committees Act 1968 – Minister’s response to recommendations in Community Development Committee’s Report upon Persons Detained at the Governor’s Pleasure.

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

Bacchus Marsh Planning Scheme – Amendment L53.

Ballarat Planning Scheme – Amendment L12.

Berwick Planning Scheme – Amendment L89.

Buloke Planning Scheme – Amendment L2.

Campaspe Planning Scheme – Amendment L5.

Castlemaine Planning Scheme – Amendment L13.

Cranbourne Planning Scheme – Amendments L147 and L166.

Creswick Planning Scheme – Shire of Hepburn Consolidation Amendment.

Planning and Environment Act 1987 – *continued*.

Doncaster and Templestowe Planning Scheme – Amendments L84 and L95.

Geelong – Greater Geelong Planning Scheme – Amendments R120 and RL123.

Golden Plains Planning Scheme – Amendment R3.

Hume Planning Scheme – Amendment L3.

Mitchell (Chapter 4 – Broadford) Planning Scheme – Amendment L18.

Moonee Valley Planning Scheme – Amendment L9.

Nunawading Planning Scheme – Whitehorse Amalgamation Amendment.

Pakenham Planning Scheme – Amendments L124 and L125.

Port Phillip Planning Scheme – Amendments L19, L30 and L31.

Ringwood Planning Scheme – Amendment L43.

Surf Coast Planning Scheme – Amendment RL 40.

Werribee Planning Scheme – Amendment L 83.

Wodonga Rural (City) Planning Scheme – Amendment L8.

Public Authorities Equal Employment Opportunity – Report, 1994-95.

Statutory Rules under the following Acts of Parliament:

Plant Health and Plant Products Act 1995 – No. 44.

Treasury Corporation of Victoria Act 1992 – No. 45.

Subordinate Legislation Act 1994 – Ministers' exemption certificate under section 9(6) in respect of Statutory Rule No. 45/1996.

**3 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 to 3 inclusive, be postponed until later this day.

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

Debate resumed.

Question — put.

The Council divided.

AYES, 32

The Hon. L. Asher

G.B. Ashman

B.N. Atkinson

W.R. Baxter

R.A. Best

M.A. Birrell

B.W. Bishop

B.C. Boardman

R.H. Bowden

A.R. Brideson

I.J. Cover

G.R. Craigie

D.M. Davis

P.R. Davis

NOES, 9

The Hon. Tayfun Eren

M.M. Gould

C.J. Hogg

D.A. Nardella (*Teller*)

S.M. Nguyen (*Teller*)

P. Power

B.T. Pullen

T.C. Theophanous

D.T. Walpole

R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas (*Teller*)  
 M.T. Luckins (*Teller*)  
 E.J. Powell  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC. Wilding

And so it was resolved in the affirmative.

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

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

**5 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**6 ACCIDENT COMPENSATION (AMENDMENT) BILL** – This Bill was committed to a Committee of the whole.

House in Committee.

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

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

**7 GAMING ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill “*to make miscellaneous amendments to the Gaming Machine Control Act 1991, the Casino Control Act 1991, the Gaming and Betting Act 1994, the Lotteries Gaming and Betting Act 1966, the Racing Act 1958 and the Casino (Management Agreement) Act 1993 and for other purposes*” and desiring the concurrence of the Council therein.

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

**8 GAMING MACHINE CONTROL (COMMUNITY SUPPORT FUND) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill “*to amend the Gaming Machine Control Act 1991 with respect to the Community Support Fund and for other purposes*” and desiring the concurrence of the Council therein.

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

**9 ROAD SAFETY (WHEEL CLAMPING) BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

**10 AUDITOR-GENERAL'S OFFICE FINANCIAL AUDIT** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the appointment of Mr. Douglas N. Bartley of KPMG to conduct the financial audit of the Auditor-General's Office, and desiring the concurrence of the Council therein.

Ordered – That the Message be taken into consideration forthwith.

The Honourable R.I. Knowles moved, by leave, That the Council concur with the Assembly and resolves That, pursuant to section 17 of the *Audit Act 1994*, Mr. Douglas N. Bartley of KPMG be appointed to conduct the financial audit of the Auditor-General's Office in accordance with the conditions of appointment and remuneration contained in Appendix B of the Report of the Public Accounts and Estimates Committee upon the Appointment of an Auditor to Conduct a Financial Audit of the Victorian Auditor-General's Office (Parliamentary Paper No. 9, Session 1996).

Question – put and resolved in the affirmative.

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

**11 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**12 PUBLIC SECTOR MANAGEMENT AND PARLIAMENTARY OFFICERS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

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

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

**13 ACCIDENT COMPENSATION (OCCUPATIONAL HEALTH AND SAFETY) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

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

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

- 14 GAMING MACHINE CONTROL (COMMUNITY SUPPORT FUND) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.  
The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 15 MISCELLANEOUS ACTS (OMNIBUS AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.  
The Honourable T.C. Theophanous moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until later this day.
- 16 GAMING ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.  
The Honourable T.C. Theophanous moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 17 APPROPRIATION (INTERIM 1996/97) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 18 APPROPRIATION (PARLIAMENT) (INTERIM 1996/97) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 19 WESTPAC AND BANK OF MELBOURNE (CHALLENGE BANK) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 20 MISCELLANEOUS ACTS (OMNIBUS AMENDMENTS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.



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

**21 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next at 10.00 a.m.

Question – put and resolved in the affirmative.

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

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.55 p m., adjourned until Tuesday next at 10.00 a.m.

A.V. BRAY  
*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 10 and 11

### No. 10 – Tuesday, 25 June 1996

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - Appropriation (Interim 1996/97) Act*
  - Appropriation (Parliament) (Interim 1996/97) Act*
  - Accident Compensation (Amendment) Act*
  - Electricity Industry (Amendment) Act*
  - Parliament House Completion Authority Act*
  - State Taxation (Omnibus Amendment) Act*
  - Victorian Managed Insurance Authority Act*
  - Water Acts (Amendment) Act.*
- 3 **PETITION – SEMI-AUTOMATIC FIREARMS** – The Honourable B.W. Bishop presented a Petition bearing 530 signatures from certain citizens of Victoria praying that the State and Federal Governments' proposal to prohibit and compulsorily acquire semi-automatic firearms be overturned.  
Ordered to lie on the Table.
- 4 **PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Pathology Services Accreditation Board – Report, 1994-95.
  - Psychological Council and Psychologists Registration Board – Report, year ended 31 December 1995.
- 5 **POLICE REGULATION (SELECTION AND REVIEW) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 6 **GAMING ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed

The Honourable T.C. Theophanous moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until all ramifications of the parts of the Bill relating to the amendment of the *Casino Control Act 1991* and the *Casino (Management Agreement) Act 1993* have been given adequate consideration by the community."

Debate ensued.

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

The Council divided.

AYES, 31

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross (*Teller*)  
 K.M. Smith  
 W.I. Smith (*Teller*)  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC. Wilding

NOES, 8

The Hon. Tayfun Eren  
 M.M. Gould  
 C.J. Hogg (*Teller*)  
 S.M. Nguyen  
 P. Power (*Teller*)  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole

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

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

Bill read a second time.

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

7 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

8 **GAMING ACTS (AMENDMENT) BILL** – This Bill was committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

9 **BALLARAT LANDS (LAKESIDE DEVELOPMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

10 **GAMING MACHINE CONTROL (COMMUNITY SUPPORT FUND) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable T.C. Theophanous moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted to provide for the establishment by the Minister for Gaming of a Board of Community Trustees, comprising up to nine voluntary representatives selected after public advertisement from a broad cross-section of the community, to advise the Minister on the priorities for the application of funds from the Community Support Fund to the Research and Development Fund and the programs specified in clause 4 of the Bill, and that these funds be distributed by the Minister on the basis of the Board's advice and determination of priority."

Debate ensued.

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

The Council divided.

AYES, 28

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson

NOES, 8

The Hon. Tayfun Eren (*Teller*)  
M.M. Gould  
C.J. Hogg  
S.M. Nguyen  
P. Power  
B.T. Pullen (*Teller*)  
T.C. Theophanous  
D.T. Walpole

I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 W.I. Smith  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells (*Teller*)  
 Sue deC. Wilding (*Teller*)

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

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

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

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

- 11 BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

- 12 FIREARMS (PROHIBITED FIREARMS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative

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

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

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

Debate resumed.

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

WEDNESDAY, 26 JUNE 1996

Debate continued.

Question — put and resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

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

Question — put and resolved in the affirmative.

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

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 3.09 a.m., adjourned until this day at 11.00 a.m.

A.V. BRAY

*Clerk of the Legislative Council*

## No. 11 — Wednesday, 26 June 1996

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

**2 PRESENTATION OF ADDRESS TO HIS EXCELLENCY THE GOVERNOR** —

The President reported that, accompanied by Honourable Members, he had waited upon His Excellency the Governor this day and presented to him the Address of the Legislative Council adopted on 4 June 1996 in reply to His Excellency the Governor's speech at the Opening of Parliament, and that His Excellency had been pleased to make the following reply:

MR. PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL

In the name and on behalf of Her Majesty The Queen I thank you for your expressions of loyalty to our Most Gracious Sovereign contained in the address you have just presented to me.

I fully rely on your wisdom in deliberating upon the important measures to be brought under your consideration, and I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of this State.

**3 TITLE OF HONOURABLE** — The President announced that advice had been received that His Excellency the Governor had approved the retention of the title "Honourable" by Mr. Geoffrey Phillip Connard, Mr. David Mylor Evans, Mr. James Vincent Chester Guest and Mr. David Ernest Henshaw, MBE, each of whom served as a Member of the Legislative Council for a continuous period of not less than ten years.

**4 STANDING ORDERS COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That the Standing Orders Committee be required to undertake a review of the Standing Orders and make recommendations with a view to —

- (a) ensuring that they are expressed in clear and consistent language;
- (b) eliminating redundant and obsolete Standing Orders;
- (c) incorporating so much of the Sessional Orders and practice of the Council as seems appropriate; and
- (d) modifying the existing Standing Orders to the extent necessary to ensure the more efficient operation of the Council.

Question — put and resolved in the affirmative.

- 5 PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:  
 Border Groundwater Agreement Review Committee – Report, 1994-95.  
 Parliamentary Committees Act 1968 – Minister’s response to recommendations in Economic Development Committee’s Report upon the Export of Environmental Services and Associated Technologies.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.
- 7 CHILD PROTECTION SYSTEM** – The Honourable T.C. Theophanous moved, That this House calls upon the Government to fulfil its responsibility to protect vulnerable Victorian children and take immediate steps to address problems in the child protection system, including implementing the key recommendations of the Auditor-General’s reports on protecting Victoria’s children.

Debate ensued

Question – put.

The Council divided.

AYES, 8

The Hon. M.M. Gould  
 C.J. Hogg  
 J. McLean (*Teller*)  
 D.A. Nardella  
 P. Power  
 B.T. Pullen (*Teller*)  
 T.C. Theophanous  
 D.T. Walpole

NOES, 28

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman (*Teller*)  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover (*Teller*)  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 W.I. Smith  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC. Wilding

And so it passed in the negative.



- 8 PUBLIC SECTOR MANAGEMENT AND PARLIAMENTARY OFFICERS (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

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

- 9 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 10 PUBLIC SECTOR MANAGEMENT AND PARLIAMENTARY OFFICERS (AMENDMENT) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put.

The Council divided.

AYES, 29

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson (*Teller*)  
 W.R. Baxter  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden (*Teller*)  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells (*Teller*)  
 Sue deC. Wilding (*Teller*)

NOES, 8

The Hon. M.M. Gould  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella  
 P. Power  
 B.T. Pullen (*Teller*)  
 T.C. Theophanous  
 D.T. Walpole (*Teller*)

And so it was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third

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

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

**11 ACCIDENT COMPENSATION (OCCUPATIONAL HEALTH AND SAFETY)**

**BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

House in Committee.

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

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

**12 FORESTS (WOOD PULP AGREEMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**13 FARM PRODUCE WHOLESALE (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable G.R. Craige) moved, That this Bill be now read a second time.

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

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

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

**14 AUTUMN ECONOMIC STATEMENT AND TREASURER'S SPEECH, MAY 1996 – ORDER DISCHARGED** – The Order of the Day having been read for the consideration of the Autumn Economic Statement and Treasurer's Speech, May 1996 –

The Honourable R.M. Hallam moved, That the said Order be discharged.

Question – put and resolved in the affirmative.

**15 PAPER – SUPREME COURT JUDGES** – The Honourable L. Asher presented, by command of His Excellency the Governor, the report of the Supreme Court Judges for the year 1995.

Ordered to lie on the Table.

**16 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

Question – put and resolved in the affirmative.

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

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.45 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

A.V. BRAY  
*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 12 and 13

### No. 12 – Tuesday, 8 October 1996

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution, having fixed this day at 2.30 p.m. as the time of meeting.
- 2 The President took the Chair and read the Prayer.
- 3 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented Messages from His Excellency the Governor and the Lieutenant-Governor as the Governor's Deputy informing the Council that they had, on the following dates, given the Royal Assent to the undermentioned Acts presented to them by the Clerk of the Parliaments:
  - On 28 June 1996 –
    - Accident Compensation (Occupational Health and Safety) Act*
  - On 2 July 1996 –
    - Ballarat Lands (Lakeside Development) Act*
    - Firearms (Prohibited Firearms) Act*
    - Forests (Wood Pulp Agreement) Act*
    - Gaming Acts (Amendment) Act*
    - Gaming Machine Control (Community Support Fund) Act*
    - Health Acts (Amendment) Act*
    - Housing (Amendment) Act*
    - Melbourne City Link (Amendment) Act*
    - Miscellaneous Acts (Omnibus Amendments) Act*
    - Police Regulation (Selection and Review) Act*
    - Public Sector Management and Parliamentary Officers (Amendment) Act*
    - Road Safety (Wheel Clamping) Act*
    - Westpac and Bank of Melbourne (Challenge Bank) Act*
  - On 24 September 1996 –
    - Statute Law Revision (Marine) Act.*
- 4 **MELBOURNE EXHIBITION CENTRE (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Melbourne Exhibition Centre Act 1994 to make further provision for the Melbourne Exhibition Centre land and for other purposes and desiring the concurrence of the Council therein.

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

- 5 FORESTRY RIGHTS BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the creation of forest property rights and for other purposes* and desiring the concurrence of the Council therein.

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

- 6 TRANSPORT (RAIL SAFETY) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Transport Act 1983 and the Public Transport Competition Act 1995 and for other purposes* and desiring the concurrence of the Council therein.

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

- 7 CHILDREN'S SERVICES BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the licensing and regulation of children's services, to repeal Part XIA of the Health Act 1958 and to make consequential amendments to other Acts* and desiring the concurrence of the Council therein.

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

- 8 LOCAL GOVERNMENT (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Local Government Act 1989, the City of Greater Geelong Act 1993 and the City of Melbourne Act 1993 and for other purposes* and desiring the concurrence of the Council therein.

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

- 9 LEGAL PRACTICE BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to improve the regulation of legal practice in Victoria, to repeal the Legal Profession Practice Act 1958, to amend the Partnership Act 1958, to make consequential amendments to other Acts and for other purposes* and desiring the concurrence of the Council therein.

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

- 10 STATUTE LAW REVISION (MARINE) BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

- 11 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 12 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**13 ADJOURNMENT OF BILLS** – The Honourable R.I. Knowles moved, by leave, That –

(a) unless otherwise ordered, where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 6 December 1996, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1997: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 9 December 1996 may be taken through all stages; and

(b) this Order shall have effect until 31 December 1996.

Question – put and resolved in the affirmative.

**14 PAPERS** –

**BUDGET PAPERS 1996-97** – The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the following 1996-97 Budget papers:

- (a) Treasurer's Speech (Budget Paper No. 1);
- (b) Public Sector Capital Works (Budget Information Paper No. 1);
- (c) Budget Performance and Outlook (Budget Paper No. 2); and
- (d) Budget Estimates (Budget Paper No. 3).

Question – put and resolved in the affirmative.

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

The Honourable R.M. Hallam moved, by leave, That the papers tabled pursuant to the foregoing Order be taken into consideration later this day.

Question – put and resolved in the affirmative.

\* \* \* \* \*

**NATIONAL ROAD TRAUMA ADVISORY COUNCIL** – The Honourable G.R. Craige moved, by leave, That there be laid before this House a copy of the Report of the National Road Trauma Advisory Council for the year 1994-95.

Question – put and resolved in the affirmative.

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

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – PUBLIC RECORDS OFFICE** – The Honourable W. Forwood presented a Report from the Public Accounts and Estimates Committee upon the Public Records Office Victoria, together with Minutes of Evidence.

Ordered to lie on the Table and the report to be printed.

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** –

**EVIDENCE ACT AND PUBLIC NOTARIES** – The Honourable P.A. Katsambanis presented a Report from the Scrutiny of Acts and Regulations Committee upon the Review of the *Evidence Act 1958* and Review of the Role and Appointment of Public Notaries, together with Appendices.

Ordered to lie on the Table and to be printed.

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**ALERT DIGESTS** – The Honourable P.A. Katsambanis presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 4 of 1996, together with an Appendix.

Alert Digest No. 5 of 1996, together with an Appendix.

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

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

Chiropractors and Osteopaths Registration Board – Report, 1995.

Drugs, Poisons and Controlled Substances Act 1981 –

Standard for the Uniform Scheduling of Drugs and Poisons, No. 10 – Amendments Nos. 3 and 4.

Notices regarding the amendment, commencement and availability of the Poisons Code.

Electoral Commissioner – Statement of function conferred, 25 June 1996.

Electric Light and Power Act 1958 – Chief Electrical Inspector's Report on Applications and Proceedings, 1995.

Flora and Fauna Guarantee Act 1988 –

Order in Council of 6 August 1996 adding an item to Schedule 2 – List of Taxa and Communities of Flora and Fauna which are Threatened; and adding an item to Schedule 3 – List of Potentially Threatening Processes; and repealing an item in Schedule 2.

Gas Transmission Corporation – Report, 1995-96.

Grampians Region Water Authority –

Minister's report of 10 July 1996 of failure of body to submit annual report to him within the prescribed period and the reasons therefor.

Report, 1994-95.

Melbourne City Link Act 1995 – Orders in Council of 16 July, 6 August and 20 August 1996 decreasing the Project area, pursuant to section 8(4) of the Act (three papers).

Members of Parliament (Register of Interests) Act 1978 – Summary of Returns, June 1996 and Summary of Variations notified between 20 June and 30 September 1996.

National Parks Act 1975 – Order in Council of 25 June 1996 amending Schedule 4 of the Act.

Parliamentary Officers Act 1975 – Statements of appointments, alterations of classifications and of persons temporarily employed in the Parliamentary departments for the year 1995-96 (ten papers).

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

Alexandra Planning Scheme – Amendment L38.

Bairnsdale (Shire) Planning Scheme – Amendment L55.

Ballarat Planning Scheme – Amendments L3, L4, L7, L15 and L17.

Banyule Planning Scheme – Amendments L1 and L2.

Beechworth Planning Scheme – Amendment L27.

Bendigo – Greater Bendigo Planning Scheme – Amendments L48 and L53.



Planning and Environment Act 1987 – *continued.*

- Berwick Planning Scheme – Amendments L72, L83 Part 1, L98, L104, L107, L111, L113 and RL172.
- Boroondara Planning Scheme – Amendments L1, L5, L7 and L10.
- Brighton Planning Scheme – Amendment L30.
- Brimbank Planning Scheme – Amendments L11, L22 and L23.
- Castlemaine (City) Planning Scheme – Amendments L17 and L20.
- Caulfield Planning Scheme – Amendment L35 and the Glen Eira Consolidation Amendment.
- Chiltern Planning Scheme – Amendment L27.
- Colac Otway Planning Scheme – Amendment L2.
- Cranbourne Planning Scheme – Amendments L100 Part 3, L111, L135, L136, L150, L152, L158, L167, L172, L191, L192 and RL174.
- Croydon Planning Scheme – Amendment L75 and the Maroondah Consolidation Amendment.
- Dandenong – Greater Dandenong Amalgamation Amendment.
- Dandenong – Greater Dandenong Planning Scheme – Amendments L3 and R173.
- Dandenong Planning Scheme – Amendments L42 and L47.
- Darebin Planning Scheme – Amendments L17 and L26.
- Delatite Planning Scheme – Amendments L5 and L6.
- Doncaster and Templestowe Planning Scheme – Amendments L98, L100, L105 and L110.
- Eltham Planning Scheme – Amendment L53.
- Flinders Planning Scheme – Amendments L137, L142, L143 and L152.
- Frankston Planning Scheme – Amendment L74.
- Geelong – Greater Geelong Planning Scheme – Amendments L150, L158, R118 Part 3, R139, R148 and RL15.
- Golden Plains Planning Scheme – Amendment RL4.
- Hastings Planning Scheme – Amendments L58 Part 1, L93 and L96.
- Hume Planning Scheme – Amendments L2, L4, L5 and L7 to L9.
- Kingston Planning Scheme – Amendments L4, L8 and L14.
- Knox Planning Scheme – Amendments L52, L61, L90, L105, L106, L111, L112 and L114.
- Korumburra Planning Scheme – Amendments L56 and L66.
- Lillydale Planning Scheme – Amendments L160, L161, L170 and the Yarra Ranges Amalgamation Amendment.
- Maffra Planning Scheme – Amendment L30.
- Maroondah Planning Scheme – Amendment L1.
- Maribyrnong Planning Scheme – Amendment L15.
- Melbourne Planning Scheme – Amendments L167, L171, L206, L212, L217, L218 and L220 to L223.
- Melton Planning Scheme – Amendments L58, L66, L68 and L70.
- Mitchell Planning Scheme – Amendment L19.
- Moira Planning Scheme – Amendments L9 and L13.
- Monash Planning Scheme – Amendments L1, L2 and L10.
- Moonee Valley Planning Scheme – Amendments L2, L5, L7, L11 to L13, L15 and L16.

Planning and Environment Act 1987 – *continued.*

- Moorabbin Planning Scheme – Amendment L60.
  - Moreland Planning Scheme – Amendments L16, L19 and L21.
  - Mornington Planning Scheme – Amendments L56 and L64.
  - Orbost Planning Scheme – Amendment L25.
  - Pakenham Planning Scheme – Amendments L115 and L117.
  - Phillip Island Planning Scheme – Amendment L68.
  - Port of Melbourne Planning Scheme – Amendment L16.
  - Port Phillip Planning Scheme – Amendments L7, L11, L18, L21 L26, L28, L29 and L38.
  - Ringwood Planning Scheme – Amendment L49.
  - Rodney Planning Scheme – Amendments L90 and L91.
  - Sale Planning Scheme – Amendment L27.
  - Shepparton (City) Planning Scheme – Amendment L59.
  - Shepparton (Shire) Planning Scheme – Amendments L73 and L80.
  - Sherbrooke Planning Scheme – Amendments L100, L102 and L124.
  - South Gippsland Planning Scheme – Amendment L36.
  - Springvale Planning Scheme – Amendments L98 and L109.
  - Stawell (Shire) Planning Scheme – Amendment L15.
  - Stonnington Planning Scheme – Amendment L13.
  - Surf Coast Planning Scheme – Amendment RL36.
  - Swan Hill (Shire) Planning Scheme – Amendment L23.
  - Traralgon (City) Planning Scheme – Amendment L65.
  - Traralgon (Shire) Planning Scheme – Amendment L49 Part 1 and L51 Part 1.
  - Victoria – State Section Planning Schemes – Amendments S42, S45, S48, S61 and S63.
  - Warracknabeal Planning Scheme – Amendment L8.
  - Warragul Planning Scheme – Amendments L32 Part 2 and L51.
  - Warrnambool Planning Scheme – Amendment L14.
  - Werribee Planning Scheme – Amendments L91 and L98.
  - Whitehorse Planning Scheme – Amendments L1, L2 and L10.
  - Whittlesea Planning Scheme – Amendments L124 and L129.
  - Wodonga Rural (City) Planning Scheme – Amendments L9 Part 1 and L12.
  - Woorayl Planning Scheme – Amendment L50.
  - Yallourn Works Area Planning Scheme – Amendment L3.
  - Yarra Planning Scheme – Amendments L9, L10, L23 and L24.
  - Yarra Ranges Planning Scheme – Amendments L3, L5, L8, L18, L21, L23, L24, L27, L29 to L31 and L33.
  - Yea Planning Scheme – Amendment L8.
- Powercor Australia Limited – Report, 1 July 1995 to 30 September 1995.
- Project Development and Construction Management Act 1994 – Nomination Order of 30 July 1996 and Application Order of 6 August 1996 relating to the National Gallery of Victoria Upgrade.
- Rural Finance Corporation – Report, 1995-96.

- State Owned Enterprises Act 1992 – Memorandum and Articles of the Overseas Projects Corporation of Victoria Limited.
- State Superannuation Fund – Actuarial Investigation as at 30 June 1995.
- Statutory Rules under the following Acts of Parliament:
- Administrative Appeals Tribunal Act 1984 – No. 70.
  - Agricultural and Veterinary Chemicals (Control of Use) Act 1992 – No. 71.
  - Alpine Resorts Act 1983 – No. 43.
  - Audit Act 1994 – No. 80.
  - Casino Control Act 1991 – No. 92.
  - Cemeteries Act 1958 – No. 48.
  - Conservation, Forests and Lands Act 1987 – No. 78.
  - County Court Act 1958 – No. 56.
  - Drugs, Poisons and Controlled Substances Act 1981 – Nos. 47 and 81.
  - Education Act 1958 – No. 54.
  - Electricity Industry Act 1993 – No. 72.
  - Environment Protection Act 1970 – No. 66.
  - Financial Institutions Duty Act 1982 – Nos. 61 and 84.
  - Firearms Act 1958 – Nos. 76 and 77.
  - Health Act 1958 – Nos. 49, 50 and 93.
  - Land Act 1958 – No. 79.
  - Liquor Control Act 1987 – No. 97.
  - Local Government Act 1989 – No. 55.
  - Magistrates' Court Act 1989 – No. 73.
  - Mental Health Act 1986 – No. 51.
  - Parliamentary Salaries and Superannuation Act 1968 – Nos. 64, 74, 75 and 82.
  - Prevention of Cruelty to Animals Act 1986 – No. 52.
  - Public Sector Management Act 1992 – No. 68.
  - Road Safety Act 1986 – Nos. 69 and 83.
  - Sentencing Act 1991 – No. 46.
  - State Employees Retirement Benefits Act 1979 – No. 94.
  - State Superannuation Act 1988 – No. 95.
  - Subdivision Act 1988 – No. 65.
  - Subordinate Legislation Act 1994 – No. 91.
  - Supreme Court Act 1986 – Nos. 57 to 59.
  - Transport Superannuation Act 1988 – No. 96.
  - Treasury Corporation of Victoria Act 1992 – No. 45.
  - Wildlife Act 1975 – Nos. 60 and 67.
  - Zoological Parks and Gardens Act 1995 – No. 53.
- Subordinate Legislation Act 1994 –
- Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 46, 48 to 50, 56 to 59, 70 and 73/1996.
  - Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 47, 51, 52, 54, 55, 60, 61, 64, 65, 67, 68, 74 to 78, 82 and 92/1996.

Transport Act 1983 – Minister’s Order of 22 August 1996 transferring certain assets and liabilities from the Public Transport Corporation to the Roads Corporation.

Treasury Corporation – Report, 1995-96.

Victorian Power Exchange – Report, 1995-96.

Wildlife Act 1975 – Notices of closure of areas to hunting Nos. 2 and 3, 23 June and 20 September 1996 (two papers).

Yallourn Energy Limited – Report, for the period 1 July 1995 to 29 February 1996.

Yarra Valley Water Limited – Report, 1995-96.

Young Farmers’ Finance Council – Report, 1995-96

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**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table pursuant to an Order of the Council on 14 May 1996:

Accident Compensation (Amendment) Act 1996 – Sections 3(1), (4) and 5, 5 to 18, 22, 25, 26, 28, 30, 34 to 37, 39, 41, 43 to 46, 48 to 50, 52 to 54, 55(1) and 58 – 25 June 1996; Sections 20, 21, 24, 29, 31, 38, 47, 51, 55(2), 56 and 57 – 1 July 1996; Section 19 – 1 August 1996 (*Gazette No. S71, 25 June 1996*).

Accident Compensation (Occupational Health and Safety) Act 1996 – Remaining provisions – 2 July 1996 (*Gazette No. G26, 4 July 1996*); (*Gazette No. S75, 2 July 1996*).

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 – Remaining provisions (except sections 41 and 78(4) (a) (b) and (c)) – 1 August 1996 (*Gazette No. S89, 1 August 1996*).

Consumer Credit (Victoria) Act 1995 – Remaining provisions – 1 November 1996 (*Gazette No. G34, 29 August 1996*).

Dangerous Goods Act 1985 – Item 7 of Schedule 1 – 22 August 1996 (*Gazette No. G33, 22 August 1996*).

Fisheries Act 1995 – Sections 90 to 94, 160 (1) and (2), 160 (3) (c), 160 (4) to 160(9), 160 (11) and Schedule 1 – 1 August 1996 (*Gazette No. G30, 1 August 1996*).

Land Revocations (And Other Matters) Act 1995 – Part 4 – 27 June 1996 (*Gazette No. G25, 27 June 1996*); section 9 – 19 September 1996 (*Gazette No. G37, 19 September 1996*); sections 16 to 19 – 1 August 1996 (*Gazette No. G30, 1 August 1996*).

Mental Health (Amendment) Act 1995 – Remaining provisions – 1 July 1996 (*Gazette No. G25, 27 June 1996*).

Planning Authorities Repeal Act 1994 – Section 7 – 1 July 1996 (*Gazette No. G25, 27 June 1996*).

Police Regulation (Selection and Review) Act 1996 – Remaining provisions – 2 August 1996 (*Gazette No. G30, 1 August 1996*).

Port Services Act 1995 – Sections 144 (9), 145(1), 152(1), 152(4) to 152(7) and 152(10) to 152(13) – 26 June 1996 (*Gazette No. S71, 25 June 1996*).

Road Safety (Wheel Clamping) Act 1996 – Whole Act (except sections 1 and 2) – 1 August 1996 (*Gazette No. G30, 1 August 1996*).

- 15 CHILDREN'S SERVICES BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.  
The Honourable M.M. Gould moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 16 MELBOURNE EXHIBITION CENTRE (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.  
The Honourable P. Power moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 17 FORESTRY RIGHTS BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.  
The Honourable P. Power moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until later this day.
- 18 TRANSPORT (RAIL SAFETY) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.  
The Honourable P. Power moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 19 LOCAL GOVERNMENT (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.  
The Honourable P. Power moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 20 LEGAL PRACTICE BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.  
The Honourable L. Asher made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.  
The Honourable P. Power moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 21 FARM PRODUCE WHOLESALE (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

- 22 FORESTRY RIGHTS BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

- 23 BUDGET PAPERS 1996-97** – The Order of the Day having been read for the consideration of the Budget Papers, 1996-97, the Honourable R.M. Hallam moved, That the Council take note of the Budget Papers, 1996-97.

Debate ensued.

The Honourable R.I. Knowles (for the Honourable D.M. Davis) moved, That the debate be now adjourned.

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

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

- 24 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued

Question – put and resolved in the affirmative.

And then the Council, at 10.11 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 13 – Wednesday, 9 October 1996**

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Australian Grand Prix Corporation – Report, 1995-96.
  - Planning and Environment Act 1987 –
    - Amendments Nos. 91 to 95 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan.
  - Notices of Approval of the following amendments to planning schemes –
    - Ballan Planning Scheme – Amendment L15.
    - Ballarat Planning Scheme – Amendment L14.
    - Bendigo – Greater Bendigo Planning Scheme – Amendment L40.
    - Boroondara Planning Scheme – Amendment L17.
    - Buln Buln Planning Scheme – Amendment L45.
    - Cranbourne Planning Scheme – Amendment L130.
    - Darebin Planning Scheme – Amendments L6 and L25.
    - Delatite Planning Scheme – Amendment L1 Part 1.
    - Doncaster and Templestowe Planning Scheme – Amendment L92.
    - Flinders Planning Scheme – Amendment RL176.

Frankston Planning Scheme – Amendments L52 and L77.

Geelong – Greater Geelong Planning Scheme – Amendment RL157.

Glen Eira Planning Scheme – Amendment L6.

Werribee Cemetery Trust – Report, 1 October 1994 to 30 June 1995.

- 3 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.
- 4 PUBLIC HOSPITALS**— The Honourable M.M. Gould moved, That this House condemns the Government for its mismanagement of Victorian public hospitals and in particular for:
- (a) excessive and unfair budget cuts;
  - (b) the major increase in waiting lists for surgery;
  - (c) excessive numbers of people waiting on trolleys for long periods of time;
  - (d) forcing hospitals to artificially manipulate waiting list figures;
  - (e) closing beds, wards and hospitals at a time when more patients need treatment; and
  - (f) the decline in the quality of care in our hospitals.

Debate ensued.

*General Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders the debate stood adjourned in the name of the Honourable D.A. Nardella.*

- 5 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.
- 6 TRANSPORT (RAIL SAFETY) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed

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

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 8 SUSPENSION OF STANDING ORDERS – QUESTIONS** — The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question — put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing order No. 71A.

- 9 LEGISLATION DOCUMENT MANAGEMENT SYSTEM** — The Honourable Rosemary Varty made a statement, by leave, regarding the implementation of the Legislation Document Management System.

The Honourable T.C. Theophanous moved, That the statement be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

- 10 TRANSPORT (RAIL SAFETY) BILL** — Debate continued on the question, That this Bill be now read a second time.

Question — put and resolved in the affirmative.

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

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

**11 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 3 to 5 inclusive; be postponed until later this day.

**12 BUDGET PAPERS, 1996-97** – The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 1996-97 –

Debate resumed.

The Honourable K.M. Smith moved, That the debate be now adjourned.

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

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

**13 GEELONG LANDS (STEAMPACKET PLACE) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to enable the granting of long term leases for certain land in Geelong and for other purposes and desiring the concurrence of the Council therein.

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

Accordingly, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

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

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

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

**14 ADJOURNMENT** – The Honourable M.A. Birrell moved, That the Council, at its rising, adjourn until Tuesday next.

Question – put and resolved in the affirmative.

The Honourable M.A. Birrell moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.19 p.m., adjourned until Tuesday next.

A.V. BRAY  
Clerk of the Legislative Council



# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 14 and 15

### No. 14 – Tuesday, 15 October 1996

- 1 The President took the Chair and read the Prayer.
- 2 **ROAD SAFETY (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Road Safety Act 1986, the Transport Act 1983, the Impounding of Livestock Act 1994, the Road Transport Charges (Victoria) Act 1995 and the Road Transport (Dangerous Goods) Act 1995 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **BANK OF SOUTH AUSTRALIA AND ADVANCE BANK BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to extend the operation of a South Australian Act dealing with the merger of the Bank of South Australia and Advance Bank and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **STATE TAXATION (FURTHER OMNIBUS AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Business Franchise (Petroleum Products) Act 1979, to make further miscellaneous amendments to the Business Franchise (Tobacco) Act 1974, the Financial Institutions Duty Act 1982, the Land Tax Act 1958, the Pay-roll Tax Act 1971 and the Stamps Act 1958 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **APPROPRIATION (1996/97, No. 1) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to appropriate certain sums out of the Consolidated Fund for recurrent services and for certain works and services for the financial year 1996/97 and to appropriate the supplies granted for recurrent services and for certain works and services under the Appropriation (Interim 1996/97) Act 1996 and for other purposes* and desiring the concurrence of the Council therein.

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

- 6 APPROPRIATION (PARLIAMENT 1996/97, No. 1) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to appropriate moneys out of the Consolidated Fund for recurrent services and for certain works and services for the Parliament for the financial year 1996/97 and to appropriate the supplies granted for recurrent services and for certain works and services under the Appropriation (Parliament) (Interim 1996/97) Act 1996 and for other purposes and desiring the concurrence of the Council therein.

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

- 7 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 8 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 9 PAPERS –**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST** – The Honourable P.A. Katsambanis presented Alert Digest No. 6 of 1996 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

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

Aluminium Smelters of Victoria Pty Ltd – Report, 1995-96.

Auditor-General –

Report on the Statement of Financial Operations, 1995-96.

Report on *Timeliness of Service Delivery: A customer's right*, October 1996.

Broiler Industry Negotiation Committee – Report, 1995-96.

Construction Industry Long Service Leave Board – Report, 1995-96.

Crown Land (Reserves) Act 1978 – Minister's Order of 10 October 1996 giving approval to granting of a lease at Ballarat.

Financial Operations Statement, 1995-96.

Gas and Fuel – Report, 1995-96.

Land Conservation Council – Report, 1995-96.

Multicultural Commission – Report, 1995-96.

National Parks Act 1975 – Minister's Notice of Amendment of Terms and Conditions of consent to the renewal of Extractive Industry Lease No. 286-1 to CSR Limited in Chiltern Park.

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

Bairnsdale (Shire) Planning Scheme – Amendment L56.

Ballarat Planning Scheme – Amendment L8.

Bendigo – Greater Bendigo Planning Scheme – Amendment L38.

Brighton Planning Scheme – Amendment L27.

Campaspe Planning Scheme – Amendment L11.

Delatite Planning Scheme – Amendment L2.

Hastings Planning Scheme – Amendment L114.

Melbourne Planning Scheme – Amendment L202.

Morwell Planning Scheme – Amendment L58.

Port of Melbourne Planning Scheme – Amendment L14.

Woorayl Planning Scheme – Amendment L54.

Yarra Ranges Planning Scheme – Amendments L14 and L32.

Power Net Victoria – Report, 1995-96 (two papers).

Trade Unions – Report of the Registrar, 1995-96.

Statutory Rules under the following Acts of Parliament:

Gaming Machine Control Act 1991 – No. 100.

Professional Boxing Control Act 1985 – No. 103.

Road Safety Act 1986 – No. 102.

Transport Act 1983 – No. 101.

Water Industry Act 1994 – No. 99.

Wildlife Act 1975 – No. 98.

Subordinate Legislation Act 1994 – Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 84, 97 and 100 to 103/1996.

Zoological Parks and Gardens Board – Report, 1995-96 (two papers).

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

**11 LEGAL PRACTICE BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted to ensure the independence of the legal profession and its freedom from unnecessary interference by government and to ensure there is no increase in the cost of justice as a result of the proposed reforms".

Debate ensued.

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

The Council divided.

AYES, 33

NOES, 10

The Hon. L. Asher

The Hon. Tayfun Eren (*Teller*)

G.B. Ashman

M.M. Gould

B.N. Atkinson

C.J. Hogg

W.R. Baxter

J. McLean

R.A. Best

D.A. Nardella

M.A. Birrell	S.M. Nguyen
B.W. Bishop	P. Power
B.C. Boardman	B.T. Pullen
R.H. Bowden	T.C. Theophanous
A.R. Brideson	D.T. Walpole ( <i>Teller</i> )
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood ( <i>Teller</i> )	
C.A. Furletti	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
P.A. Katsambanis	
R.I. Knowles	
N.B. Lucas	
M.T. Luckins	
E.J. Powell	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith ( <i>Teller</i> )	
Graeme Stoney	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC Wilding	

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

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

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

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill with amendments, and had amended the title thereof, which amended the title is as follows: “*A Bill to improve the regulation of legal practice in Victoria, to amend and repeal the Legal Profession Practice Act 1958, to amend the Partnership Act 1958, to make consequential amendments to other Acts and for other purposes*”, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until the next day of meeting.

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

Debate resumed.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

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

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

**14 BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

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

Debate resumed.

Question — put.

The Council divided.

AYES, 31

The Hon. L. Asher  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson (*Teller*)  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti (*Teller*)  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross

NOES, 8

The Hon. Tayfun Eren  
 M.M. Gould  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella  
 S.M. Nguyen (*Teller*)  
 P. Power (*Teller*)  
 B.T. Pullen

K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time and committed to a Committee of the Whole House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

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

- 16 GEELONG LANDS (STEAMPACKET PLACE) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

- 17 ROAD SAFETY (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

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

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

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

- 18 BANK OF SOUTH AUSTRALIA AND ADVANCE BANK BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

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

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

**20 APPROPRIATION (1996/97, No. 1) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

**21 COGNATE DEBATE** – The Honourable R.M. Hallam moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Appropriation (1996/97, No. 1) Bill to be taken concurrently with further debate on the motion to take note of the Budget Papers, 1996-97.

Question – put and resolved in the affirmative.

**22 APPROPRIATION (PARLIAMENT 1996/97, No. 1) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

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

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.48 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 15 – Wednesday, 16 October 1996**

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

**2 SHOP TRADING BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the management of shop trading in Victoria, to repeal the Shop Trading Act 1987 and the Capital City (Shop Trading) Act 1992 and for other purposes* and desiring the concurrence of the Council therein.

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

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

Intellectual Disability Review Panel – Report, 1995-96.

Loy Yang Power Limited – Report, 1995-96.

National Parks Service – Report, 1995-96.

Transport Act 1983 — Minister's Order of 14 October 1996 transferring certain assets and liabilities from the Public Transport Corporation to the Roads Corporation.

**4 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

**5 INDUSTRY ASSISTANCE** — The Honourable T.C. Theophanous moved, That this House condemns the Government for —

- (a) its refusal to co-operate with the Industry Commission inquiry into State, Territory and Local Government assistance to industry which estimated that Victoria outlayed \$617.4 million in 1994-95 in assistance to industry;
- (b) its failure to publicly identify the companies which receive assistance, the criteria used to distribute funds or the nett effect of the assistance in each case in benefiting Victoria; and
- (c) its selective and secretive approach to Government assistance, whether offered through Government Departments or through special purpose assistance related to the Casino, the Grand Prix and Melbourne City Link projects —

and calls on the Government to immediately, publicly and fully account for the \$617.4 million Government assistance to industry identified by the Commission in 1994-95 and for all subsequent assistance.

Debate ensued.

Question — put.

The Council divided.

AYES, 9  
 The Hon. M.M. Gould  
 C.J. Hogg (*Teller*)  
 J. McLean  
 D.A. Nardella (*Teller*)  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole

NOES, 31  
 The Hon. L. Asher  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong



Rosemary Varty  
 Dr. R.J.H. Wells (*Teller*)  
 Sue deC Wilding (*Teller*)

And so it passed in the negative.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 3, and the Orders of the Day, General Business, be postponed until later this day.

**7 APPROPRIATION (1996/97, No. 1) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the 1996-97 Budget Papers having been authorized to be debated concurrently pursuant to an Order of the Council of 15 October 1996] —

Debate resumed.

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

**8 QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**9 APPROPRIATION (1996/97, No. 1) BILL** — Debate continued on the question, That this Bill be now read a second time [and on the motion to take note of the 1996-97 Budget Papers] —

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

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

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

**10 BUSINESS OF THE HOUSE** — The Honourable R.M. Hallam moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

**11 APPROPRIATION (1996/97, No. 1) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the 1996-97 Budget Papers having been authorized to be debated concurrently pursuant to an Order of the Council of 15 October 1996] and, after further debate, the question being put was resolved in the affirmative.

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

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

**12 BUDGET PAPERS, 1996-97** — The concurrent debate having concluded —

Question — That the Council take note of the Budget Papers, 1996-97 — put and resolved in the affirmative.

**13 GAMING MACHINE CONTROL (AMENDMENT) BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to further amend the Gaming Machine Control Act 1991 with respect to the Community Support Fund and for other purposes and desiring the concurrence of the Council therein.

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

**14 BUILDING (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Building Act 1993, the Water Act 1989 and the Water Industry Act 1994 and to repeal the Building Control (Plumbers Gasfitters and Drainers) Act 1981 and for other purposes* and desiring the concurrence of the Council therein.

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

**15 PROFESSIONAL BOXING AND MARTIAL ARTS BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend and rename the Professional Boxing Control Act 1985 and to repeal the Martial Arts Control Act 1986 and for other purposes* and desiring the concurrence of the Council therein.

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

**16 APPROPRIATION (PARLIAMENT 1996/97, No. 1) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

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

**18 BANK OF SOUTH AUSTRALIA AND ADVANCE BANK BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

*And the Deputy President having ruled the Bill to be a Private Bill* –

The Honourable R.M. Hallam moved, That this Bill be dealt with as a Public Bill except in relation to the payment of fees.

Question – put and resolved in the affirmative.

*And the Honourable R.M. Hallam having produced a receipt showing that the sum of \$1000 had been paid to the Department of the Legislative Council as a deposit to meet the expenses of the Bill* –

Debate resumed.

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

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

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

**19 SHOP TRADING REFORM BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

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

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

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

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

**20 GAMING MACHINE CONTROL (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

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

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

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

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

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

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

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

**22 PROFESSIONAL BOXING AND MARTIAL ARTS BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

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

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

**23 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 29 October 1996.

Question – put and resolved in the affirmative.

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

Debate ensued.

*And the Council having continued to sit until after 12 midnight –*

THURSDAY, 17 OCTOBER 1996

Debate continued.

Question – put and resolved in the affirmative.

And then the Council, at 12.15 a.m., adjourned until Tuesday, 29 October 1996.

A.V. BRAY  
*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 16 and 17

### No. 16 – Tuesday, 29 October 1996

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented Messages from His Excellency the Governor informing the Council –  
That he had, on 22 October 1996, given the Royal Assent to the undermentioned Acts presented to him by the Honourable the Speaker of the Legislative Assembly:  
*Appropriation (1996/97, No. 1) Act*  
*Appropriation (Parliament 1996/97, No. 1) Act.*  
That he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
On 22 October 1996 –  
*Transport (Rail Safety) Act*  
*Forestry Rights Act*  
*Geelong Lands (Steampacket Place) Act*  
On 29 October 1996 –  
*Bank of South Australia and Advance Bank Act*  
*Local Government (Amendment) Act.*
- 3 **CORRECTIONS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to further amend the Corrections Act 1986, to repeal the Victorian Prison Industries Commission Act 1983 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **MESSAGES FROM THE ASSEMBLY** – The President announced the receipt of Messages from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in the following Bills:  
Legal Practice Bill  
Local Government (Amendment) Bill.
- 5 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 6 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require

answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question — put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

## 7 PAPERS —

**SCRUTINY OF NATIONAL SCHEMES OF LEGISLATION** — The Honourable P.A. Katsambanis moved, by leave, That there be laid before this House a copy of the Scrutiny of National Schemes of Legislation Position Paper by the Working Party of Representatives of Scrutiny of Legislation Committees throughout Australia.

Question — put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable P.A. Katsambanis and ordered to lie on the Table.

\* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable P.A. Katsambanis presented Alert Digest No. 7 of 1996 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

\* \* \* \*

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

Alexandra District Hospital — Report, 1995-96.

Anti-Discrimination Tribunal — Report, 1995-96.

Austin Hospital — Report, year ended 31 March 1995.

Bairnsdale Regional Health Service — Report, 1995-96.

Beechworth Hospital — Report, 1995-96.

Benalla and District Memorial Hospital — Report, 1995-96.

Birregurra and District Community Hospital — Report, 1995-96.

Boort District Hospital — Report, 1995-96.

Bright District Hospital and Health Services — Report, 1995-96.

Casterton Memorial Hospital — Report, 1995-96.

Central Gippsland Region Water Authority — Report, 1995-96.

City of Melbourne Superannuation Fund — Report, 1 July 1995 to 31 October 1995 and as at 1 November 1995.

City West Water Limited — Report, 1995-96 (two papers).

Cobram District Hospital — Report, 1995-96.

Cohuna District Hospital — Report, 1995-96.

Colac Community Health Services — Report, 1995-96.

Coliban Region Water Authority — Report, 1995-96.

Corangamite Regional Hospital Services — Report, 1995-96.

Country Fire Authority — Report, 1995-96.

Crimes Compensation Tribunal — Report, 1995-96.

Crown Land (Reserves) Act 1978 — Minister's Orders of 9, 10 and 21 October 1996 giving approval to granting of various leases at Albert Park, Ballarat East, Colac, Elsternwick and Geelong.

East Gippsland Region Water Authority — Report, 1995-96.

- East Grampians Health Service – Report, 1995-96.
- Electricity Services Victoria – Acting Treasurer’s report of receipt of 1995-96 annual report.
- Emergency Services Superannuation Scheme – Report, 1995-96.
- Environment Protection Authority – Report, 1995-96.
- Everton Dell Pty Ltd – Acting Treasurer’s report of receipt of 1995-96 annual report.
- Financial Institutions Commission – Report, 1995-96.
- First Mildura Irrigation Trust – Report, 1995-96.
- Funds Management Corporation – Report, 1995-96.
- Gippsland and Southern Rural Water Authority – Report, 1995-96.
- Glenelg Region Water Authority – Report, 1995-96.
- Goulburn-Murray Rural Water Authority – Report, 1995-96.
- Goulburn Valley Region Water Authority – Report, 1995-96.
- Grace McKellar Centre – Report, 1995-96.
- Grampians Region Water Authority – Report, 1995-96.
- Greyhound Racing Control Board – Report, 1995-96.
- Hamilton Base Hospital – Report, 1995-96.
- Hazelwood Power Corporation Limited – Report, 1995-96.
- Hesse Rural Health Service – Report, 1995-96.
- Heywood and District Memorial Hospital – Report, 1995-96.
- Hospitals Superannuation Board – Report, 1995-96.
- Infertility (Medical Procedures) Act 1984 – Report on IVF Central Register, 1995-96.
- Judicial Remuneration Tribunal – Report on Salary and Allowances of the Employee Relations Commission, 2 August 1996.
- Kerang District Hospital – Report, 1995-96.
- Kiewa-Murray Region Water Authority – Report, 1995-96.
- Kilmore and District Hospital – Report, 1995-96.
- Legal Aid Act 1978 – Attorney-General’s direction of 5 August 1996 to the Board of Victoria Legal Aid pursuant to section 12M of the Act.
- Lorne Community Hospital – Report, 1995-96.
- Maffra District Hospital – Minister for Health’s report of receipt of 1995-96 annual report.
- Maldon Hospital – Report, 1995-96.
- Manangatang and District Hospital – Report, 1995-96.
- Mansfield District Hospital – Report, 1995-96.
- Maryborough District Health Service – Report, 1995-96.
- McIvor Health and Community Services – Report, 1995-96.
- Meat Authority – Report, 1995-96.
- Melbourne City Link Act 1995 – Order in Council of 15 October 1996 varying the Project area of land, pursuant to section 8(4) of the Act.
- Melbourne Parks and Waterways – Report, 1995-96 (two papers).
- Melbourne Water Corporation – Report, 1995-96 (two papers).
- Metropolitan Fire Brigades Board – Report, 1995-96.
- Mid-Goulburn Regional Water Board – Report, 1995-96.
- Mildura Base Hospital – Report, 1995-96 (two papers).

- Mt Alexander Hospital – Report, 1995-96.
- Murray-Darling Basin Commission – Report, 1995-96.
- Myrtleford District War Memorial Hospital – Report, 1995-96.
- Nathalia District Hospital – Report, 1995-96 (three papers).
- Numurkah and District War Memorial Hospital – Report, 1995-96.
- Omeo District Hospital – Minister for Health’s report of receipt of 1995-96 annual report.
- Otway Health and Community Services – Report, 1995-96.
- Otway Region Water Authority – Report, 1995-96.
- Ouyen and District Hospital – Report, 1995-96.
- Ovens Region Water Authority – Report, 1995-96.
- Patriotic Funds Council – Report, 1995.
- Peninsula Health Care Network – Report, 1995-96 (three papers).
- Penshurst and District Memorial Hospital – Report, 1995-96 (two papers).
- Pharmacy Board – Report, 1995-96.
- Physiotherapists Registration Board – Report, 1995-96.
- Planning and Environment Act 1987 –
- Approved Amendment No. 96 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan.
  - Notices of Approval of the following amendments to planning schemes:
    - Altona Planning Scheme – Amendment L106.
    - Bacchus Marsh Planning Scheme – Amendment L54.
    - Banyule Planning Scheme – Amendments L3 and RL175.
    - Berwick Planning Scheme – Amendment L114.
    - Boroondara Planning Scheme – Amendment RL175.
    - Brighton Planning Scheme – Amendment RL175.
    - Brimbank Planning Scheme – Amendment L27.
    - Campaspe Planning Scheme – Amendment L15.
    - Dandenong – Greater Dandenong Planning Scheme – Amendments L2 and RL175.
    - Darebin Planning Scheme – Amendment L37.
    - Doncaster and Templestowe Planning Scheme – Amendment RL175.
    - Geelong – Greater Geelong Planning Scheme – Amendments L156, R167 and R174.
    - Glen Eira Planning Scheme – Amendment RL175.
    - Hastings Planning Scheme – Amendment L109.
    - Hume Planning Scheme – Amendments L6 and RL175.
    - Knox Planning Scheme – Amendment L115.
    - Macedon Ranges Planning Scheme – Amendment L12.
    - Maribyrnong Planning Scheme – Amendment L17.
    - Maroondah Planning Scheme – Amendments L3 and RL175.
    - Melbourne Planning Scheme – Amendments L213, L232 and RL175.
    - Milawa Planning Scheme – Amendments L12 and L14.
    - Mitchell Planning Scheme – Amendment L11.
    - Moira Planning Scheme – Amendments L3 Part 1, L7 Part 1, L11 and L12.
    - Moreland Planning Scheme – Amendment L10.



- Sandringham Planning Scheme – Amendment L17.  
Shepparton (Shire) Planning Scheme – Amendment L79.  
Planning and Environment Act 1987 – *continued*.  
Stonnington Planning Scheme – Amendment RL175.  
Surf Coast Planning Scheme – Amendment R39.  
Traralgon (Shire) Planning Scheme – Amendment L56.  
Warrnambool Planning Scheme – Amendment L21.  
Whitehorse Planning Scheme – Amendments L5, L6, L11 and RL175.  
Yarra Ranges Planning Scheme – Amendments L13 and L26.  
Yea Planning Scheme – Amendment L11.
- Police Review Commission – Report, 1995-96.  
Port Fairy Hospital – Report, 1995-96.  
Portland and District Hospital – Report, 1995-96 (two papers).  
Portland Coast Region Water Authority – Report, 1995-96.  
Premier and Cabinet Department – Report, 1995-96.  
Prison Industries Commission – Report, 1995-96.  
Queen Elizabeth Centre, Ballarat – Report, 1995-96.  
Queen Elizabeth Centre, Carlton – Report, 1995-96.  
Regulator-General's Office – Report, 1995-96.  
Renewable Energy Authority Victoria – Report, 1995-96.  
Seymour District Memorial Hospital – Report, 1995-96.  
South East Water Limited – Report, 1995-96.  
South Gippsland Hospital – Minister for Health's report of receipt of 1995-96 Annual Report.  
South Gippsland Region Water Authority – Report, 1995-96.  
South West Water Authority – Report, 1995-96.  
State Library Council – Report, 1995-96.  
St Arnaud District Hospital – Report, 1995-96.
- Statutory Rules under the following Acts of Parliament:  
Business Franchise (Tobacco) Act 1974 – No. 106.  
Financial Institutions Duty Act 1982 – No. 105.  
Physiotherapists Act 1978 – No. 107.  
Road Safety Act 1986 – No. 104.
- Subordinate Legislation Act 1994 – Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 105, 106 and 107/1996.
- Swan Hill District Hospital – Report, 1995-96.  
Tallangatta Hospital – Report, 1995-96.  
Terang and Mortlake Health Service – Report, 1995-96.  
Timboon and District Hospital – Report, 1995-96.  
Urban Land Authority – Report, 1995-96.  
Vicfleet Pty Ltd – Report, 1995-96.  
Victorian Government Purchasing Board – Report, 1995-96.  
Victorian Plantations Corporation – Report, 1995-96.  
Warrnambool and District Base Hospital – Report, 1995-96.  
Westernport Region Water Authority – Report, 1995-96 (two papers).  
Western Region Water Authority – Report, 1995-96.

Wimmera-Mallee Rural Water Authority – Report, 1995-96.

Wodonga District Hospital – Report, 1995-96.

Wycheproof and District Health Service – Report, 1995-96.

Yarrawonga District Hospital – Report, 1995-96.

Yea and District Memorial Hospital – Report, 1995-96.

\* \* \* \*

**PROCLAMATION** – A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council on 14 May 1996:

Occupational Health and Safety Act 1985 – Item 62 of Schedule Two – 24 October 1996 (*Gazette No. G42, 24 October 1996*).

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

**9 SHOP TRADING REFORM BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable T.C. Theophanous moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the Government abides by its pre-election promise to consult with all relevant groups and holds a proper independent review and further explains why it has abandoned commitments made by the Premier to extend Sunday trading to only the first Sunday of each month and the three Sundays before Christmas".

Debate ensued.

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

WEDNESDAY, 30 OCTOBER 1996

Debate continued.

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

The Council divided.

AYES, 32

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis (*Teller*)  
P.R. Davis (*Teller*)  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan

NOES, 9

The Hon. Tayfun Eren  
M.M. Gould  
C.J. Hogg  
D.A. Nardella  
S.M. Nguyen  
P. Power  
B.T. Pullen (*Teller*)  
T.C. Theophanous  
D.T. Walpole (*Teller*)

P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

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

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

The Council divided.

AYES, 32

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

NOES, 9

The Hon. Tayfun Eren (*Teller*)  
 M.M. Gould  
 C.J. Hogg (*Teller*)  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole

And so it was resolved in the affirmative.

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

Ordered – That the Bill be committed to a Committee of the whole on the next day of meeting.

10 JOINT SITTING – LA TROBE UNIVERSITY COUNCIL, ROYAL  
 MELBOURNE INSTITUTE OF TECHNOLOGY COUNCIL AND

**VICTORIAN HEALTH PROMOTION FOUNDATION** – The President announced the receipt of –

- (a) letters from the Minister for Tertiary Education and Training and the Minister for Health requesting that arrangements be made for a Joint Sitting of the Council and the Assembly to recommend Members for appointment to the Councils of the LaTrobe University and the Royal Melbourne Institute of Technology and to elect a Member to the Victorian Health Promotion Foundation; and
- (b) a Message from the Assembly acquainting the Council that they had agreed to meet the Council for that purpose and proposing that the place and time of the Joint Sitting be the Assembly Chamber on Wednesday, 30 October 1996 at 6.15 p.m., and desiring the concurrence of the Council.

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

The Honourable R.I. Knowles moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting and voting together to recommend Members for appointment to the Councils of the Royal Melbourne Institute of Technology and La Trobe University and to elect a Member of Parliament to the Victorian Health Promotion Foundation and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Wednesday, 30 October 1996 at 6.15 p.m.

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them therewith.

**11 CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS)**

**BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Children and Young Persons Act 1989 and the Corrections Act 1986, to repeal the Youth Affairs Act 1986 and for other purposes* and desiring the concurrence of the Council therein.

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

**12 NORTH MELBOURNE LANDS BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to revoke the permanent reservations over certain land at North Melbourne, to repeal Act No. 973 and for other purposes* and desiring the concurrence of the Council therein.

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

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

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 1.16 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY

*Clerk of the Legislative Council*

**No. 17 – Wednesday, 30 October 1996**

1 The President took the Chair and read the Prayer.

2 **PAPERS –**

**PRESIDING OFFICERS AND PARLIAMENTARY DEPARTMENTS –** The Honourable P.R. Hall moved, by leave, That there be laid before this House a copy of the Report of the –

- (a) Presiding Officers for the period October 1995 to September 1996;
- (b) Clerk on the operations of the Department of the Legislative Council for the year 1995-96;
- (c) Librarian on the operations of the Department of the Parliamentary Library for the year 1995-96; and
- (d) Chief Reporter on the operations of the Department of Victorian Parliamentary Debates for the year 1995-96.

Question – put and resolved in the affirmative.

The said reports were thereupon presented by the Honourable P.R. Hall and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ANNUAL REPORT –** The Honourable P.A. Katsambanis presented the Third Annual Report from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

- Architects Registration Board – Report, 1995-96.
- Building Control Commission – Report, 1995-96.
- Casino and Gaming Authority – Report, 1995-96.
- Chief Electrical Inspector's Office – Report, 1995-96.
- Emerald Tourist Railway Board – Report, 1995-96.
- Environment Protection Act 1970 – Order in Council of 22 October 1996 varying the State Environment Protection Policy (Waters of Victoria).
- Heritage Council – Report, 1995-96.
- Liquor Licensing Commission – Report, 1995-96.
- Members of Parliament (Register of Interests) Act 1978 – Cumulative Summary of Returns, September 1996.
- Plumbers Gasfitters and Drainers Registration Board – Report, 1995-96.
- Port of Geelong Authority – Report, 1995-96.
- Port of Melbourne Authority – Report, 1995-96.
- Port of Portland Authority – Report, 1995-96.
- Solaris Power Limited – Report, 1 July 1995 to 30 September 1995.
- State Trustees Limited – Report, 1995-96.
- Tourism Victoria – Report, 1995-96.

3 **BUSINESS POSTPONED –** Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.

4 **VETERINARY DIAGNOSTIC AND ANALYTICAL SERVICES –** Leave having been granted to move his motion in an amended form, the Honourable T.C. Theophanous moved, That this House condemns the Government for –

- (a) the corruption of the tender process for Government veterinary diagnostic and analytical services, as evidenced by allegations of “gross distortions of the tendering process” by one of the tenderers and the condemnation of the process by non-government members of the tender committee;
- (b) awarding the contract for Government veterinary diagnostic and analytical services to Victoria Veterinary Pathology Services and Gribbles Pathology (Vic) Proprietary Limited, a company which has been accused of over-servicing and which is associated with friends of the Liberal Party, Wallace Cameron and gaming machine operator, Bruce Mathieson; and
- (c) its appalling handling of the contracting out of regional veterinary pathology services culminating in the recent decision to shift government business to Gribbles Pathology which is likely to lead to the closure of laboratories in Hamilton, Bendigo, Benalla and Bairnsdale and which has resulted in reduced services and higher costs to Victorian farmers –
- and calls for an independent judicial inquiry to investigate the tender processes and the Government’s decision to contract out regional veterinary pathology services.

Debate ensued.

Question – put.

The Council divided.

AYES, 9

The Hon. Tayfun Eren  
 C.J. Hogg  
 J. McLean (*Teller*)  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen (*Teller*)  
 T.C. Theophanous  
 D.T. Walpole

NOES, 31

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis (*Teller*)  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross (*Teller*)  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it passed in the negative.

- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until later this day.
- 6 **CORRECTIONS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.  
The Honourable M.M. Gould moved, That the debate be now adjourned.  
Question — That the debate be now adjourned — put and resolved in the affirmative.  
Ordered — That the debate be adjourned until the next day of meeting.
- 7 **CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.  
The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.  
The Honourable M.M. Gould moved, That the debate be now adjourned.  
Question — That the debate be now adjourned — put and resolved in the affirmative.  
Ordered — That the debate be adjourned until the next day of meeting.
- 8 **NORTH MELBOURNE LANDS BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.  
The Honourable P. Power moved, That the debate be now adjourned.  
Question — That the debate be now adjourned — put and resolved in the affirmative.  
Ordered — That the debate be adjourned until the next day of meeting.
- 9 **ROAD SAFETY (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —  
Debate resumed.  
*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders* —
- 10 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 11 **ROAD SAFETY (AMENDMENT) BILL** — Debate continued on the question, That this Bill be now read a second time.  
Question — put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 12 **STATE TAXATION (FURTHER OMNIBUS AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 13 **GAMING MACHINE CONTROL (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be

now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

- 14 BUILDING (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

- 15 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 16 PROFESSIONAL BOXING AND MARTIAL ARTS BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

- 17 UNIVERSITY ACTS (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to merge part of the Hawthorn Institute of Education into The University of Melbourne, to amend the Acts establishing universities to make further provision for the Governor to act as Visitor of those universities and to make miscellaneous amendments to those Acts and for other purposes* and desiring the concurrence of the Council therein.

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

Accordingly, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

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

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

- 18 JOINT SITTING** – The Acting President announced that the time had arrived for the House to meet the Assembly in the Assembly Chamber to recommend Members for appointment to the Councils of the Royal Melbourne Institute of Technology and La Trobe University and to elect a Member of Parliament to the Victorian Health Promotion Foundation.

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

The Deputy President reported that at the Joint Sitting –



The Honourable Barry Thomas Pullen, M.L.C.,  
was chosen to be recommended for appointment to the Royal Melbourne  
Institute of Technology Council for the term ending on 31 December 1998;

The Honourable Anthony John Sheehan, M.P.,  
was chosen to be recommended for appointment to the La Trobe University  
Council for the term ending on 31 December 1999; and

The Honourable Ronald Alexander Best, M.L.C.,  
was elected to the Victorian Health Promotion Foundation for a three year term  
commencing on 20 October 1996.

**19 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the  
Day, Government Business, No. 9, be postponed until the next day of meeting.

**20 SHOP TRADING REFORM BILL** — This Bill was, according to Order, committed  
to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable G.B. Ashman  
reported that the Committee had made progress in the Bill, and asked leave to  
sit again.

Resolved — That the Council will, later this day, again resolve itself into the said  
Committee.

**21 ORDER OF THE COUNCIL RESCINDED** — The Honourable R.I. Knowles  
moved, by leave, That the Order of the Council postponing consideration of  
Order of the Day, Government Business, No. 9, until the next day of meeting be  
read and rescinded, and that the resumption of the debate on the second reading  
of the Children's Services Bill be now made an Order of the Day for later this  
day.

Question — put and resolved in the affirmative

**22 PORT SERVICES AND MARINE (AMENDMENT) BILL** — The Deputy  
President announced the receipt of a Message from the Assembly transmitting a  
Bill *to amend the Port Services Act 1995 and the Marine Act 1988, to make a  
consequential amendment to the Water Industry Act 1994 and for other purposes* and  
desiring the concurrence of the Council therein.

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

**23 FARM PRODUCE WHOLESALE (AMENDMENT) BILL** — The Deputy  
President announced the receipt of a Message from the Assembly acquainting  
the Council that they have agreed to this Bill without amendment.

**24 CHILDREN'S SERVICES BILL** — The Order of the Day having been read for the  
resumption of the debate on the question, That this Bill be now read a second  
time —

Debate resumed

The Honourable M.T. Luckins moved, That the debate be now adjourned.

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

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

**25 LAND (REVOCATION OF RESERVATIONS) BILL** — The Acting President  
announced the receipt of a Message from the Assembly transmitting a Bill *to  
revoke reservations over various areas of land and various Crown grants and for other  
purposes* and desiring the concurrence of the Council therein.

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

**26 PORT SERVICES AND MARINE (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

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

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

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

**27 LAND (REVOCATION OF RESERVATIONS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

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

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

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

**28 SHOP TRADING REFORM BILL** – The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the Acting President left the Chair.

House in Committee.

*And having continued to sit until after 12 midnight –*

THURSDAY, 31 OCTOBER 1996

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

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

**29 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** – By leave, the Honourable R.I. Knowles moved, by leave, That the Honourable R.A. Best be a member of the Public Accounts and Estimates Committee.

Question – put and resolved in the affirmative.

**30 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 12 November 1996.

Question – put and resolved in the affirmative.

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

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 12.55 a.m., adjourned until Tuesday, 12 November 1996.

A.V. BRAY  
Clerk of the Legislative Council

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 18 and 19

### No. 18 – Tuesday, 12 November 1996

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented Messages from His Excellency the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - On 6 November 1996 –
    - Legal Practice Act*
    - Professional Boxing and Martial Arts Act*
    - Road Safety (Amendment) Act*
    - Shop Trading Reform Act*
  - On 12 November 1996 –
    - Building (Amendment) Act*
    - Farm Produce Wholesale (Amendment) Act*
    - Gaming Machine Control (Amendment) Act*
    - State Taxation (Further Omnibus Amendment) Act.*
- 3 **COURTS AND TRIBUNALS (GENERAL AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Administrative Appeals Tribunal Act 1984, the Appeal Costs Act 1964, the Coroners Act 1985, the County Court Act 1958, the Court Security Act 1980, the Criminal Injuries Compensation Act 1983, the Magistrates' Court Act 1989 and the Supreme Court Act 1986, to repeal the Judicial Studies Board Act 1990 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **CRIMES (FEMALE GENITAL MUTILATION) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Crimes Act 1958 to make provision with respect to female genital mutilation and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **EDUCATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Education Act 1958 to*

*make provision for work placements for secondary school pupils and to make further provision for overseas students and to amend the Accident Compensation Act 1985 and the Accident Compensation (WorkCover Insurance) Act 1993 to make further provision for pupils in the work place and for other purposes and desiring the concurrence of the Council therein.*

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

- 6 SMALL BUSINESS VICTORIA (REPEAL) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to repeal the Small Business Victoria Act 1976 and for other purposes* and desiring the concurrence of the Council therein.

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

- 7 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 8 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 9 PAPERS** –

**CLASSIFICATION OF FILMS AND VIDEOTAPES** – The Honourable L. Asher moved, by leave, That there be laid before this House a copy of the Guidelines for the Classification of Films and Videotapes (Amendment) (No. 1), 11 September 1996.

Question – put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable L. Asher and ordered to lie on the Table.

\* \* \* \* \*

**HOUSE COMMITTEE DEPARTMENT** – The Honourable P.R. Hall moved, by leave, That there be laid before this House a copy of the Report of the Acting Secretary on the operations of the Department of the House Committee for the year 1995-96.

Question – put and resolved in the affirmative.

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

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT**

**DIGEST** – The Honourable P.A. Katsambanis presented Alert Digest No. 8 of 1996 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

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

- Adult, Community and Further Education Board – Report, 1995-96.
- Adult Parole Board – Report, 1995-96.
- Anti-Cancer Council – Report, 1995-96 (two papers).
- Arts Centre Trust – Report, 1995-96.
- Auditor-General's Office – Report, 1995-96.
- Australian Food Industry Science Centre – Report, 1995-96.
- Bacchus Marsh and Melton Memorial Hospital – Report, 1995-96.
- Ballarat Base Hospital – Report, 1995-96.
- Barwon Region Water Authority – Report, 1995-96.
- Bethlehem Hospital Incorporated – Report, 1995-96 (two papers).
- Board of Studies – Report, 1995-96.
- Central Highlands Region Water Authority – Report, 1995-96.
- Central Wellington Health Service – Report, 1995-96.
- Channels Authority – Report, 1 January 1996 to 30 June 1996.
- Coal Mine Workers' Pensions Tribunal – Report, 1995-96.
- Coleraine and District Hospital – Report, 1995-96.
- Dairy Industry Authority – Report, 1995-96.
- Daratech Pty Ltd – Report, 1995-96.
- Dental Health Services – Report, 1995-96.
- Docklands Authority – Report, 1995-96.
- Donald District Hospital – Report, 1995-96.
- Drugs, Poisons and Controlled Substances Act 1981 –
  - Notice regarding the amendment, commencement and availability of the Poisons Code.
  - Standard for the Uniform Scheduling of Drugs and Poisons, No. 11 – Amendment No. 3.
- Dunmunkle Health Services – Report, 1995-96.
- Eastern Health Care Network – Report, 1995-96.
- Echuca Regional Health – Report, 1995-96.
- Edenhope and District Memorial Hospital – Report, 1995-96.
- Education Department – Report, 1995-96.
- Electoral Commission – Report, 1995-96.
- Electricity Industry Superannuation Fund – Report, 1995-96.
- Energy Brix Australia Corporation – Report, 1 July 1995 to 14 July 1996.
- Far East Gippsland Health and Support Service – Report, 1995-96.
- Flora and Fauna Guarantee Act 1988 – Order in Council of 29 October 1996 adding items to Schedules 2 and 3 and repealing an item in Schedule 2.
- Forensic Medicine Institute – Report, 1995-96.
- Gas and Fuel Superannuation Fund – Report, 1995-96.
- Geelong Hospital – Report, 1995-96 (two papers).
- Geelong Performing Arts Centre Trust – Report, 1995-96.
- Generation Victoria – Report, 1995-96.
- Gippsland Southern Health Service – Report, 1995-96.
- Health Computing Services – Victoria Limited – Report, 1995-96.
- Health Promotion Foundation – Report, 1995-96.

- Housing Guarantee Fund Limited – Report, 1995-96.
- Human Services Department – Report, 1995-96.
- Infrastructure Department – Report, 1995-96.
- Inglewood and Districts Health Service – Report, 1 January 1996 to 30 June 1996.
- Inglewood Hospital – Report, 1 July 1995 to 31 December 1995.
- Institute of Sport – Minister for Sport's report of receipt of 1995-96 Annual Report.
- Judicial Remuneration Tribunal – Report on Judicial Salary and Allowances, 23 September 1996.
- Justice Department – Report, 1995-96, together with the following Appendices:
- Appendix A: Equal Opportunity Commission – Report, 1995-96;
  - Appendix B: Guardianship and Administration Board – Report, 1995-96; and
  - Appendix C: Public Advocate Office – Report, 1995-96.
- Kyabram and District Memorial Community Hospital – Report, 1995-96.
- Kyneton District Health Service – Report, 1995-96.
- Latrobe Regional Hospital – Report, 1995-96 (two papers).
- Legal Aid – Report, 1995-96.
- Libraries Board – Report, 1995-96.
- Local Authorities Superannuation Board – Report, 1995-96.
- Lower Murray Region Water Authority – Report, 1995-96.
- Marine Board – Report, 1995-96.
- Melbourne and Olympic Parks Trust – Report, 1995-96.
- Melbourne City Link Act 1995 – Order in Council of 22 October 1996, increasing and decreasing the Project area, pursuant to section 8(4) of the Act.
- Melbourne City Link Authority – Report, 1995-96.
- Melbourne Exhibition Centre Trust – Report, 1995-96.
- Melbourne Market Authority – Report, 1995-96 (two papers).
- Murray Valley Citrus Marketing Board – Report, 1995-96.
- Murray Valley Wine Grape Industry Negotiating Committee – Report, 1995-96.
- Museum Council – Report, 1995-96.
- National Gallery Council – Report, 1995-96.
- National Parks Advisory Council – Report, 1995-96.
- Natural Resources and Environment Department – Report, 1995-96 (two papers).
- Optometrists Registration Board – Report, 1995-96.
- Overseas Projects Corporation Limited – Report, 1995-96.
- Parliamentary Contributory Superannuation Fund – Report, 1995-96.
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
- Bacchus Marsh Planning Scheme – Amendments L47 and L51.
  - Bairnsdale (Shire) Planning Scheme – Amendment L51.

- Planning and Environment Act 1987 – *continued*.
- Banyule Planning Scheme – Amendment L5.
  - Bendigo – Greater Bendigo Planning Scheme – Amendments AMA2 and L43.
  - Cranbourne Planning Scheme – Amendment L193.
  - Euroa Planning Scheme – Amendment L27.
  - Frankston Planning Scheme – Amendment L79.
  - Geelong – Greater Geelong Planning Scheme – Amendments L163 and L166.
  - Hobsons Bay Planning Scheme – Amendment AMA1.
  - Maffra Planning Scheme – Amendment L31.
  - Maroondah Planning Scheme – Amendments L5 and L6.
  - Melbourne Planning Scheme – Amendment L225.
  - Melton Planning Scheme – Amendment L62.
  - Milawa Planning Scheme – Amendment L8.
  - Mitchell Planning Scheme – Amendment L5.
  - Moira Planning Scheme – Amendments L10, L14 and L17.
  - Orbost Planning Scheme – Amendment L27.
  - Port of Melbourne Planning Scheme – Amendment L17.
  - Port Phillip Planning Scheme – Amendments L33 and L34.
  - Warragul Planning Scheme – Amendment L53.
  - Warrnambool Planning Scheme – Amendment L8.
  - Werribee Planning Scheme – Amendments L102 to L106.
  - Wodonga Rural (City) Planning Scheme – Amendment L18.
  - Yarra Planning Scheme – Amendment L20.
  - Yarra Ranges Planning Scheme – Amendments L2 and L12 Part 1.
- Police – Chief Commissioner’s Office – Report, 1995-96.
- Police Board – Report, 1995-96.
- Public Record Office – Report, 1995-96.
- Public Service Commissioner’s Office – Report, 1995-96.
- Public Transport Corporation – Report, 1995-96.
- Queen Victoria Women’s Centre Trust – Report, 1995-96.
- Radiation Advisory Committee – Report, year ended 30 September 1996.
- Ripon Peace Memorial Hospital – Report, 1995-96.
- Roads Corporation – Report, 1995-96.
- Rochester and Elmore District Health Service – Report, 1995-96.
- Royal Botanic Gardens Board – Report, 1995-96.
- Skipton and District Memorial Hospital – Report, 1995-96.
- Southern Health Care Network – Report, 1995-96.
- Southern Hydro Limited – Report, 1995-96.
- Stamps Act 1958 – Minister’s report of 18 October 1996 of approved exemptions and partial exemptions and refunds made on corporate reconstructions for 1995-96.
- State Development Department – Report, 1995-96.
- State Electricity Commission – Report, 1995-96.
- State Training Board – Report, 1995-96.
- Stawell District Hospital – Report, 1995-96.

- Sunraysia Rural Water Authority – Report, 1995-96.  
 Superannuation Board – Report, 1995-96.  
 Tawonga District General Hospital – Report, 1995-96.  
 Telvic Limited – Report, 1995-96.  
 Tomato Industry Negotiating Committee – Report, 1995-96.  
 Transport Accident Commission – Report, 1995-96.  
 Transport Act 1983 – Minister’s Order of 28 October 1996 transferring certain assets and liabilities from the Public Transport Corporation to the Roads Corporation.  
 Treasury and Finance Department – Report, 1995-96.  
 Trust for Nature – Report, 1995-96.  
 Tweddle Child and Family Health Service – Report, 1995-96 (two papers).  
 Veterinary Board – Report, 1995.  
 Victorian Relief Committee – Report, 1995-96.  
 Wangaratta District Base Hospital – Report, 1995-96.  
 Warracknabeal District Hospital – Report, 1995-96.  
 Waste Management Council – Report, 1995-96.  
 Western Health Care Network – Report, 1995-96.  
 Western Highlands Health Service – Report, 1995-96.  
 West Gippsland Hospital – Report, 1995-96.  
 West Wimmera Health Service – Report, 1995-96.  
 Wimmera Health Care Group – Report, 1995-96.  
 Women’s and Children’s Healthcare Network – Report, 1995-96.  
 Wonthaggi and District Hospital – Report, 1995-96.  
 WorkCover Authority – Report, 1995-96.  
 Yarra Bend Park Trust – Report, 1995-96.  
 Yarram and District Health Service – Minister for Health’s report of receipt of 1995-96 Annual Report.

\* \* \* \* \*

**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 14 May 1996:

Gaming Acts (Amendment) Act 1996 – Part 5 – 1 November 1996  
 (*Gazette No. G43, 31 October 1996*).

Westpac and Bank of Melbourne (Challenge Bank) Act 1996 – Section 36  
 – 1 November 1996 (*Gazette No. G43, 31 October 1996*).

**10 RACIAL TOLERANCE** – The Honourable M.A. Birrell moved, by leave, That this House –

- (a) re-affirms its commitment to the right of all Australians to enjoy equal rights and be treated with equal respect regardless of race, colour, creed or origin;
- (b) re-affirms its commitment to maintaining an immigration policy wholly non-discriminatory on grounds of race, colour, creed or origin;
- (c) re-affirms its commitment to the process of reconciliation with Aboriginal and Torres Strait Islander people, in the context of redressing their profound social and economic disadvantage;



- (d) re-affirms its commitment to maintaining Australia as a culturally diverse, tolerant and open society, united by an over-riding commitment to our nation and its democratic institutions and values; and
- (e) denounces racial intolerance in any form as incompatible with the kind of society we are and want to be.

Debate ensued

Question – put and resolved in the affirmative.

- 11 UPPER YARRA VALLEY AND DANDENONG RANGES AUTHORITY –** Leave having been granted to move this motion in an amended form, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendments Nos. 91, 92, 93, 94, 95 and 96 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.

Debate ensued.

The Honourable P. Power moved, as an amendment, That the expression “,93, 94, 95” be omitted.

The Honourable R.M. Hallam moved, That the debate be now adjourned.

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

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

- 12 BUSINESS OF THE HOUSE –** The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 13 EDUCATION (AMENDMENT) BILL –** The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

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

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

- 14 COURTS AND TRIBUNALS (GENERAL AMENDMENT) BILL –** The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

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

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

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

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

- 15 CRIMES (FEMALE GENITAL MUTILATION) BILL –** The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

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

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

- 16 SMALL BUSINESS VICTORIA (REPEAL) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

- 17 CHILDREN'S SERVICES BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time.

Ordered – That the Bill be committed to a Committee of the whole on the next day of meeting.

- 18 CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

- 19 ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Electricity Industry Act 1993 and the State Electricity Commission Act 1958, to amend certain Acts to make further provision for land entitlements for generation companies and for other purposes* and desiring the concurrence of the Council therein.

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

- 20 BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to re-enact with amendments the law relating to births, deaths and marriages in Victoria, to repeal the Registration of Births, Deaths and Marriages Act 1959 and for other purposes* and desiring the concurrence of the Council therein.

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

- 21 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 3, be postponed until the next day of meeting.

- 22 NORTH MELBOURNE LANDS BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

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

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.27 p.m. adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 19 – Wednesday, 13 November 1996**

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

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

Statutory Rules under the following Acts of Parliament:

Business Names Act 1962 – No. 113.

Consumer Credit (Victoria) Act 1995 - Credit (Administration) Act 1984 – No. 116.

Credit (Administration) Act 1984 – No. 114.

Domestic Building Contracts and Tribunal Act 1995 – No. 115.

Gaming Machine Control Act 1991 – No. 118.

Lotteries Gaming and Betting Act 1966 – No. 117.

Subordinate Legislation Act 1994 – Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 114 to 116 and 118/1996.

**3 BUSINESS POSTPONED** – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.

**4 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**5 CHILD PROTECTION SERVICES** – The Honourable M.M. Gould moved, That this House expresses its concern at the failure of Victoria's child protection services to adequately protect our children and to prevent child tragedies and calls on the Government to –

(a) implement key recommendations of the Parliamentary Crime Prevention Committee's report on child sexual assault, the Auditor-General's report on protecting Victoria's children and the report on child protection by Justice Fogarty;

(b) urgently provide resources to ensure adequate training and support for valued staff, improved physical and human resources for children in need of protection and more family support and prevention strategies; and

(c) establish a Royal Commission of inquiry which has the moral authority and powers to expose crucial weaknesses and recommend improvements which will be implemented.

Debate ensued.

Question – put.

The Council divided.

AYES, 9

The Hon. Tayfun Eren  
M.M. Gould  
C.J. Hogg  
D.A. Nardella  
S.M. Nguyen (*Teller*)  
P. Power (*Teller*)  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole

NOES, 32

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
W. Forwood  
C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney (*Teller*)  
C.A. Strong (*Teller*)  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it passed in the negative.

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

**7 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**8 ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

- 9 BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable P. Power) moved, That the debate be now adjourned.

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

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

- 10 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

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

Debate resumed.

Question – put.

The Council divided.

AYES, 31

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best (*Teller*)  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
W. Forwood  
C.A. Furletti  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell (*Teller*)  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

NOES, 9

The Hon. Tayfun Eren (*Teller*)  
M.M. Gould  
C.J. Hogg  
D.A. Nardella (*Teller*)  
S.M. Nguyen  
P. Power  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole

And so it was resolved in the affirmative.

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

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

**12 CHILDREN'S SERVICES BILL** – This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

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

**13 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next.

Question – put and resolved in the affirmative.

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

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 5.57 p.m., adjourned until Tuesday next.

A.V. BRAY

*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 20 and 21

### No. 20 – Tuesday, 19 November 1996

- 1 The President took the Chair and read the Prayer.
- 2 **HEALTH ACTS (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Cancer Act 1958, the Drugs, Poisons and Controlled Substances Act 1981, the Pharmacists Act 1974, the Cemeteries Act 1958, the Health Services Act 1988 and the Mental Health Act 1986 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **CHIROPRACTORS REGISTRATION BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make further provision for the registration of chiropractors, the investigation into the professional conduct or fitness to practise of registered chiropractors, to regulate the advertising of chiropractic services, to establish the Chiropractors Registration Board of Victoria and the Chiropractors Registration Board Fund of Victoria, to repeal the Chiropractors and Osteopaths Act 1978 and to make consequential amendments to other Acts and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **OSTEOPATHS REGISTRATION BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make further provision for the registration of osteopaths, the investigation into the professional conduct or fitness to practise of registered osteopaths, to regulate the advertising of osteopathic services, to establish the Osteopaths Registration Board of Victoria and the Osteopaths Registration Board Fund of Victoria and to make consequential amendments to various Acts and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **WITNESS PROTECTION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Witness Protection Act 1991 and for other purposes* and desiring the concurrence of the Council therein.

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

- 6 CO-OPERATIVES BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the formation, registration and management of co-operatives, to repeal the Co-operation Act 1981 and to repeal Part VI of the Housing Act 1983 and for other purposes* and desiring the concurrence of the Council therein.

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

- 7 LORD MAYOR'S CHARITABLE FUND BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to repeal and re-enact with amendments the Lord Mayor's Fund Act 1930 and for other purposes* and desiring the concurrence of the Council therein.

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

- 8 MISCELLANEOUS ACTS (FURTHER OMNIBUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Associations Incorporation Act 1981, the Borrowing and Investment Powers Act 1987, the Casino Control Act 1991, the Crown Lands Act (Amendment) Act 1994, the Crown Land (Reserves) Act 1978, the Docklands Authority Act 1991, the Ethnic Affairs Commission Act 1993, the Financial Management Act 1994, the Financial Management (Consequential Amendments) Act 1994, the Land Conservation Act 1970, the Livestock Disease Control Act 1994, the Lotteries Gaming and Betting Act 1966, the Magistrates' Court Act 1989, the Melbourne and Olympic Parks Act 1985, the Miscellaneous Acts (Health and Justice) Amendment Act 1995, the Police Regulation Act 1958, the Prostitution Control Act 1994, the Racing Act 1958, the Stamps Act 1958, the Teaching Service Act 1981, the Transport Accident Act 1986, the Treasury Corporation of Victoria Act 1992, the Victorian Funds Management Corporation Act 1994 and the Victorian Managed Insurance Authority Act 1996 and to repeal the Decentralized Industry Incentive Payments Act 1972 and The Decentralization Advisory Committee Act 1964 and for other purposes* and desiring the concurrence of the Council therein.

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

- 9 QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**10 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — The Honourable P.A. Katsambanis presented Alert Digest No. 9 of 1996 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

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



- Auditor-General – Report on Building Better Cities: *A joint government approach to urban development*, November 1996.
- Bendigo Health Care Group – Report, 1995-96 (two papers).
- Caritas Christi Hospice Limited – Report 1995-96.
- Casino (Management Agreement) Act 1993 – Authorized changes to Drawings of the Melbourne Casino Complex pursuant to section 16(2) (49 papers).
- Catchment and Land Protection Council – Report, 1995-96.
- Crown Land (Reserves) Act 1978 – Minister's orders of 15 November 1996 giving approval to granting of a lease at Albert Park.
- Director of Public Prosecutions Office – Report, 1995-96.
- Electricity Services Victoria – Report, 1995-96.
- Grants Commission – Report, year ended 31 August 1996.
- Inner Healthcare Network – Report, 1995-96.
- Interpretation of Legislation Act 1984 – Notice pursuant to section 32(3) (a) (iii) in relation to the State Environment Protection Policy (Waters of Victoria).
- Mercy Public Hospitals Incorporated – Report, 1995-96 (two papers).
- Nurses Board – Report, 1995-96.
- Ombudsman – Report, 1995-96 [incorporating the Report of the Acting Deputy Ombudsman (Police Complaints)].
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
- Brighton Planning Scheme – Amendment L35.
  - Diamond Valley Planning Scheme – Amendment L50.
  - Doncaster and Templestowe Planning Scheme – Amendments L39 Part 2 and L93.
  - Kingston Planning Scheme – Amendment L11.
  - Pakenham Planning Scheme – Amendment L122.
  - Shepparton (City) Planning Scheme – Amendment L60.
  - Tambo Planning Scheme – Amendment L69.
  - Victoria – State Section Planning Schemes – Amendment SRL3.
  - Yarra Ranges Planning Scheme – Amendment L20.
- Recycling and Resource Recovery Council – Report, 1995-96.
- St. Vincent's Hospital (Melbourne) Limited – Report, 1995-96 (two papers).
- Statutory Rules under the following Acts of Parliament:
- Administration and Probate Act 1958 – No. 109.
  - Competition Policy Reform (Victoria) Act 1995 – No. 62.
  - Gaming Machine Control Act 1991 – No. 112.
  - Heritage Act 1995 – Nos. 85 to 87.
  - Magistrates' Court Act 1989 – No. 108.
  - Police Regulation Act 1958 – No. 88.
  - Road Safety Act 1986 – Nos. 63, 89 and 90.
  - Supreme Court Act 1986 – No. 110.
- Subordinate Legislation Act 1994 –
- Ministers' exception certificates under 8(4) in respect of Statutory Rules Nos. 108 to 110/1996.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 62, 112 and 113/1996.

Upper Murray Health and Community Services – Report, 1995-96.

Youth Parole Board and Youth Residential Board – Report, 1995-96.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 to 9 inclusive, be postponed until later this day.

**12 UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN** — The Order of the Day having been read for the resumption of the debate on the question, That pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendments Nos. 91, 92, 93, 94, 95 and 96 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved, and on the amendment of the Honourable P. Power — That “, 93, 94, 95” be omitted —

Debate resumed.

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

The Council divided.

AYES, 30  
 The Hon. L. Asher  
 G.B. Ashman (*Teller*)  
 B.N. Atkinson  
 W.R. Baxter  
 B.W. Bishop (*Teller*)  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

NOES, 9  
 The Hon. Tayfun Eren  
 M.M. Gould  
 C.J. Hogg (*Teller*)  
 J. McLean (*Teller*)  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole

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

Question — That pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendments Nos. 91, 92, 93, 94, 95 and 96 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved — put.

The Council divided.

The Hon. AYES, 30  
 L. Asher  
 G.B. Ashman  
 B.N. Atkinson (*Teller*)  
 W.R. Baxter  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell (*Teller*)  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

The Hon. NOES, 9  
 Tayfun Eren  
 M.M. Gould  
 C.J. Hogg  
 J. McLean  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen (*Teller*)  
 T.C. Theophanous  
 D.T. Walpole (*Teller*)

And so it was resolved in the affirmative.

**13 HEALTH ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved That this Bill be now read a second time.

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

The Honourable P. Power (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

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

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

**14 CHIROPRACTORS REGISTRATION BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

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

The Honourable M.M. Gould moved, That the debate be now adjourned.

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

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

- 15 OSTEOPATHS REGISTRATION BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

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

The Honourable P. Power (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

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

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

- 16 CO-OPERATIVES BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

- 17 MISCELLANEOUS ACTS (FURTHER OMNIBUS AMENDMENTS) BILL** The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

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

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

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

- 18 LORD MAYOR'S CHARITABLE FUND BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

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

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

- 19 WITNESS PROTECTION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

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

The Honourable P. Power (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

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

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

- 20 LAND (REVOCATION OF RESERVATIONS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**21 PORT SERVICES AND MARINE (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**22 UNIVERSITY ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable M.M. Gould moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the industrial relations problem relating to the proposed merger of Hawthorn Institute of Education with the University of Melbourne has been satisfactorily resolved by all parties in dispute".

Debate ensued.

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

The Council divided.

	AYES, 32		NOES, 9
The Hon.	L. Asher	The Hon.	Tayfun Eren
	G.B. Ashman		M.M. Gould
	B.N. Atkinson		C.J. Hogg
	W.R. Baxter		J. McLean
	R.A. Best		D.A. Nardella
	B.W. Bishop		S.M. Nguyen ( <i>Teller</i> )
	B.C. Boardman		P. Power ( <i>Teller</i> )
	R.H. Bowden		B.T. Pullen
	A.R. Brideson		D.T. Walpole
	I.J. Cover ( <i>Teller</i> )		
	G.R. Craige		
	D.M. Davis		
	P.R. Davis		
	R.S. de Fegely		
	W. Forwood		
	C.A. Furletti		
	P.R. Hall		
	R.M. Hallam		
	W.A.N. Hartigan		
	P.A. Katsambanis		
	R.I. Knowles		
	N.B. Lucas ( <i>Teller</i> )		
	M.T. Luckins		
	E.J. Powell		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney		
	C.A. Strong		
	Rosemary Varty		
	Dr. R.J.H. Wells		

Sue deC Wilding

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

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

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

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

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

**23 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

**24 CRIMES (FEMALE GENITAL MUTILATION) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

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

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.53 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## No. 21 – Wednesday, 20 November 1996

1 The President took the Chair and read the Prayer.

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

Intellectually Disabled Persons' Services Act 1988 – Report of Community Visitors, 1995-96.

3 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.

4 **WORKCOVER** — The Honourable T.C. Theophanous moved, That this House condemns the Government for its announced changes to WorkCover and transport accident insurance which:

- (a) were announced without appropriate consultation with affected groups, including the WorkCover Advisory Committee established by the Government;
- (b) are retrospective in that workers or motor accident victims who have been seriously injured according to present law will face new harsher tests for compensation; and
- (c) are nothing but a 'cash grab' by the Government at the cost of seriously injured workers or motor accident victims as the Government seeks higher dividends from the Transport Accident Commission and to reduce projected WorkCover liabilities in preparation for privatisation.

Debate ensued.

Question – put.

The Council divided.

AYES, 9  
 The Hon. Tayfun Eren  
 M.M. Gould  
 C.J. Hogg (*Teller*)  
 J. McLean  
 D.A. Nardella  
 P. Power  
 B.T. Pullen (*Teller*)  
 T.C. Theophanous  
 D.T. Walpole

NOES, 32  
 The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins (*Teller*)  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith (*Teller*)  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it passed in the negative.

**5 COURTS AND TRIBUNALS (GENERAL AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

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

6 **QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

7 **COURTS AND TRIBUNALS (GENERAL AMENDMENT) BILL** – Debate continued on the question, That this Bill be now read a second time.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted to ensure that the Magistrates Courts are equipped with appropriate resources and expertise to deal with the increased jurisdictional limits imposed by the Bill and that an impact assessment be undertaken prior to the introduction of that legislation to determine the effect of the increase in jurisdictional limits on access to justice."

Debate ensued.

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

The Council divided.

	AYES, 31		NOES, 9
The Hon.	L. Asher	The Hon.	Tayfun Eren ( <i>Teller</i> )
	G.B. Ashman		M.M. Gould
	W.R. Baxter		C.J. Hogg
	R.A. Best		J. McLean
	M.A. Birrell		D.A. Nardella ( <i>Teller</i> )
	B.W. Bishop		P. Power
	B.C. Boardman		B.T. Pullen
	R.H. Bowden		T.C. Theophanous
	A.R. Brideson		D.T. Walpole
	I.J. Cover		
	G.R. Craige		
	D.M. Davis		
	P.R. Davis		
	R.S. de Fegely		
	C.A. Furletti		
	P.R. Hall		
	R.M. Hallam		
	W.A.N. Hartigan		
	P.A. Katsambanis		
	R.I. Knowles		
	N.B. Lucas		
	M.T. Luckins		
	E.J. Powell		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney		
	C.A. Strong		
	Rosemary Varty		
	Dr. R.J.H. Wells ( <i>Teller</i> )		
	Sue deC Wilding ( <i>Teller</i> )		

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

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

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

House in Committee.



The Deputy President resumed the Chair; and the Honourable W. Forwood having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

8 **BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

9 **SMALL BUSINESS VICTORIA (REPEAL) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable T.C. Theophanous moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the Government is able to demonstrate an understanding of the problems faced by small businesses and sets out a plan for the small business sector –

- (a) addressing the regulatory burden that small businesses continue to face;
- (b) addressing the widespread concern among small businesses regarding the effect of gambling on small business;
- (c) addressing the concern expressed by small businesses regarding the extension of shop trading hours;
- (d) addressing the growing pessimism amongst small businesses regarding future business prospects; and
- (e) incorporating the reduction in taxes and charges to small businesses promised by the Premier in January 1994 and never acted upon."

Debate ensued.

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

The Council divided.

AYES, 32  
 The Hon. L. Asher  
 G.B. Ashman  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall

NOES, 9  
 The Hon. Tayfun Eren  
 M.M. Gould  
 C.J. Hogg  
 J. McLean (*Teller*)  
 D.A. Nardella  
 P. Power  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole (*Teller*)

R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis (*Teller*)  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong (*Teller*)  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

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

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

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

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

**10 EDUCATION (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

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

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

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

**11 ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**12 EDUCATION (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**13 RAIL CORPORATIONS BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to establish V/Line Freight and Victorian Rail Track, to amend the Borrowing and Investment Powers Act 1987, the Transport Act 1983 and the Treasury Corporation of Victoria Act 1992 and for other purposes* and desiring the concurrence of the Council therein.

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

**14 BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**15 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 3 December 1996.

Question – put and resolved in the affirmative.

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

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.56 p.m., adjourned until Tuesday, 3 December 1996.

A.V. BRAY  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 22, 23 and 24

### No. 22 – Tuesday, 3 December 1996

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented Messages from His Excellency the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - On 26 November 1996 –
    - Births, Deaths and Marriages Registration Act*
    - Children and Young Persons (Miscellaneous Amendments) Act*
    - Corrections (Amendment) Act*
    - Crimes (Female Genital Mutilation) Act*
    - Education (Amendment) Act*
    - Electricity Industry (Further Amendment) Act*
    - Land (Revocation of Reservations) Act*
    - North Melbourne Lands Act*
    - Port Services and Marine (Amendment) Act*
    - Small Business Victoria (Repeal) Act*
  - On 3 December 1996 –
    - Children's Services Act.*
- 3 **MENTAL HEALTH (INTERSTATE PROVISIONS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Mental Health Act 1986 to provide for the interstate apprehension and transfer of mentally ill people and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **STOCK (SELLER LIABILITY AND DECLARATIONS) (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to make miscellaneous amendments to the Stock (Seller Liability and Declarations) Act 1993 and for other purposes and desiring the concurrence of the Council therein.

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

- 5 COMMONWEALTH POWERS (INDUSTRIAL RELATIONS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to refer to the Parliament of the Commonwealth certain matters relating to industrial relations and for other purposes* and desiring the concurrence of the Council therein.

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

- 6 VICTIMS OF CRIME ASSISTANCE BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide assistance to victims of crime, to repeal the Criminal Injuries Compensation Act 1983, to amend the Sentencing Act 1991 and for other purposes* and desiring the concurrence of the Council therein.

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

- 7 OPTOMETRISTS REGISTRATION BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make further provision for the registration of optometrists, the investigation into the professional conduct or fitness to practise of registered optometrists, to regulate the advertising of optometry services, to establish the Optometrists Registration Board of Victoria and the Optometrists Registration Board Fund of Victoria, to repeal the Optometrists Registration Act 1958 and to make consequential amendments to other Acts and for other purposes* and desiring the concurrence of the Council therein.

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

- 8 FIREARMS BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to re-enact, with amendments, the Firearms Act 1958 to make various consequential amendments to other Acts and for other purposes* and desiring the concurrence of the Council therein.

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

- 9 MOTOR CAR TRADERS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Motor Car Traders Act 1986, the Small Claims Tribunals Act 1973 and the Second-Hand Dealers and Pawnbrokers Act 1989 and for other purposes* and desiring the concurrence of the Council therein.

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

- 10 FRIENDLY SOCIETIES (VICTORIA) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the formation, registration, management and regulation of friendly societies, to repeal the Friendly Societies Act 1986 and make consequential amendments to other Acts, and for other purposes* and desiring the concurrence of the Council therein.

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

**11 CHILDREN'S SERVICES BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.

**12 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**13 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**14 PAPERS** –

**NATIONAL ROAD TRANSPORT COMMISSION** – The Honourable G.R. Craige moved, by leave, That there be laid before this House a copy of the Report of the National Road Transport Commission for the year 1995-96.

Question – put and resolved in the affirmative.

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

\* \* \* \* \*

**ECONOMIC DEVELOPMENT COMMITTEE – MEDICAL AND PUBLIC HEALTH RESEARCH** – The Honourable C.A. Strong presented an Interim Report from the Economic Development Committee upon Medical and Public Health Research in Victoria, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

\* \* \* \* \*

**ROAD SAFETY COMMITTEE – DRUGS AND ROAD SAFETY** – The Honourable Sue deC. Wilding presented the Final Report from the Road Safety Committee upon the Effects of Drugs (other than Alcohol) on Road Safety in Victoria, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST** – The Honourable P.A. Katsambanis presented Alert Digest No. 10 of 1996 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

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

Ambulance Officers' Training Centre – Minister for Health's report of receipt of 1995-96 annual report.

Ambulance Service Victoria –

Metropolitan Region – Report, 1995-96.

North Eastern Region – Report, 1995-96.

North Western Region – Report, 1995-96.

South Eastern Region – Report, 1995-96.

South Western Region – Report, 1995-96.

- Western Region – Report, 1995-96.
- Auditor-General –
- Report on Public Housing: *Responding to a fundamental community need and Law Enforcement Assistance Program: Better information on crime*, November 1996.
  - Report on Vocational Education and Training: *A client perspective*, December 1996.
- Fair Trading – Report of Secretary to the Department of Justice, 1995-96.
- Film Victoria – Report, 1995-96.
- Freedom of Information Act 1982 – Report of the Attorney-General on the operation of the Act, 1995-96.
- Harness Racing Board –
- Minister for Sport's report of 2 December 1996 of failure of Board to submit 1995-96 annual report to him within the prescribed period and the reasons therefor.
  - Report, 1995-96.
- Health Services Act 1988 – Report of Community Visitors, 1995-96.
- Judicial Remuneration Tribunal – Attorney-General's reasons of 29 November 1996 for not accepting and for varying certain recommendations in Tribunal's report on Judicial Salary and Allowances, 23 September 1996.
- Legal Profession Practice Act 1958 – Report of the Lay Observer to the Solicitors' Board and Barristers' Disciplinary Tribunal, 1995.
- Mental Health Act 1986 – Report of Community Visitors, 1995-96.
- Mental Health Review Board and Psychosurgery Review Board – Report, 1995-96.
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
- Banyule Planning Scheme – Amendment L11.
  - Berwick Planning Scheme – Amendments L103 and L108.
  - Boroondara Planning Scheme – Amendment L22.
  - Brighton Planning Scheme – Amendment L36.
  - Brimbank Planning Scheme – Amendment L21.
  - Cranbourne Planning Scheme – Amendment L195.
  - Darebin Planning Scheme – Amendments L16 Part 1 and L40.
  - Flinders Planning Scheme – Amendment L146.
  - Geelong – Greater Geelong Planning Scheme – Amendment R151.
  - Glen Eira Planning Scheme – Amendment L4.
  - Hume Planning Scheme – Amendment L22.
  - Macedon Ranges Planning Scheme – Amendment L14.
  - Maroondah Planning Scheme – Amendment L11.
  - Melton Planning Scheme – Amendments L56 Part 1 and L72.
  - Metropolitan Region Planning Schemes – Amendment R130.
  - Mornington Planning Scheme – Amendment L60.
  - Pakenham Planning Scheme – Amendment L126.
  - Port Phillip Planning Scheme – Amendment L32.
  - Sherbrooke Planning Scheme – Amendment L105.
  - Stonnington Planning Scheme – Amendment L14.
- Planning and Environment Act 1987 – *continued*

Werribee Planning Scheme – Amendment L87 Part 1.

Whittlesea Planning Scheme – Amendment L82 Part 1.

Yallourn Works Area Planning Scheme – Amendment L4.

Yarra Planning Scheme – Amendment L13.

Yarra Ranges Planning Scheme – Amendments L4, L10 Part 1, L17 and L19.

State Film Centre Council – Report, 1995-96.

Statutory Rules under the following Acts of Parliament:

Alpine Resorts Act 1983 – No. 121.

Dental Technicians Act 1972 – No. 126.

Domestic Building Contracts and Tribunal Act 1995 – No. 122.

Fisheries Act 1968 – No. 120.

Local Government Act 1989 – No. 123.

Magistrates' Court Act 1989 – No. 124.

National Parks Act 1975 – No. 128.

Physiotherapists Act 1978 – No. 125.

State Electricity Commission Act 1958 – No. 111.

Supreme Court Act 1986 – No. 119.

Veterinary Surgeons Act 1958 – No. 127.

Subordinate Legislation Act 1994 –

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 119, 124 to 126 and 128/1996.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 120, 121 and 123/1996.

Tattersall's – Financial Statements, 1995-96.

Transport Act 1983 – Minister's Order of 27 November 1996 transferring certain assets and liabilities from the Public Transport Corporation to the Roads Corporation.

Water Industry Superannuation Fund –

Minister for Agriculture and Resources' report of 20 November 1996 of failure of Fund to submit 1995-96 annual report to him within the prescribed period and the reasons therefor.

Report, 1995-96.

\* \* \* \*

**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 14 May 1996:

Bank of South Australia and Advance Bank Act 1996 – Remaining provisions – 1 December 1996 (*Gazette No. G47, 28 November 1996*).

Road Safety (Amendment) Act 1996 – Sections 3, 5 to 8, 10, 12 and 14 – 21 November 1996 (*Gazette No. G46, 21 November 1996*).

Shop Trading Reform Act 1996 – Remaining provisions – 26 November 1996 (*Gazette No. G46, 21 November 1996*).

**15 COMMONWEALTH POWERS (INDUSTRIAL RELATIONS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

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



The Honourable P. Power (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

- 16 MENTAL HEALTH (INTERSTATE PROVISIONS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

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

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

- 17 STOCK (SELLER LIABILITY AND DECLARATIONS) (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

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

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

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

- 18 OPTOMETRISTS REGISTRATION BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

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

The Honourable P. Power (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

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

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

- 19 MOTOR CAR TRADERS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

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

The Honourable P. Power (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

- 20 FIREARMS BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable G.R. Craige) moved, That this Bill be now read a second time.

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

The Honourable M.M. Gould moved, That the debate be now adjourned.

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

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

- 21 FRIENDLY SOCIETIES (VICTORIA) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

- 22 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

- 23 CO-OPERATIVES BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

- 24 UNIVERSITY ACTS (AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in this Bill.

- 25 OPTOMETRISTS REGISTRATION BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

- 26 LORD MAYOR'S CHARITABLE FUND BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative – Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable G.B. Ashman having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

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

- 27 RAIL CORPORATIONS BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

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

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

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

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

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 5.50 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 23 – Wednesday, 4 December 1996**

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

**2 SUPERANNUATION ACTS (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Coal Mines (Pensions) Act 1958, the Emergency Services Superannuation Act 1986, the Hospitals Superannuation Act 1988, the Local Authorities Superannuation Act 1988, the Port of Geelong Authority Act 1958, the Parliamentary Salaries and Superannuation Act 1968, the Public Sector Superannuation (Administration) Act 1993, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988, the Superannuation (Portability) Act 1989 and the Transport Superannuation Act 1988 and for other purposes and desiring the concurrence of the Council therein.*

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

**3 PAPERS –**

**ABORIGINAL DEATHS IN CUSTODY** – The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Victorian Government 1995-96 Implementation Report upon the Recommendations arising from the Royal Commission into Aboriginal Deaths in Custody.

Question – put and resolved in the affirmative.

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

\* \* \* \* \*

**AUDITOR-GENERAL'S REPORTS** – The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Response by the Minister for Finance to the Auditor-General's Reports issued during 1995-96 covering Ministerial Portfolios, the Statement of Financial Operations and Special Performance Audits, November 1996.

Question – put and resolved in the affirmative.

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

\* \* \* \* \*

**LAW REFORM COMMITTEE – JURY SERVICE IN VICTORIA** – The Honourable M.M. Gould presented the Final Report, Volume 1, from the Law Reform Committee upon Jury Service in Victoria, together with Appendices, an Extract from the Proceedings of the Committee, Minutes of Evidence and Submissions.

Ordered to lie on the Table and the report, appendices and extract from the proceedings of the Committee to be printed.

\* \* \* \* \*

**DRUGS AND CRIME PREVENTION COMMITTEE – SEXUAL OFFENCES** – The Honourable A.R. Brideson presented the Final Report from the Drugs and Crime Prevention Committee upon Combating Sexual Assault Against Adult Men and Women, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

\* \* \* \* \*

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

Advanced Dental Technicians Qualifications Board – Minister for Health's report of receipt of 1995-96 annual report.

Alexandra and District Ambulance Service – Minister for Health's report of receipt of 1995-96 annual report.

Dental Technicians Licensing Committee – Minister for Health's report of receipt of 1995-96 annual report.

Financial Management Act 1994 – Minister for Health's report of 3 December 1996 of failure of certain hospitals to submit 1995-96 annual reports to him within the prescribed period and the reasons therefor.

**4 BUSINESS POSTPONED** – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.

**5 LOCAL GOVERNMENT ELECTIONS** – The Honourable P. Power moved, That this House condemns any attempt to interfere with the long-standing election timetable currently in place to return community elected councillors to those fifty-five municipalities still managed by the Government's Commissioners and, in particular, any move by unelected Commissioners to thwart the long-published election timetable by seeking extension to their highly paid, undemocratic and publicly unaccountable political appointments

The Honourable N.B. Lucas moved, That the debate be now adjourned.

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

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

**6 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**7 LOCAL GOVERNMENT ELECTIONS** – The Order of the Day having been read for the resumption of the debate on the question, That this House condemns any attempt to interfere with the long-standing election timetable currently in place to return community elected councillors to those fifty-five municipalities still managed by the Government's Commissioners and, in particular, any move by unelected Commissioners to thwart the long-published election timetable by

seeking extension to their highly paid, undemocratic and publicly unaccountable political appointments –

Debate resumed.

Question – put.

The Council divided.

AYES, 10

The Hon. Tayfun Eren (*Teller*)  
M.M. Gould  
C.J. Hogg  
J. McLean  
D.A. Nardella  
S.M. Nguyen  
P. Power  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole (*Teller*)

NOES, 32

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best (*Teller*)  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis (*Teller*)  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it passed in the negative.

**8 QUESTIONS** – Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

**9 VICTIMS OF CRIME ASSISTANCE BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

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

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

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

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

**10 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

**11 COGNATE DEBATE** – The Honourable R.I. Knowles moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Chiropractors Registration Bill and the Osteopaths Registration Bill to be taken concurrently.

Question – put and resolved in the affirmative.

**12 CHIROPRACTORS REGISTRATION BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time [the Osteopaths Registration Bill having been authorized to be debated concurrently pursuant to an Order of the Council this day] and, after further debate, the question being put was resolved in the affirmative.

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

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

**13 OSTEOPATHS REGISTRATION BILL** – The concurrent second reading debate having concluded –

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

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

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

**14 WITNESS PROTECTION (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 6, be postponed until later this day.

**16 MENTAL HEALTH (INTERSTATE PROVISIONS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**17 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 8 to 12 inclusive, be postponed until later this day.

**18 HEALTH ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day  
having been read for the resumption of the debate on the question, That this Bill  
be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 32

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis (*Teller*)  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis (*Teller*)  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

NOES, 9

The Hon. Tayfun Eren  
M.M. Gould  
J. McLean  
D.A. Nardella  
S.M. Nguyen  
P. Power (*Teller*)  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole (*Teller*)

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported  
that the Committee had agreed to the Bill with an amendment, the House  
ordered the Report to be taken into consideration this day, whereupon the  
House adopted the Report.

The Honourable R.I. Knowles moved, That the Bill be now read a third time.

Question – put.

The Council divided.

AYES, 32

The Hon. L. Asher

NOES, 9

The Hon. Tayfun Eren

G.B. Ashman	M.M. Gould
B.N. Atkinson	J. McLean
W.R. Baxter	D.A. Nardella
R.A. Best	S.M. Nguyen ( <i>Teller</i> )
B.W. Bishop ( <i>Teller</i> )	P. Power ( <i>Teller</i> )
B.C. Boardman	B.T. Pullen
R.H. Bowden	T.C. Theophanous
A.R. Brideson	D.T. Walpole
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
P.A. Katsambanis	
R.I. Knowles	
N.B. Lucas	
M.T. Luckins	
E.J. Powell ( <i>Teller</i> )	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC Wilding	

And so it was resolved in the affirmative.

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

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

**19 ACCIDENT COMPENSATION (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to make further amendments to the Accident Compensation Act 1985 and the Accident Compensation (WorkCover Insurance) Act 1993 and certain other Acts and for other purposes and desiring the concurrence of the Council therein.

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

**20 LORD MAYOR'S CHARITABLE FUND BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in this Bill.

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

The Honourable P. Power (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.



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

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

**22 BUSINESS OF THE HOUSE** – The Honourable R.M. Hallam moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**23 COMMONWEALTH POWERS (INDUSTRIAL RELATIONS) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable T.C. Theophanous moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted to ensure that all Victorian employees not covered by federal awards or certified agreements have a statutory entitlement to the minimum standards of employment provided for through the no disadvantage test for the making of Australian Workplace Agreements".

Debate ensued.

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

The Council divided.

AYES, 32

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson (*Teller*)  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely (*Teller*)  
W. Forwood  
C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells

NOES, 9

The Hon. Tayfun Eren (*Teller*)  
M.M. Gould  
C.J. Hogg  
J. McLean  
D.A. Nardella  
S.M. Nguyen  
P. Power  
B.T. Pullen (*Teller*)  
T.C. Theophanous

Sue deC Wilding

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

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

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

Ordered – That the Bill be committed to a Committee of the whole on the next day of meeting.

**24 MAGISTRATES' COURT (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Magistrates' Court Act 1989 and for other purposes* and desiring the concurrence of the Council therein.

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

**25 PARLIAMENT HOUSE COMPLETION AUTHORITY (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Parliament House Completion Authority Act 1996 and for other purposes* and desiring the concurrence of the Council therein.

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

**26 CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Casino (Management Agreement) Act 1993 and for other purposes* and desiring the concurrence of the Council therein.

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

**27 VICTIMS OF CRIME ASSISTANCE BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

*And the Council having continued to sit until after 12 midnight –*

THURSDAY, 5 DECEMBER 1996

Debate continued.

Question – put.

The Council divided.

	AYES, 31		NOES, 8
The Hon.	L. Asher	The Hon.	Tayfun Eren
	G.B. Ashman		M.M. Gould
	B.N. Atkinson		C.J. Hogg
	R.A. Best		J. McLean
	M.A. Birrell		D.A. Nardella ( <i>Teller</i> )
	B.W. Bishop		S.M. Nguyen
	B.C. Boardman ( <i>Teller</i> )		P. Power ( <i>Teller</i> )
	R.H. Bowden		B.T. Pullen
	A.R. Brideson		
	I.J. Cover		
	G.R. Craige		
	D.M. Davis		

P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney (*Teller*)  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative.

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

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

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

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 1.33 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 24 – Thursday, 5 December 1996**

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

**2 PETITION – BELGRAVE SOUTH PRIMARY SCHOOL** – The Honourable N.B. Lucas presented a Petition bearing 430 signatures from certain citizens of Victoria praying that urgent consideration be given to the upgrade of Belgrave South Primary School to at least the minimum standards set out in the Department of School Education Facilities Manual 1992.

Ordered to lie on the Table.

**3 PAPERS –**

**HEALTH SERVICES COMMISSIONER** – The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Reports of the Health Services Commissioner for the years 1994-95 and 1995-96 (incorporating the Reports of the Health Services Review Council).

Question – put and resolved in the affirmative.

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

\* \* \* \* \*

**SOLICITORS' GUARANTEE FUND** — The Honourable L. Asher moved, by leave, That there be laid before this House a copy of the Report of the Solicitors' Guarantee Fund for the year 1995-96.

Question — put and resolved in the affirmative.

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

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — REDUNDANT AND UNCLEAR LEGISLATION** — The Honourable M.T. Luckins moved, by leave, That there be laid before this House a copy of an Issues Paper from the Scrutiny of Acts and Regulations Committee upon the Review of Redundant and Unclear Legislation concerning the *Unlawful Assemblies and Processions Act 1958*.

Question — put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable M.T. Luckins and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — REDUNDANT AND UNCLEAR LEGISLATION** — The Honourable M.T. Luckins presented a Report from the Scrutiny of Acts and Regulations Committee upon Redundant and Unclear Legislation concerning the Review of the *Hire Purchase Act 1959*, together with an Appendix.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Members of Parliament (Register of Interests) Act 1978 — Summary of variations notified between 1 October 1996 and 4 December 1996.

- 4 **CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

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

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

- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 to 5 inclusive, be postponed until later this day.

- 6 **MOTOR CAR TRADERS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative — Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

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

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

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 7, be postponed until later this day.

**8 FRIENDLY SOCIETIES (VICTORIA) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**9 MISCELLANEOUS ACTS (FURTHER OMNIBUS AMENDMENTS) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until a gambling code of conduct incorporating appropriate advertising and industry standards applies under Victorian gambling legislation which also would include conditions relating to the extension of credit to non-Australian premium players proposed by amendments in Part 5 of the Bill to the *Casino Control Act 1991*."

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

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

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

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 9, be postponed until later this day.

**11 COMMONWEALTH POWERS (INDUSTRIAL RELATIONS) BILL** — This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

**12 MISCELLANEOUS ACTS (FURTHER OMNIBUS AMENDMENTS) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time and on the reasoned amendment (*for text see item 9*) —

Debate resumed.

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

The Council divided.

	AYES, 30		NOES, 7
The Hon.	L. Asher	The Hon.	M.M. Gould
	G.B. Ashman ( <i>Teller</i> )		C.J. Hogg
	B.N. Atkinson		J. McLean ( <i>Teller</i> )
	W.R. Baxter		D.A. Nardella
	R.A. Best		P. Power
	M.A. Birrell		T.C. Theophanous
	B.W. Bishop		D.T. Walpole ( <i>Teller</i> )
	B.C. Boardman		
	R.H. Bowden		
	A.R. Brideson		
	D.M. Davis		
	P.R. Davis		
	R.S. de Fegely		
	W. Forwood		
	C.A. Furletti		
	P.R. Hall		
	R.M. Hallam		
	W.A.N. Hartigan		
	P.A. Katsambanis		
	R.I. Knowles		
	N.B. Lucas		
	M.T. Luckins		
	E.J. Powell		
	Dr. J.W.G. Ross		
	W.I. Smith		
	Graeme Stoney		
	C.A. Strong		
	Rosemary Varty ( <i>Teller</i> )		
	Dr. R.J.H. Wells		
	Sue deC Wilding		

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

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

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

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

### 13 STOCK (SELLER LIABILITY AND DECLARATIONS) (AMENDMENT) BILL

– The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

- 14 QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 15 MELBOURNE CONVENTION AND EXHIBITION TRUST BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish a Melbourne Convention and Exhibition Trust to manage convention and exhibition facilities and services and to carry out certain other functions, to abolish the Melbourne Exhibition Centre Trust, to repeal the Melbourne Exhibition Centre Act 1994 and for other purposes* and desiring the concurrence of the Council therein.
- On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.
- Accordingly, the Honourable M.A. Birrell moved, That this Bill be now read a second time.
- The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.
- Question – That the debate be now adjourned – put and resolved in the affirmative.
- Ordered – That the debate be adjourned until the next day of meeting.
- 16 COGNATE DEBATE** – The Honourable M.A. Birrell moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Melbourne Exhibition Centre (Amendment) Bill and the Melbourne Convention and Exhibition Trust Bill to be taken concurrently.
- Question – put and resolved in the affirmative.
- 17 PIPELINES (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Pipelines Act 1967 and for other purposes* and desiring the concurrence of the Council therein.
- On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.
- Accordingly, the Honourable G.R. Craige moved, That this Bill be now read a second time.
- The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.
- Question – That the debate be now adjourned – put and resolved in the affirmative.
- Ordered – That the debate be adjourned until the next day of meeting.
- 18 FIREARMS BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
- Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.
- Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 19 RAIL CORPORATIONS BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second

time and, after further debate, the question being put was resolved in the affirmative.

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

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

**20 FISHERIES (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Fisheries Act 1968, the Fisheries Act 1995, to close the Port Phillip Bay scallop dredge fishery and for other purposes* and desiring the concurrence of the Council therein.

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

**21 SUPERANNUATION ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

**22 FISHERIES (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam (for the Honourable G.R. Craige) moved, That this Bill be now read a second time.

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

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

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

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

**23 ADJOURNMENT** – The Honourable R.M. Hallam moved, That the Council, at its rising, adjourn until Tuesday next at 10.00 a.m.

Question – put and resolved in the affirmative.

The Honourable R.M. Hallam moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 5.31 p.m., adjourned until Tuesday next at 10.00 a.m.

A.V. BRAY  
Clerk of the Legislative Council



# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 25 and 26

### No. 25 – Tuesday, 10 December 1996

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Lord Mayor's Charitable Fund Act*  
*Mental Health (Interstate Provisions) Act*  
*Optometrists Registration Act*  
*University Acts (Amendment) Act*  
*Witness Protection (Amendment) Act.*
- 3 **QUEEN VICTORIA MARKET LANDS BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to revoke the permanent reservations and Crown grants and provide for the surrender of certain land in relation to the Queen Victoria Market site, to provide for the granting of that land to the City of Melbourne, to repeal the Melbourne General Market Site Act 1877, the Melbourne Lands Exchange Act 1904 and the Melbourne General Market Lands Act 1917 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.I. Knowles (for the Honourable M.A. Birrell), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **LAND (FURTHER REVOCATION OF RESERVATIONS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to revoke certain reservations over land at Carisbrook, Bullarto South and Burnley and to revoke certain Crown grants and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.I. Knowles (for the Honourable M.A. Birrell), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **ENVIRONMENT PROTECTION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Environment Protection Act 1970 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.I. Knowles (for the Honourable M.A. Birrell), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 PLANNING AND ENVIRONMENT (PLANNING SCHEMES) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Planning and Environment Act 1987 in relation to planning schemes and for other purposes* and desiring the concurrence of the Council therein.

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

- 7 ARTS INSTITUTIONS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Libraries Act 1988, the Museums Act 1983, the National Gallery of Victoria Act 1966, the Ministry for the Arts Act 1972 and the Public Records Act 1973 and for other purposes* and desiring the concurrence of the Council therein.

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

- 8 CODE OF FOREST PRACTICES FOR TIMBER PRODUCTION** – The President announced the receipt of a Message from the Assembly transmitting the Instrument of Approval, together with the Code of Forest Practices for Timber Production, Revision No. 2, November 1996, and acquainting the Council that they had agreed to a Resolution ratifying the Instrument and desiring the concurrence of the Legislative Council.

Ordered – That the Message be taken into consideration on the next day of meeting.

- 9 MESSAGES FROM THE ASSEMBLY** – The President announced the receipt of Messages from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in the following Bills:

Commonwealth Powers (Industrial Relations) Bill  
 Courts and Tribunals (General Amendment) Bill  
 Health Acts (Further Amendment) Bill.

**10 PAPERS** –

**BLF CUSTODIAN** – The Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, by leave, That there be laid before this House a copy of Report No. 33 dated 30 November 1996 given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of the Act.

Question – put and resolved in the affirmative.

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

\* \* \* \* \*

**WOMEN'S BUDGET** – The Honourable R.I. Knowles (for the Honourable L. Asher) moved, by leave, That there be laid before this House a copy of the Victoria Women's Budget 1996.

Question – put and resolved in the affirmative.

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

\* \* \* \* \*

**FARROW GROUP INQUIRY** – The Honourable R.I. Knowles (for the Honourable L. Asher) moved, by leave, That there be laid before this House a

copy of the Final Report of D.J. Habersberger, Q.C., on the Farrow Group Inquiry, Volumes 1 to 10.

Question – put and resolved in the affirmative.

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

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – FISHERIES (ABALONE) REGULATIONS** – The Honourable P.A. Katsambanis moved, by leave, That there be laid before this House a copy of an Information Paper from the Scrutiny of Acts and Regulations Committee upon the Review of the Fisheries (Abalone) Regulations 1996, under the Subordinate Legislation Act 1994 entitled *Abalone - Taking Stock*.

Question – put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable P.A. Katsambanis and ordered to lie on the Table.

\* \* \* \* \*

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

Electoral Commissioner – Report on the Administration of the 1996 Victorian State Election, 30 March 1996.

Melbourne City Link Act 1995 – Order in Council of 26 November 1996 decreasing the Project area, pursuant to section 8(4) of the Act.

National Environment Protection Council – Report, 1995-96.

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

Berwick Planning Scheme – Amendment L78.

Boroondara Planning Scheme – Amendment L24.

Brimbank Planning Scheme – Amendment L17.

Darebin Planning Scheme – Amendment L9.

Flinders Planning Scheme – Amendment L86 Part 1.

Frankston Planning Scheme – Amendment L78.

Gannawarra Planning Scheme – Amendment L1.

Korumburra Planning Scheme – Amendment L65.

Mitchell Planning Scheme – Amendment L4.

Moira Planning Scheme – Amendment L7 Part 2.

Port Phillip Planning Scheme – Amendment L41.

Rosedale Planning Scheme – Amendment L36.

Sale Planning Scheme – Amendment L26.

South Gippsland Planning Scheme – Amendments L22 and L24.

Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan – Amendments Nos. 91 to 96.

Warrnambool Planning Scheme – Amendment L23.

Yarra Ranges Planning Scheme – Amendments L9, L11, L15 and L35 to L37.

Statutory Rules under the following Acts of Parliament:

Appeal Costs Act 1964 – No. 132.

Competition Policy Reform (Victoria) Act 1995 – No. 135.

Optometrists Registration Act 1958 – No. 130.

Road Safety Act 1986 — No. 136.

Shop Trading Reform Act 1996 — No. 134.

Statutory Rules — *continued*

Subordinate Legislation Act 1994 — No. 131.

Supreme Court Act 1986 — Nos. 129, 133 and 137 to 142.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 130 to 132 and 137 to 142/1996.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 134 and 135/1996.

\* \* \* \*

**PROCLAMATION** — A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council on 14 May 1996:

Westpac and Bank of Melbourne (Challenge Bank) Act 1996 — Division 1 of Part 2, Part 3 and Part 5 (except section 36) — 8 December 1996 (*Gazette No. G48, 5 December 1996*).

**11 MAGISTRATES' COURT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable L. Asher) moved, That this Bill be now read a second time.

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

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

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

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

**12 QUEEN VICTORIA MARKET LANDS BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

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

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

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

**13 LAND (FURTHER REVOCATION OF RESERVATIONS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

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

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

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

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

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

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

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

**15 ARTS INSTITUTIONS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

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

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

**16 PLANNING AND ENVIRONMENT (PLANNING SCHEMES) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.

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

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

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

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

**17 MAGISTRATES' COURT (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**18 ACCIDENT COMPENSATION (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

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

**19 QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**20 ACCIDENT COMPENSATION (FURTHER AMENDMENT) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put.

The Council divided.

AYES, 32

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best (*Teller*)  
M.A. Birrell

NOES, 10

The Hon. Tayfun Eren  
M.M. Gould (*Teller*)  
C.J. Hogg (*Teller*)  
J. McLean  
D.A. Nardella  
S.M. Nguyen

B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith (*Teller*)  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

P. Power  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole

And so it was resolved in the affirmative.

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

House in Committee.

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

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

**21 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**22 ABSENCE OF THE CLERK** – The Honourable R.I. Knowles moved, That the Clerk-Assistant perform the duties of the Clerk of the Council during his absence on 11 December and take the Chair at the Table.

Question – put and resolved in the affirmative.

**23 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

**24 CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**25 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 5 and 6, be postponed until later this day.

**26 PIPELINES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**27 FISHERIES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**28 QUEEN VICTORIA MARKET LANDS BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted to provide a guarantee that the land granted to the Melbourne City Council by the Bill must remain in public ownership and can be disposed of only to the Crown after agreement of the Parliament".

Debate ensued.

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

The Council divided.

AYES, 32

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood (*Teller*)  
C.A. Furletti

NOES, 9

The Hon. Tayfun Eren  
M.M. Gould  
C.J. Hogg  
J. McLean (*Teller*)  
D.A. Nardella  
S.M. Nguyen (*Teller*)  
P. Power  
B.T. Pullen  
D.T. Walpole

P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis (*Teller*)  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

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

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

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

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

**29 MELBOURNE CONVENTION AND EXHIBITION TRUST BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the Melbourne Exhibition Centre (Amendment) Bill having been authorized to be debated concurrently pursuant to an Order of the Council on 5 December 1996] –

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until a proper review is conducted into the pecuniary interest provisions governing members of the controlling bodies of all statutory authorities, including the proposed Melbourne Convention and Exhibition Trust, with a view to tightening those provisions and making them uniform".

Debate ensued.

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

The Council divided.

AYES, 32

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely

NOES, 9

The Hon. Tayfun Eren (*Teller*)  
 M.M. Gould  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen  
 D.T. Walpole (*Teller*)



W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas (*Teller*)  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross (*Teller*)  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

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

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

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

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

**30 MELBOURNE EXHIBITION CENTRE (AMENDMENT) BILL** – The concurrent second reading debate having concluded –

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

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

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

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

Debate ensued.

*And the Council having continued to sit until after 12 midnight –*

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Debate continued.

Question – put and resolved in the affirmative.

And then the Council, at 12.03 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY

*Clerk of the Legislative Council*

**No. 26 – Wednesday, 11 December 1996**

- 1 The President took the Chair and read the Prayer.
- 2 **BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent Government Business taking precedence of all other business from 12 noon during the sitting of the Council this day.

Question — put and resolved in the affirmative.

- 3 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Acting Clerk:  
Small Business Victoria — Report, 1995-96.

4 **BUSINESS POSTPONED** —

Ordered — That the consideration of Notice of Motion, General Business, No. 1, be postponed until the next day of meeting.

Ordered — That the consideration of Notice of Motion, General Business, No. 2, be postponed until later this day.

5 **ROAD FUNDING** — The Honourable P. Power moved, That this House —

- (a) condemns the Government's inept management of road funding which has allowed Federal funding to dramatically fall, seen the dumping of undertakings to commit 33.3 per cent of the three cent a litre petrol levy on roads in country Victoria and set in place a savage reduction of funding for critical black spot programs; and
- (b) notes the deleterious impact this is having on urban, provincial and rural roads.

Debate ensued.

Question — put.

The Council divided.

AYES, 8  
The Hon. Tayfun Eren (*Teller*)  
M.M. Gould  
C.J. Hogg  
J. McLean  
D.A. Nardella  
S.M. Nguyen (*Teller*)  
P. Power  
D.T. Walpole

NOES, 30  
The Hon. L. Asher  
G.B. Ashman (*Teller*)  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Dr. R.J.H. Wells (*Teller*)  
Sue deC Wilding

And so it passed in the negative.

- 6 SUPERANNUATION ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable T.C. Theophanous moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until further consultation occurs with local government and emergency service employees in relation to the proposed changes to the definition of 'retrenchment' which, if implemented, will have a detrimental impact on the benefits of current employees whose employment is terminated".

Debate ensued.

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

The Council divided.

	AYES, 28		NOES, 8
The Hon.	L. Asher	The Hon.	Tayfun Eren
	G.B. Ashman		M.M. Gould ( <i>Teller</i> )
	B.N. Atkinson		J. McLean ( <i>Teller</i> )
	W.R. Baxter		D.A. Nardella
	R.A. Best		S.M. Nguyen
	B.W. Bishop		P. Power
	B.C. Boardman		T.C. Theophanous
	R.H. Bowden		D.T. Walpole
	A.R. Brideson		
	I.J. Cover		
	G.R. Craige		
	D.M. Davis		
	P.R. Davis		
	R.S. de Fegely		
	P.R. Hall		
	R.M. Hallam		
	W.A.N. Hartigan		
	P.A. Katsambanis		
	N.B. Lucas		
	M.T. Luckins ( <i>Teller</i> )		
	E.J. Powell		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney		
	C.A. Strong		
	Dr. R.J.H. Wells		
	Sue deC Wilding ( <i>Teller</i> )		

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

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

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

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

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

- 8 ARTS INSTITUTIONS (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable M.M. Gould moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted to include a commitment to community ownership of Victoria's three cultural institutions and their assets, provision for a proper selection process for board members of the State Library, the State Museum and the National Gallery of Victoria, and the inclusion of checks and balances on direct ministerial intervention in the management of the institutions".

Debate ensued.

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

- 9 QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 10 ARTS INSTITUTIONS (AMENDMENT) BILL** – Debate continued on the question, That this Bill be now read a second time and on the reasoned amendment (*for text see item 7*) –

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

The Council divided.

	AYES, 32		NOES, 9
The Hon.	L. Asher	The Hon.	Tayfun Eren
	G.B. Ashman		M.M. Gould
	B.N. Atkinson		C.J. Hogg
	W.R. Baxter		J. McLean
	R.A. Best		D.A. Nardella
	M.A. Birrell		S.M. Nguyen
	B.W. Bishop		P. Power
	B.C. Boardman		B.T. Pullen ( <i>Teller</i> )
	R.H. Bowden		D.T. Walpole ( <i>Teller</i> )
	A.R. Brideson		
	I.J. Cover		
	G.R. Craige		
	D.M. Davis		
	P.R. Davis		
	R.S. de Fegely		
	C.A. Furletti		
	P.R. Hall		
	R.M. Hallam		
	W.A.N. Hartigan ( <i>Teller</i> )		
	P.A. Katsambanis		
	R.I. Knowles		
	N.B. Lucas		
	M.T. Luckins		
	E.J. Powell		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney ( <i>Teller</i> )		
	C.A. Strong		
	Rosemary Varty		
	Dr. R.J.H. Wells		
	Sue deC Wilding		

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

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

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

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

**11 PLANNING AND ENVIRONMENT (PLANNING SCHEMES) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the Government has had further consultation with relevant organisations and the community about the ramifications of the Bill and gone through a formal exhibition process in relation to the Victoria Planning Provisions which form a major part of the proposed planning reforms, thereby allowing citizens the opportunity to express their concerns about any detrimental impacts it may have on the future use and development of land in this State."

Debate ensued.

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

The Council divided.

	AYES, 31		NOES, 9
The Hon.	L. Asher	The Hon.	Tayfun Eren
	G.B. Ashman		M.M. Gould
	B.N. Atkinson ( <i>Teller</i> )		C.J. Hogg
	W.R. Baxter		J. McLean
	R.A. Best		D.A. Nardella ( <i>Teller</i> )
	M.A. Birrell		S.M. Nguyen
	B.W. Bishop		P. Power
	B.C. Boardman		B.T. Pullen ( <i>Teller</i> )
	R.H. Bowden ( <i>Teller</i> )		D.T. Walpole
	A.R. Brideson		
	I.J. Cover		
	G.R. Craige		
	D.M. Davis		
	P.R. Davis		
	R.S. de Fegely		
	C.A. Furletti		
	P.R. Hall		
	R.M. Hallam		
	W.A.N. Hartigan		
	P.A. Katsambanis		
	R.I. Knowles		
	N.B. Lucas		
	M.T. Luckins		
	E.J. Powell		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney		
	C.A. Strong		
	Rosemary Varty		

Sue deC Wilding

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

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

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

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

**12 ENVIRONMENT PROTECTION (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted to provide for –

- (a) industrial waste agreements which are non-legal public commitments to be prepared in accordance with Environment Protection Authority guidelines;
- (b) a landfill levy which provides incentive to reduce waste;
- (c) clear definition of the membership of the board of Ecocycle; and
- (d) full accountability of the Environment Protection Authority for the spending by the Authority of the landfill levy."

Debate ensued.

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

The Council divided.

	AYES, 31		NOES, 8
The Hon.	L. Asher	The Hon.	Tayfun Eren
	G.B. Ashman		C.J. Hogg
	B.N. Atkinson		J. McLean ( <i>Teller</i> )
	W.R. Baxter		D.A. Nardella
	R.A. Best		S.M. Nguyen ( <i>Teller</i> )
	M.A. Birrell		P. Power
	B.W. Bishop		B.T. Pullen
	B.C. Boardman		D.T. Walpole
	R.H. Bowden		
	A.R. Brideson		
	I.J. Cover		
	G.R. Craige		
	D.M. Davis		
	P.R. Davis		
	R.S. de Fegely		
	C.A. Furletti		
	P.R. Hall		
	R.M. Hallam		
	W.A.N. Hartigan		
	P.A. Katsambanis		
	R.I. Knowles		
	N.B. Lucas		
	M.T. Luckins		

E.J. Powell  
 Dr. J.W.G. Ross (*Teller*)  
 K.M. Smith  
 W.I. Smith (*Teller*)  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Sue deC Wilding

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

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

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

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

**13 CODE OF FOREST PRACTICES FOR TIMBER PRODUCTION, NOVEMBER 1996** – The Order of the Day having been read for the consideration of the Message from the Assembly concerning the Code of Forest Practices for Timber Production, the Resolution of the Assembly was read and is as follows:

That the Instrument of Approval of the Code of Forest Practices for Timber Production, Revision No. 2, November 1996, approved by the Minister for Conservation and Land Management on 15 November 1996, be ratified.

The Honourable M.A. Birrell moved, That the Instrument of Approval of the Code of Forest Practices for Timber Production, Revision No. 2, November 1996, approved by the Minister for Conservation and Land Management on 15 November 1996, be ratified.

Debate ensued.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House not ratify any Ministerial approval of a Code of Forest Practices for Timber Production until that Code of Forest Practices contains all the suggested guidelines as proposed by the CSIRO in its Report entitled *Review of the Code of Forest Practices for Timber Production* dated September 1995."

Debate ensued.

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

The Council divided.

AYES, 31  
 The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson (*Teller*)  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis

NOES, 8  
 The Hon. M.M. Gould  
 C.J. Hogg (*Teller*)  
 J. McLean  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power (*Teller*)  
 B.T. Pullen  
 D.T. Walpole

R.S. de Fegely  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell (*Teller*)  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Sue deC Wilding

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

Question – That the Instrument of Approval of the Code of Forest Practices for Timber Production, Revision No. 2, November 1996, approved by the Minister for Conservation and Land Management on 15 November 1996, be ratified – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have concurred with the Assembly and have ratified the Instrument of Approval.

**14 LAND (FURTHER REVOCATION OF RESERVATIONS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**15 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

Question – put and resolved in the affirmative.

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

Debate ensued.

And then the Council, at 6.26 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

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



# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 27 and 28

### No. 27 – Tuesday, 1 April 1997

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution, having fixed this day at 2.30 p.m. as the time of meeting.

The President took the Chair and read the Prayer.

- 2 **THE LATE JOHN JOSEPH JONES** – The Honourable M.A. Birrell moved, That this House expresses its sincere sorrow at the death, on 22 March 1997, of John Joseph Jones and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Ballarat Province from 1952 to 1958.

And other Honourable Members and the President having addressed the House – The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

- 3 **ADJOURNMENT** – The Honourable M.A. Birrell moved, That as a further mark of respect to the memory of the late John Joseph Jones, the House do now adjourn until this day at 5.00 p.m.

Question – put and resolved in the affirmative.

And then the Council, at 3.01 p.m., adjourned until this day at 5.00 p.m.

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- 1 The President took the Chair.
  - 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented Messages from His Excellency the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:

On 12 December 1996 –

*Commonwealth Powers (Industrial Relations) Act*

On 17 December 1996 –

*Accident Compensation (Further Amendment) Act*

*Arts Institutions (Amendment) Act*

*Casino (Management Agreement) (Amendment) Act*

*Chiropractors Registration Act*

*Courts and Tribunals (General Amendment) Act*

*Environment Protection (Amendment) Act*

*Firearms Act*

*Fisheries (Amendment) Act*

*Health Acts (Further Amendment) Act*

*Land (Further Revocation of Reservations) Act*  
*Magistrates' Court (Amendment) Act*  
*Melbourne Convention and Exhibition Trust Act*  
*Melbourne Exhibition Centre (Amendment) Act*  
*Miscellaneous Acts (Further Omnibus Amendments) Act*  
*Motor Car Traders (Amendment) Act*  
*Osteopaths Registration Act*  
*Pipelines (Amendment) Act*  
*Planning and Environment (Planning Schemes) Act*  
*Queen Victoria Market Lands Act*  
*Rail Corporations Act*  
*Stock (Seller Liability and Declarations) (Amendment) Act*  
*Victims of Crime Assistance Act*

On 23 December 1996 –

*Superannuation Acts (Further Amendment) Act*  
*Friendly Societies (Victoria) Act*  
*Co-operatives Act.*

- 3 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Interpretation of Legislation Act 1984 and for other purposes* and desiring the concurrence of the Council therein.

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

- 4 CINEMEDIA CORPORATION BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish the Cinemedia Corporation, to repeal the Film Victoria Act 1981 and the State Film Centre of Victoria Council Act 1983 and for other purposes* and desiring the concurrence of the Council therein.

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

- 5 NATIONAL PARKS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the National Parks Act 1975, to create reserve under the Crown Land (Reserves) Act 1978, to amend the National Parks (Alpine National Park) Act 1989 and for other purposes* and desiring the concurrence of the Council therein.

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

- 6 EVIDENCE (AUDIO VISUAL AND AUDIO LINKING) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Evidence Act 1958, the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989 and the Children and Young Persons Act 1989 with respect to appearance before, or the giving of evidence or making of submissions to, courts by audio visual or audio links and for other purposes* and desiring the concurrence of the Council therein.

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

- 7 FISHERIES (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Fisheries Act 1995 and for other purposes* and desiring the concurrence of the Council therein.

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

- 8 EDUCATION (TRESPASS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Education Act 1958 with respect to trespassing on State schools and for other purposes* and desiring the concurrence of the Council therein.

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

- 9 EDUCATION (STANDARDS COUNCIL) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Education Act 1958 to make further provision for the Standards Council of the Teaching Profession, to make consequential amendments to the Teaching Service Act 1981 and for other purposes* and desiring the concurrence of the Council therein.

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

- 10 PARLIAMENT HOUSE COMPLETION AUTHORITY (REPEAL) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to repeal the Parliament House Completion Authority Act 1996 and for other purposes* and desiring the concurrence of the Council therein.

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

- 11 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 12 CORRECTION OF BILL TITLES** – The Honourable R.I. Knowles moved, by leave, That where a Bill has passed through both Houses and any title of the Bill includes a reference to a calendar year earlier than that in which passage of a Bill was completed, the Clerk of the Parliaments be empowered to alter the calendar year reference in the Bill title and any corresponding reference within the Bill itself to accord with the year in which its passage was completed.

Question – put and resolved in the affirmative.

- 13 ADJOURNMENT OF BILLS** – The Honourable R.I. Knowles moved, by leave, That -

- (a) unless otherwise ordered, where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 16 May 1997, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1997: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 19 May 1997 may be taken through all stages; and
- (b) this Order shall have effect until 30 June 1997.

The Honourable T.C. Theophanous moved, as an amendment, That the following paragraph be added to follow paragraph (b):

- (c) in addition to published sitting dates, this House sit on 27, 28 and 29 May 1997 in order to allow the House to fully debate Bills transmitted from the Assembly prior to 19 May 1997.

Debate ensued.

Question — That the paragraph proposed to be added be so added — put.

The Council divided.

<p>AYES, 9</p> <p>The Hon. Tayfun Eren M.M. Gould C.J. Hogg D.A. Nardella (<i>Teller</i>) S.M. Nguyen P. Power B.T. Pullen T.C. Theophanous D.T. Walpole (<i>Teller</i>)</p>	<p>NOES, 32</p> <p>The Hon. L. Asher G.B. Ashman B.N. Atkinson W.R. Baxter R.A. Best (<i>Teller</i>) M.A. Birrell B.W. Bishop B.C. Boardman R.H. Bowden A.R. Brideson I.J. Cover G.R. Craige D.M. Davis P.R. Davis R.S. de Fegely W. Forwood C.A. Furletti P.R. Hall R.M. Hallam W.A.N. Hartigan P.A. Katsambanis R.I. Knowles N.B. Lucas M.T. Luckins E.J. Powell Dr. J.W.G. Ross K.M. Smith W.I. Smith Graeme Stoney (<i>Teller</i>) Rosemary Varty Dr. R.J.H. Wells Sue deC Wilding</p>
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And so it passed in the negative.

Question — That -

- (a) unless otherwise ordered, where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 16 May 1997, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1997: Provided that any Bill transmitted from the Legislative Assembly which

is in the hands of the Clerk no later than 10.00 a.m. on 19 May 1997 may be taken through all stages; and

(b) this Order shall have effect until 30 June 1997.

– put and resolved in the affirmative.

#### 14 PAPERS –

**CLASSIFICATION OF FILMS AND VIDEOTAPES** – The Honourable L. Asher moved, by leave, That there be laid before this House a copy of the Guidelines for the Classification of Films and Videotapes (Amendment) (No. 1), 11 September 1996 in lieu of those Tabled on 12 November 1996.

Question – put and resolved in the affirmative.

The said guidelines were thereupon presented by the Honourable L. Asher and ordered to lie on the Table.

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**AUSTRALIAN GRAND PRIX** – The Honourable L. Asher moved, by leave, That there be laid before this House a copy of each of the following documents relating to the Australian Grands Prix (Formula One) Regulations 1996:

- (a) Crown Land reservation relating to Albert Park (*Gazette No. G40, 12 October 1995, p 2900*);
- (b) Declarations for the race period and designated access areas for the Australian Grands Prix (*Gazette No. G50, 21 December 1995, pp 3619-20*);
- (c) Declaration relating to the declared area for the 1996 Australian Grands Prix (*Gazette No. G3, 25 January 1996, pp 196-7*);
- (d) Declarations for the declared area, race period and designated access areas for the 1997 Australian Grands Prix (*Gazette No. S140, 14 December 1996, pp 1-3*);
- (e) Copy of Plan numbered LEGL./95-128; and
- (f) Notice relating to the lodgement for tabling of the above documents (*Gazette No. G1, 9 January 1997, p 34*).

Question – put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable L. Asher and ordered to lie on the Table.

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**BLF CUSTODIAN** – The Honourable M.A. Birrell moved, by leave, That there be laid before this House a copy of Report No. 34 dated 28 February 1997 given to Mr President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of the Act.

Question – put and resolved in the affirmative.

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

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGESTS** – The Honourable P.A. Katsambanis presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 1 of 1997 together with an Appendix.

Alert Digest No. 2 of 1997 together with an Appendix.

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

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

Alpine Resorts Commission – Report, year ended 31 October 1996.

Albury-Wodonga Development (Victoria) Corporation – Report, 1995-96.

Bairnsdale Waste Management Group – Minister for Conservation and Land Management's report of receipt of 1995-96 Annual Report.

Building Act 1993 –

Building Code of Australia – Amendment No. 10.

Minister's exemption certificate under section 9(6) of the Subordinate Legislation Act 1994 and notice of the Amendment (*Gazette S2*, 6 January 1997).

Clunes District Hospital – Minister for Health's report of receipt of 1995-96 Annual Report.

Crown Land (Reserves) Act 1978 – Minister's Orders of 14 January and 11 February 1997 giving approval to granting of leases at Daylesford and Lorne. (two papers).

Dental Board – Minister for Health's report of receipt of 1995-96 Annual Report.

Drugs, Poisons and Controlled Substances Act 1981 –

Standard for the Uniform Scheduling of Drugs and Poisons, No. 11 – Amendments Nos. 1 and 3, Part A.

Notice regarding the amendment, commencement and availability of the Poisons Code (four papers).

Eastern Regional Waste Management Group – Minister for Conservation and Land Management's report of receipt 1994-95 Annual Report.

Forests Act 1958 – Minister's Order of 17 December 1996 amending the sustainable yield rates and grades in the Third Schedule pursuant to section 52E of the Act.

Goulburn Valley Base Hospital – Financial report for the period 1 July 1995 to 29 February 1996 and Report for the period 1 March 1996 to 30 June 1996 (two papers).

Interpretation of Legislation Act 1984 – Notices pursuant to section 32(3)(a) in relation to Statutory Rules No. 111/1996 and No. 5/1997.

Land Conservation Council – Final recommendations to the Minister regarding Historic Places South Western Victoria Special Investigation.

Medical Practitioners Board – Report, year ended 30 September 1996 [incorporating the Report of the Intern Training Accreditation Committee].

Melbourne City Link Act 1995 –

Orders in Council of 17 December 1996, varying the project area of land pursuant to section 8(4) of the Act (two papers).

Statement of Variations Nos. 1 and 2 of 1997 to the Melbourne City Link Project Agreement, 21 January 1997, pursuant to section 15(2) of the Act.

Memorial Park Cemetery Trust – Report, 1995.

Museums Advisory Board – Report, 1995-96.

North Eastern Health Care Network – Report, 1995-96 (two papers).

Northern Regional Refuse Disposal Group – Minister for Conservation and Land Management's report of receipt 1994-95 Annual Report.

Northern Regional Waste Management Group – Minister for Conservation and Land Management’s report of receipt 1995-96 Annual Report (two papers).

O’Connell Family Centre (Grey Sisters) Incorporated – Report, 1995-96.

Planning and Environment Act 1987 –

Approved Amendments Nos. 97, 98, 99 and 100 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (four papers).

Notices of Approval of the following amendments to planning schemes:

Avon Planning Scheme – Amendment L10.

Bacchus Marsh Planning Scheme – Amendment L41.

Bairnsdale (City) Planning Scheme – Amendment L41.

Bairnsdale (Shire) Planning Scheme – Amendment L54.

Ballarat Planning Scheme – Amendments L19 and L20.

Banyule Planning Scheme – Amendments L7 and L8 Part 1.

Bayside Planning Scheme – Bayside Consolidation Amendment.

Bendigo – Greater Bendigo Planning Scheme – Amendments L54 and L56.

Berwick Planning Scheme – Amendments L39 Part 1B, L70 Part 2A, L90 Part 1, L96, L97 and L119.

Boroondara Planning Scheme – Amendments L14, L25, L27 and L28.

Brighton Planning Scheme – Amendment L32.

Brimbank Planning Scheme – Amendments L30 and L31.

Buninyong Planning Scheme – Amendment L60.

Castlemaine Planning Scheme – Amendment L19.

Cranbourne Planning Scheme – Amendments L133, L140, L156, L176, L196, L199, L200 and L206.

Dandenong – Greater Dandenong Planning Scheme – Amendments L6 to L9.

Darebin Planning Scheme – Amendments L30, L41 and L43.

Diamond Valley Planning Scheme – Amendments L51 and L64 and Nillumbik Consolidation Amendment.

Dimboola Planning Scheme – Amendment L6 Parts 1 and 2 (two papers).

Doncaster and Templestowe Planning Scheme – Amendments L109, L111 to L113 and L116.

Eltham Planning Scheme – Amendment L57.

Euroa Planning Scheme – Amendment L25.

Flinders Planning Scheme – Amendments L139, L159 and L162.

Frankston Planning Scheme – Amendments L81 and L82.

Geelong – Greater Geelong Planning Scheme – Amendments L153 and SRL4.

Glen Eira Planning Scheme – Amendments L3 and L10.

Goulburn Planning Scheme – Amendment L10 Part 1.

Healesville Planning Scheme – Amendment L71.

Hepburn Planning Scheme – Amendment L1.

Hobsons Bay Planning Scheme – Amendments L1 and L2.

Horsham (Rural City) Planning Scheme – Amendment L8.

Planning and Environment Act 1987 – *continued.*

- Hume Planning Scheme – Amendments L13, L17, L18, L23, L26 and L27.
- Kingston Planning Scheme – Amendments L7, L10, L15 and L21.
- Knox Planning Scheme – Amendments L113 and L132 to L134.
- Korong Planning Scheme – Amendment L3.
- Macedon Ranges Planning Scheme – Amendments L2 and L13.
- Maribyrnong Planning Scheme – Amendments L1, L5, L8, L22 and L23.
- Maroondah Planning Scheme – Amendments L4 and L7.
- Melbourne Planning Scheme – Amendments L224, L228, L235, L236, L238 and L239.
- Melton Planning Scheme – Amendments L61, L69, L76 and L78.
- Metropolitan Region Planning Schemes – Amendment R44.
- Mitchell Planning Scheme – Amendments L17 and L29 Part 1.
- Moe Planning Scheme – Amendments L38 and L39.
- Moira Planning Scheme – Amendment L15.
- Monash Planning Scheme – Amendments L5, L9, L13, L18 and L22.
- Moonee Valley Planning Scheme – Amendments L10 and L18.
- Moorabbin Planning Scheme – Amendment L65.
- Mordialloc Planning Scheme – Amendment L20.
- Moreland Planning Scheme – Amendments L29 and L30.
- Mornington Planning Scheme – Amendments L62, L66, L68 and L69.
- Morwell Planning Scheme – Amendment L59.
- Narracan Planning Scheme – Amendments L37, L58 and L59.
- Nillumbik Planning Scheme – Amendment L2.
- Pakenham Planning Scheme – Amendments L113 and L127 to L132.
- Phillip Island Planning Scheme – Amendment L73.
- Port of Melbourne Planning Scheme – Amendments L18 to L21.
- Portland (City) Planning Scheme – Amendment SRL4.
- Port Phillip Planning Scheme – Amendments L8, L23, L36, L37, L39, L43, L45 and L46.
- Rodney Planning Scheme – Amendments L92, L94 Part 1 and L96.
- Seymour Planning Scheme – Amendment L29.
- Shepparton (City) Planning Scheme – Amendment L58.
- Sherbrooke Planning Scheme – Amendment L125.
- South Gippsland Planning Scheme – Amendment L38.
- Stonnington Planning Scheme – Amendments L18 and L19.
- Surf Coast Planning Scheme – Amendments R48 and RL41.
- Tambo Planning Scheme – Amendment L68.
- Traralgon (City) Planning Scheme – Amendments L68 and L70.
- Victoria – State Section Planning Schemes – Amendments S65, SL3, SL62 and SRL4.
- Warrnambool Planning Scheme – Amendment L17 Part A.
- Werribee Planning Scheme – Amendments L88 Part 1, L93, L94, L101, L110 and L113.
- Whitehorse Planning Scheme – Amendments L12 and L14.



- Whittlesea Planning Scheme – Amendments L82 Part 2, L131 and L139 to L141.
- Planning and Environment Act 1987 – *continued*.
- Wodonga Rural (City) Planning Scheme – Amendments L3, L5, L6 Part 1, L11 and L15.
- Wonthaggi Planning Scheme – Amendment L22.
- Woorayl Planning Scheme – Amendments L53, L55 and L57.
- Yackandandah Planning Scheme – Amendment L30.
- Yarra Planning Scheme – Amendments L27, L32, L34, L35 and SL 62.
- Yarra Ranges Planning Scheme – Amendments L12 Part 2, L22 Part 1, L25 Part 2, L28, L38, L41, L45, L46, L52 and L59.
- Prevention of Cruelty to Animals Act 1986 –
- Code of Accepted Farming Practice for the Welfare of Poultry (Revision No. 1)
- Revocation of the Code of Accepted Farming Practice for the Welfare of Domestic Fowl, 20 August 1985.
- Code of Accepted Farming Practice for the Welfare of Cattle (Victoria) (Revision No. 1).
- Revocation of the Code of Accepted Farming Practice for the Welfare of Cattle, 17 February 1981 and the amendment to the Code, 5 August 1986.
- Rural Finance Act 1988 – Treasurer’s directive of 27 February 1997 to Rural Finance Corporation.
- South Eastern Regional Waste Management Group – Report, 1995-96 (two papers).
- State Insurance Office – Report for the period 1 July 1995 to 30 September 1996.
- Statutory Rules under the following Acts of Parliament:
- Accident Compensation Act 1985 – No. 155/1996.
- Administrative Appeals Tribunal Act 1984 – No. 149/1996.
- Alpine Resorts Act 1983 – No. 147/1996.
- Australian Grand Prix Act 1994 – No. 151/1996.
- Building Act 1993 – No. 161/1996.
- Children and Young Persons Act 1989 – No. 150/1996.
- Chiropractors and Osteopaths Act 1978 – No. 158/1996.
- County Court Act 1958 – No. 165/1996 and No. 12/1997.
- Dangerous Goods Act 1985 – No. 11/1997.
- Dental Technicians Act 1972 – No. 144/1996.
- Dentists Act 1972 – No. 157/1996.
- Education Act 1958 – No. 6/1997.
- Estate Agents Act 1980 – No. 9/1997.
- Fisheries Act 1968 – Nos. 152 and 154/1996.
- Health Act 1958 – Nos. 13 and 14/1997.
- Health Services Act 1988 – Nos. 159 and 160/1996.
- Land Tax Act 1958 – No. 145/1996.
- Legal Profession Practice Act 1958 – No. 153/1996.
- Listening Devices Act 1969 – No. 2/1997.
- Magistrates’ Court Act 1989 – Nos. 143 and 146/1996.

Marine Act 1988 – No. 163/1996 and No. 8/1997.  
 Metropolitan Fire Brigades Act 1958 – No. 4/1997.  
 Mineral Resources Development Act 1990 – No. 1/1997.

Statutory Rules – *continued.*

Occupational Health and Safety Act 1985 – No. 148/1996.  
 Pharmacists Act 1974 – No. 156/1996.  
 Road Safety Act 1986 – Nos. 10 and 16/1997.  
 Second-Hand Dealers and Pawnbrokers Act 1989 – No. 7/1997.  
 State Electricity Commission Act 1958 – No. 5/1997.  
 Supreme Court Act 1986 – No. 166/1996 and No. 17/1997.  
 Tobacco Act 1987 – No. 15/1997.  
 Transport Accident Act 1986 – No. 164/1996.  
 Transport Act 1983 – No. 162/1996.  
 Travel Agents Act 1986 – No. 3/1997.

Subordinate Legislation Act 1994 –

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 143, 145, 149, 156 to 159 and 165/1996 and Nos. 4, 12 and 17/1997.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 147, 150, 152 to 154, 159, 160, 162 to 164/1996 and 1, 2, 6, 7, 8, 14 and 15/1997.

Surveyors' Board – Minister for Conservation and Land Management's report of receipt of 1995-96 Annual Report.

Transport Act 1983 – Minister's Orders of 5 December 1996 and 6 February 1997 transferring certain assets and liabilities from the Public Transport Corporation to the Roads Corporation (two papers).

Waranga Memorial Hospital – Report for the period 1 July 1995 to 29 February 1996.

Western Regional Waste Management Group – Minister for Conservation and Land Management's report of receipt 1995-96 Annual Report (two papers).

Wildlife Act 1975 – Notice of closure of areas to hunting, No. 1, 11 March 1997.

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**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 14 May 1996:

Accident Compensation (Amendment) Act 1966 – Section 40 – 19 December 1996 (*Gazette No. G50, 19 December 1996*).

Accident Compensation (Further Amendment) Act 1996 – Sections 10, 12, 15, 25, 26, 29 and 34 – 23 January 1997 (*Gazette No. G3, 23 January 1997*).

Arts Institutions (Amendment) Act 1996 – Remaining provisions of Part 2 (except section 5(3), 23, 24(3) (4) and (5), 25, 26, 29(c) and 33; Part 3 (except sections 37(2), 48, 49(2), 49(3), 50 to 52 and 67); Part 4 (except sections 69(b), 78 and 82); Parts 5 to 7 (except section 91) – 4 February 1997 (*Gazette No. G5, 6 February 1997*).

Commonwealth Powers (Industrial Relations) Act 1996 – Part 2 – 17 December 1996 (*Gazette No. S142, 17 December 1996*).

Corrections Amendment Act 1997 – Remaining provisions (except sections 11 to 13) – 6 February 1997 (*Gazette No. G5, 6 February 1997*).

Proclamations – *continued*.

Courts and Tribunals (General Amendment) Act 1996 – Remaining provisions – 1 April 1997 – (*Gazette No. G11, 20 March 1997*).

Environment Protection (Amendment) Act 1996 – Sections 6, 20, 21 24(2) and 25 to 27 – 17 December 1996 (*Gazette No. S142, 17 December*

Farm Produce Wholesale (Amendment) Act 1996 – Remaining provisions (except section 23) – 31 December 1996 (*Gazette No. G50, 19 December 1996*).

Firearms Act 1996 – Sections 3, 189 and 196 – 4 February 1997 (*Gazette No. G5, 6 February 1997*).

Health (Radiographers) Act 1966 – 1 March 1997 (*Gazette No. G8, 27 February 1997*).

Lord Mayor's Charitable Fund Act 1996 – Remaining provisions – 1 February 1997 (*Gazette No. G3, 23 January 1997*).

Melbourne Convention and Exhibition Trust Act 1996 – Remaining provisions – 5 February 1997 (*Gazette No. S16, 5 February 1997*).

Miscellaneous Acts (Further Omnibus Amendments) Act 1996 – Sections 75, 86, 87, 91(1), 91(8) and Part 22 – 19 December 1996 (*Gazette No. G50, 19 December 1996*).

Motor Car Traders (Amendment) Act 1996 – Remaining provisions (except sections 13, 42(1)(c), 51(b) and 51(d)) – 1 March 1997 (*Gazette No. G7, 20 February 1997*).

Rail Corporations Act 1996 – Remaining provisions (except Division 2 of Part 2) – 1 March 1997; Division 2 of Part 2 – 1 April 1997 (*Gazette No. S11, 28 January 1997*).

Small Business Victoria (Repeal) Act 1996 – Remaining provisions – 1 January 1997 (*Gazette No. S146, 23 December 1996*).

**15 MELBOURNE UNIVERSITY (VCAH) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Melbourne University Act 1958 to provide for the merger of the Victorian College of Agriculture and Horticulture with The University of Melbourne, to make consequential amendments to the Vocational Education and Training Act 1990 and for other purposes and desiring the concurrence of the Council therein.

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

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

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.17 p.m., adjourned until tomorrow.

A.V. BRAY  
*Clerk of the Legislative Council*

## No. 28 – Wednesday, 2 April 1997

- 1 The President took the Chair and read the Prayer.
- 2 **BOARD OF STUDIES (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Board of Studies Act 1993 to expand the objective of the Board to provide for guidelines and procedures to be developed for courses for students outside Victoria and for other purposes and desiring the concurrence of the Council therein.

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

### 3 PAPERS –

**WORKCOVER AUTHORITY** – The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the report of the WorkCover Authority for the period 1 July 1996 to 31 December 1996.

Question – put and resolved in the affirmative.

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

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ANNUAL REPORT** – The Honourable P.A. Katsambanis presented the Fourth Annual Report from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

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

Subordinate Legislation Act 1994 – Ministers' exemption certificate under section 9(6) in respect of Statutory Rule No. 11/1997.

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**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 14 May 1996:

Fisheries Act 1995 – Sections 144(2), 153A and 153B – 31 March 1997 (*Gazette No. G12, 27 March 1997*).

Fisheries (Amendment) Act 1996 – Remaining provisions – 31 March 1997 (*Gazette No. G12, 27 March 1997*).

Miscellaneous Acts (Further Omnibus Amendments) Act 1996 – Sections 56, 57, 83 and 91(6) – 27 March 1997 (*Gazette No. G12, 27 March 1997*).

Professional Boxing and Martial Arts Act 1996 – Sections 12 and 16 – 27 March 1997 (*Gazette No. G12, 27 March 1997*).

- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until the next day of meeting.
- 5 **LOCAL GOVERNMENT** – The Honourable P. Power moved, That this House condemns the Government's continuing mismanagement of Local Government in which radical change programs and heavy-handed intervention sees democratically elected municipalities faced with unsustainable financial and administrative futures.

Debate ensued.

Question – put.

The Council divided.

	AYES, 9		NOES, 30
The Hon.	Tayfun Eren ( <i>Teller</i> )	The Hon.	L. Asher
	M.M. Gould		G.B. Ashman
	C.J. Hogg		B.N. Atkinson
	D. Nardella		W.R. Baxter
	S.M. Nguyen		R.A. Best
	P. Power		M.A. Birrell
	B.T. Pullen ( <i>Teller</i> )		B.W. Bishop
	T.C. Theophanous		B.C. Boardman ( <i>Teller</i> )
	D.T. Walpole		R.H. Bowden
			A.R. Brideson
			I.J. Cover
			G.R. Craige
			D.M. Davis
			P.R. Davis
			R.S. de Fegely
			W. Forwood
			C.A. Furletti
			R.M. Hallam
			W.A.N. Hartigan
			P.A. Katsambanis
			R.I. Knowles
			N.B. Lucas
			M.T. Luckins
			E.J. Powell
			Dr. J.W.G. Ross
			K.M. Smith
			W.I. Smith ( <i>Teller</i> )
			Graeme Stoney
			Dr. R.J.H. Wells
			Sue deC Wilding

And so it passed in the negative.

- 6 **INTERPRETATION OF LEGISLATION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

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

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

- 7 **CINEMEDIA CORPORATION BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

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

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

- 8 NATIONAL PARKS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

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

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

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

- 9 EVIDENCE (AUDIO VISUAL AND AUDIO LINKING) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

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

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

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

- 11 FISHERIES (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

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

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

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

- 12 EDUCATION (TRESPASS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

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

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

- 13 EDUCATION (STANDARDS COUNCIL) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

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

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

- 14 PARLIAMENT HOUSE COMPLETION AUTHORITY (REPEAL) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

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

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

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

**15 MELBOURNE UNIVERSITY (VCAH) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

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

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

**16 BOARD OF STUDIES (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

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

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

**17 PARLIAMENT HOUSE COMPLETION AUTHORITY (REPEAL) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until such time as the government identifies alternative uses for the funds which would have been expended on completing Parliament House and, in particular, that the government specifies capital works and job programs in country Victoria as alternatives to the completion of Parliament House".

Debate ensued.

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

The Council divided.

	AYES, 30		NOES, 8
The Hon.	L. Asher	The Hon.	Tayfun Eren
	G.B. Ashman ( <i>Teller</i> )		M.M. Gould
	B.N. Atkinson		C.J. Hogg
	W.R. Baxter		S.M. Nguyen ( <i>Teller</i> )
	R.A. Best		P. Power ( <i>Teller</i> )
	B.C. Boardman		B.T. Pullen
	R.H. Bowden		T.C. Theophanous
	A.R. Brideson		D.T. Walpole
	I.J. Cover		
	G.R. Craige		
	D.M. Davis		
	P.R. Davis		
	R.S. de Fegely		
	W. Forwood		
	C.A. Furletti		
	P.R. Hall		
	W.A.N. Hartigan		
	P.A. Katsambanis		
	R.I. Knowles		



N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding (*Teller*)

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

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

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

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

**18 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next.

Question – put and resolved in the affirmative.

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

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 7.10 p.m., adjourned until Tuesday next.

A.V. BRAY  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 29 and 30

### No. 29 – Tuesday, 8 April 1997

- 1 The President took the Chair and read the Prayer.
- 2 **TEACHING SERVICE (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make minor amendments to the Teaching Service Act 1981 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **GAMING No. 2 BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to revise the law relating to minor gaming, to make consequential and other amendments to the Lotteries Gaming and Betting Act 1966 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **HEALTH SERVICES (COMMUNITY HEALTH CENTRES) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Health Services Act 1988 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **RACING (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Racing Act 1958 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 7 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be

suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

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

Casino (Management Agreement) Act 1993 – Authorized changes to Drawings of the Melbourne Casino Complex pursuant to section 16(2) (five papers).

Electoral Commissioner – Statement of function conferred, 18 March 1997.

Loy Yang B Act 1992 – State Agreement Termination Agreement, 29 March 1997 pursuant to section 9 of the Act.

National Crime Authority – Report, 1995-96 (including comments on the report by the Inter-Governmental Committee) (two papers).

Parliamentary Committees Act 1968 – Ministers' responses to recommendations in –

Public Accounts and Estimates Committee's Report upon the Public Record Office Victoria.

Scrutiny of Acts and Regulations Committee's Report upon the Review of the Role and Appointment of Public Notaries.

Parliamentary Contributory Superannuation Fund – Report of Actuarial Investigation as at 30 June 1996.

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

Bairnsdale (Shire) Planning Scheme – Amendment L57.

Berwick Planning Scheme – Amendment L90 Part 2.

Buloke Planning Scheme – Amendment L3.

Glen Eira Planning Scheme – Amendment L8.

Melbourne Planning Scheme – Amendments L242, L243 and L247.

Mildura (Shire) Planning Scheme – Amendment L42.

Phillip Island Planning Scheme – Amendment L69.

Swan Hill (City) Planning Scheme – Amendment L23.

Tambo Planning Scheme – Amendment L71.

Werribee Planning Scheme – Amendment L79.

Wodonga Rural (City) Planning Scheme – Amendment L16.

Yea Planning Scheme – Amendment L14.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 – No. 20.

Fisheries Act 1968 – No. 18.

Gas Industry Act 1994 – No. 22.

Road Safety Act 1986 – No. 21.

Tobacco Act 1987 – No. 19.

Subordinate Legislation Act 1994 –

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 18.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 19 and 20.

**9 EDUCATION (STANDARDS COUNCIL) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

	AYES, 31		NOES, 8
The Hon.	L. Asher	The Hon.	Tayfun Eren
	G.B. Ashman		M.M. Gould
	B.N. Atkinson		C.J. Hogg
	W.R. Baxter		J. McLean ( <i>Teller</i> )
	R.A. Best		D. Nardella
	B.W. Bishop		P. Power
	B.C. Boardman		B.T. Pullen ( <i>Teller</i> )
	R.H. Bowden ( <i>Teller</i> )		T.C. Theophanous
	A.R. Brideson		
	I.J. Cover		
	G.R. Craige		
	D.M. Davis		
	P.R. Davis		
	R.S. de Fegely		
	W. Forwood		
	C.A. Furletti		
	P.R. Hall		
	R.M. Hallam		
	P.A. Katsambanis		
	R.I. Knowles		
	N.B. Lucas		
	M.T. Luckins		
	E.J. Powell ( <i>Teller</i> )		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney		
	C.A. Strong		
	Rosemary Varty		
	Dr. R.J.H. Wells		
	Sue deC Wilding		

And so it was resolved in the affirmative.

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

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

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until the next day of meeting.

**11 CINEMEDIA CORPORATION BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second

time and, after further debate, the question being put was resolved in the affirmative.

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

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

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

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted to include provisions which prohibit the use of our national parks as tourist resorts to be exploited for maximum profit by government or private interests and to specifically prohibit leases or licences for new serviced accommodation and/or licensed facilities at Wilsons Promontory and Tidal River".

Debate ensued.

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

The Council divided.

	AYES, 31		NOES, 8
The Hon.	L. Asher	The Hon.	Tayfun Eren
	G.B. Ashman		M.M. Gould
	W.R. Baxter		J. McLean
	R.A. Best		D. Nardella ( <i>Teller</i> )
	M.A. Birrell		S.M. Nguyen
	B.W. Bishop		P. Power ( <i>Teller</i> )
	B.C. Boardman		B.T. Pullen
	R.H. Bowden		T.C. Thephanous
	A.R. Brideson ( <i>Teller</i> )		
	I.J. Cover		
	G.R. Craige		
	D.M. Davis ( <i>Teller</i> )		
	P.R. Davis		
	R.S. de Fegely		
	W. Forwood		
	C.A. Furletti		
	P.R. Hall		
	R.M. Hallam		
	P.A. Katsambanis		
	R.I. Knowles		
	N.B. Lucas		
	M.T. Luckins		
	E.J. Powell		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney		
	C.A. Strong		

Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

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

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

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

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

- 13 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 14 TEACHING SERVICE (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

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

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

- 15 GAMING No. 2 BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

- 16 RACING (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

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

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

- 17 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 5 to 8 inclusive, be postponed until the next day of meeting.

- 18 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

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

Debate ensued.

Question – put and resolved in the affirmative.

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

A.V. BRAY

*Clerk of the Legislative Council*

### **No. 30 – Wednesday, 9 April 1997**

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

**2 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent Notice of Motion, General Business, No. 4, being moved and debated immediately following the asking of questions and the giving of answers to questions on notice during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**3 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent debate on Notice of Motion, General Business, No. 3, taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**4 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.

**5 MEMBER'S PRIVATE INTERESTS** – The Honourable T.C. Theophanous moved, That this House notes with concern that the Honourable B. N. Atkinson, by operating a private retail consultancy business, has consistently been involved in conflicts of interest between his public duties to the people of Victoria and his private interests and, in particular, has:

(a) between 1992 and 1995 while a Member of the Legislative Council:

- (i) failed to declare an interest in his retail consultancy and his contracts with local government when speaking on legislation affecting the retail sector and local government;
- (ii) conducted a private retail consultancy business while a member of the planning bills committee that advised and assisted the Minister for Planning and Local Government with policy and legislation; and
- (iii) entered into contracts with local government authorities and other bodies to provide advice on retail planning issues and other matters;

(b) since April 1996 while Parliamentary Secretary for Planning and Local Government, continued to conduct his private retail consultancy business by:

- (i) charging local traders in Victoria to advise them on how to improve their shopping centres;
- (ii) entering into a contract for consultancy for the Kalgoorlie Boulder Council;



- (iii) touting for business using a curriculum vitae which includes his Membership of the Victorian Parliament; and
- (iv) conducting business under the name of a de-registered company – and calls on the Government to immediately remove Mr Atkinson as Parliamentary Secretary and to refer all the above matters to the Privileges Committee for it to investigate and determine whether there have been breaches of the code of conduct prescribed by section 3 of the *Members of Parliament (Register of Interests) Act 1978*.

Debate ensued.

Question – put.

The Council divided.

	AYES, 9		NOES, 32
The Hon.	M.M. Gould	The Hon.	L. Asher
	C.J. Hogg		G.B. Ashman
	J. McLean		B.N. Atkinson
	D. Nardella ( <i>Teller</i> )		W.R. Baxter
	S.M. Nguyen		R.A. Best
	P. Power		M.A. Birrell
	B.T. Pullen		B.W. Bishop ( <i>Teller</i> )
	T.C. Theophanous		B.C. Boardman
	D.T. Walpole ( <i>Teller</i> )		R.H. Bowden
			A.R. Brideson
			I.J. Cover ( <i>Teller</i> )
			G.R. Craige
			D.M. Davis
			P.R. Davis
			R.S. de Fegely
			W. Forwood
			C.A. Furletti
			P.R. Hall
			R.M. Hallam
			P.A. Katsambanis
			R.I. Knowles
			N.B. Lucas
			M.T. Luckins
			E.J. Powell
			Dr. J.W.G. Ross
			K.M. Smith
			W.I. Smith
			Graeme Stoney
			C.A. Strong
			Rosemary Varty
			Dr. R.J.H. Wells
			Sue deC Wilding

And so it passed in the negative.

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

- 7 SUSPENSION OF STANDING ORDERS – QUESTIONS –** The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 8 LEADER OF THE OPPOSITION –** The Honourable W. Forwood moved, That this House condemns the Leader of the Opposition for consistently and recklessly failing to tell the truth.

Debate ensued.

Question – put.

The Council divided.

	AYES, 30		NOES, 8
The Hon.	L. Asher	The Hon.	Tayfun Eren
	G.B. Ashman		M.M. Gould
	B.N. Atkinson		C.J. Hogg ( <i>Teller</i> )
	W.R. Baxter		J. McLean ( <i>Teller</i> )
	R.A. Best		D. Nardella
	B.W. Bishop		S.M. Nguyen
	B.C. Boardman		P. Power
	R.H. Bowden		T.C. Theophanous
	A.R. Brideson		
	I.J. Cover		
	G.R. Craige		
	D.M. Davis		
	P.R. Davis		
	R.S. de Fegely		
	W. Forwood		
	C.A. Furletti ( <i>Teller</i> )		
	P.R. Hall		
	R.M. Hallam		
	P.A. Katsambanis		
	R.I. Knowles		
	N.B. Lucas		
	M.T. Luckins		
	E.J. Powell		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney		
	Rosemary Varty		
	Dr. R.J.H. Wells ( <i>Teller</i> )		
	Sue deC Wilding		

And so it was resolved in the affirmative.

- 9 BUSINESS POSTPONED —** Ordered — That the consideration of Notice of Motion, Government Business, No. 1, be postponed until later this day.

**10 HEALTH SERVICES (COMMUNITY HEALTH CENTRES) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

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

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

**11 GAMING ACTS (FURTHER AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Gaming and Betting Act 1994*, the *Gaming Machine Control Act 1991*, the *Club Keno Act 1993* and the *Tattersall Consultations Act 1958* and for other purposes and desiring the concurrence of the Council therein.

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

**12 QUESTIONS** — Answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**13 EVIDENCE (AUDIO VISUAL AND AUDIO LINKING) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**14 CONSTITUTION AND PARLIAMENTARY COMMITTEES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Constitution Act 1975* and the *Parliamentary Committees Act 1968* and for other purposes and desiring the concurrence of the Council therein.

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

**15 QUESTION** — An answer was given to a question on notice pursuant to Standing Order No. 71A.

**16 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until the next day of meeting.

**17 FISHERIES (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**18 ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 22 April 1997.

Question — put and resolved in the affirmative.

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

Debate ensued.

*And the Council having continued to sit until after 12 midnight –*

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Debate continued.

Question — put and resolved in the affirmative.

And then the Council, at 12.19 a.m., adjourned until Tuesday, 22 April 1997.

A.V. BRAY

*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 31, 32 and 33

### No. 31 – Tuesday, 22 April 1997

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented Messages from His Excellency the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - On 15 April 1997 –  
*Parliament House Completion Authority (Repeal) Act*
  - On 22 April 1997 –  
*Cinemia Corporation Act*  
*Education (Standards Council) Act*  
*Evidence (Audio Visual and Audio Linking) Act*  
*Fisheries (Further Amendment) Act*  
*Interpretation of Legislation (Amendment) Act*  
*National Parks (Amendment) Act.*
- 3 **OFFICE OF THE REGULATOR-GENERAL (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Office of the Regulator-General Act 1994 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **NATIONAL AUSTRALIA BANK AND BANK OF NEW ZEALAND BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the transfer to National Australia Bank Limited of the banking business of Bank of New Zealand and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **HERITAGE (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Heritage Act 1995 and the Mineral Resources Development Act 1990 and for other purposes* and desiring the concurrence of the Council therein.

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

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

**7 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**8 ADJOURNMENT OF BILLS** – The Honourable R.I. Knowles moved, by leave, That the Order of the Council of 1 April 1997 providing for the adjournment of debate on Bills received after 16 May 1997 until the first sitting day in September 1997 be amended as follows:

(a) omit “16 May 1997” and insert “23 May 1997”; and

(b) omit “19 May 1997” and insert “26 May 1997”.

Question – put and resolved in the affirmative.

**9 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, by leave, That so much of the Sessional Orders as provides that the time appointed for the asking of questions without notice and the giving of answers to questions on notice be 2.30 p.m. each day be suspended for the sitting of the Council on Thursday, 24 April 1997, and that questions without notice and the giving of answers to questions on notice be taken at 10.00 a.m. that day.

Question – put and resolved in the affirmative.

**10 INFERTILITY TREATMENT (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable R.I. Knowles, leave was given to bring in a Bill to amend the *Infertility Treatment Act 1995 and for other purposes*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**11 PAPERS** –

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST** – The Honourable P.A. Katsambanis presented Alert Digest No. 3 of 1997 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Adult Education Council – Report, 1996.

Auditor-General – Report on Major civic projects: *Work in progress*, April 1997.

Barton Institute of TAFE – Report, 1996.

Bairnsdale Waste Management Group – Financial statements, 1994-95.

Bendigo Regional Institute of TAFE – Report, 1996 (two papers).

Box Hill Institute of TAFE – Report, 1996.

Casey Institute of TAFE – Report, 1996.

- Central Gippsland Institute of TAFE – Financial statements, 1996.
- Crown Land (Reserves) Act 1978 – Minister’s Orders of 30 March and 4 April 1997 giving approval to granting of leases at Albert Park and Sandringham Beach Park (three papers).
- East Gippsland Institute of TAFE – Report, 1996.
- Eastern Regional Waste Management Group – Report, 1994-95.
- Gordon Institute of TAFE – Report, 1996.
- Goulburn Ovens Institute of TAFE – Report, 1996.
- Holmesglen Institute of TAFE – Report, 1996.
- Interpretation of Legislation Act 1984 – Notices pursuant to section 32(3)(a) in relation to Statutory Rules No. 161/1996 and No. 15/1997 and Amendment No. 10, Building Code of Australia.
- John Batman Institute of TAFE – Report, 1996.
- Kangan Institute of TAFE – Report, 1996.
- Melbourne Institute of Textiles – Report, 1996.
- Northern Melbourne Institute of TAFE – Report, 1996.
- Northern Regional Refuse Disposal Group – Financial statements, 1994-95.
- Outer Eastern Institute of TAFE – Report, 1996.
- Peninsula Institute of TAFE – Report, 1996.
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
- Bairnsdale (Shire) Planning Scheme – Amendment L58.
  - Ballarat Planning Scheme – Amendment L23.
  - Campaspe Planning Scheme – Amendment L14.
  - Dandenong – Greater Dandenong Planning Scheme – Amendment L5.
  - Doncaster and Templestowe Planning Scheme – Amendment L107.
  - Geelong – Greater Geelong Planning Scheme – Amendments L173, R133, R161 and R172.
  - Glen Eira Planning Scheme – Amendment L8.
  - Hepburn Planning Scheme – Amendment L2.
  - Hume Planning Scheme – Amendment L1.
  - Kingston Planning Scheme – Amendment L23.
  - Knox Planning Scheme – Amendments L117, L121, L122, L125, L126 and L128.
  - Maroondah Planning Scheme – Amendments L9 and L10.
  - Melbourne Planning Scheme – Amendment L240.
  - Moonee Valley Planning Scheme – Amendment L28.
  - Pakenham Planning Scheme – Amendment L133.
  - Phillip Island Planning Scheme – Amendment L71.
  - Sherbrooke Planning Scheme – Amendment L103.
  - Swan Hill (Shire) Planning Scheme – Amendment L25.
  - Victoria – State Section Planning Scheme – Amendment SL6.
  - Warrnambool Planning Scheme – Amendments L19 and L20.
  - Whitehorse Planning Scheme – Amendment L18.
  - Whittlesea Planning Scheme – Amendment L145.
  - Yarra Ranges Planning Scheme – Amendment L47.
- School of Mines and Industries Ballarat – Report, 1996.



South West Institute of TAFE – Report, 1996 (three papers).

Statutory Rules under the following Acts of Parliament:

Casino Control Act 1991 – No. 27.

Cemeteries Act 1958 – No. 29.

Dentists Acts 1972 – No. 28.

Drugs, Poisons and Controlled Substances Act 1981 – No. 26.

Equipment (Public Safety) Act 1994 – No. 24.

Occupational Health and Safety Act 1985 – No. 25.

Second-Hand Dealers and Pawnbrokers Act 1989 – No. 23.

Subordinate Legislation Act 1994 –

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 26/1997.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 23, 28 and 29/1997.

Sunraysia Institute of TAFE – Report, 1996.

Western Melbourne Institute of TAFE – Report, 1996.

Western Regional Waste Management Group – Report, 1994-95.

William Angliss Institute of TAFE – Report, 1996.

Wimmera Institute of TAFE – Report, 1996.

Wodonga Institute of TAFE – Report, 1996.

**12 BUSINESS POSTPONED** – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until later this day.

**13 GAMING ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

**14 CONSTITUTION AND PARLIAMENTARY COMMITTEES (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

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

The Honourable D.A. Nardella (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

**15 OFFICE OF THE REGULATOR-GENERAL (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

- 16 NATIONAL AUSTRALIA BANK AND BANK OF NEW ZEALAND BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.  
*And the Deputy President having ruled the Bill to be a Private Bill* —  
 The Honourable R.M. Hallam moved, That this Bill be dealt with as a Public Bill except in relation to the payment of fees.  
 Question — put and resolved in the affirmative.  
*And the Honourable R.M. Hallam having produced a receipt showing that the sum of \$1000 had been paid to the Department of the Legislative Council as a deposit to meet the expenses of the Bill* —  
 The Honourable D.A. Nardella moved, That the debate be now adjourned.  
 Question — That the debate be now adjourned — put and resolved in the affirmative.  
 Ordered — That the debate be adjourned until later this day.
- 17 HERITAGE (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.  
 The Honourable P. Power moved, That the debate be now adjourned.  
 Question — That the debate be now adjourned — put and resolved in the affirmative.  
 Ordered — That the debate be adjourned until the next day of meeting.
- 18 MELBOURNE UNIVERSITY (VCAH) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.  
 Bill read a second time and, by leave, read a third time and passed.  
 Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 19 NATIONAL AUSTRALIA BANK AND BANK OF NEW ZEALAND BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.  
 Bill read a second time and, by leave, read a third time and passed.  
 Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 20 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.
- 21 BOARD OF STUDIES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.  
 Bill read a second time and, by leave, read a third time and passed.  
 Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 22 INFERTILITY TREATMENT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.  
 The Honourable M.M. Gould moved, That the debate be now adjourned.

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

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

**23 TEACHING SERVICE (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**24 LAND (REVOCATION OF MISCELLANEOUS RESERVATIONS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to revoke several reservations over areas of land, to revoke a Crown grant in relation to one of those areas of land and for other purposes* and desiring the concurrence of the Council therein.

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

**25 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 7, be postponed until the next day of meeting.

**26 RACING (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**27 EDUCATION (FURTHER AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to further amend the Education Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

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

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

Debate ensued.

Question – put and resolved in the affirmative.

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

A.V. BRAY  
Clerk of the Legislative Council

## No. 32 – Wednesday, 23 April 1997

1 The President took the Chair and read the Prayer.

- 2 FIRE AUTHORITIES (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Country Fire Authority Act 1958 and the Metropolitan Fire Brigades Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

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

- 3 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

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

Auditor-General – Report on Metropolitan Ambulance Service: *Contractual and outsourcing practices*, April 1997.

- 5 BUSINESS POSTPONED** – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.

- 6 VICTORIAN HEALTH SYSTEM** – The Honourable M.M. Gould moved, That this House condemns the Government for its mismanagement of the Victorian health system and in particular –

- (a) the crisis in Victoria's public hospitals;
- (b) a dramatic decline in the level of hospital cleanliness;
- (c) the closure of many country and community-based hospitals; and
- (d) the charging of fees in public hospitals.

Debate ensued.

Question – put.

The Council divided.

	AYES, 9		NOES, 32
The Hon.	M.M. Gould	The Hon.	L. Asher
	C.J. Hogg ( <i>Teller</i> )		G.B. Ashman
	J. McLean		B.N. Atkinson
	D.A. Nardella ( <i>Teller</i> )		W.R. Baxter
	S.M. Nguyen		R.A. Best
	P. Power		M.A. Birrell
	B.T. Pullen		B.W. Bishop
	T.C. Theophanous		B.C. Boardman
	D.T. Walpole		R.H. Bowden
			A.R. Brideson
			I.J. Cover
			G.R. Craig
			D.M. Davis
			P.R. Davis ( <i>Teller</i> )
			W. Forwood
			C.A. Furletti
			P.R. Hall
			R.M. Hallam
			W.A.N. Hartigan ( <i>Teller</i> )

P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it passed in the negative.

7 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

8 **BUSINESS POSTPONED** – Ordered – That the consideration of the Notice of Motion, Government Business, and Order of the Day, Government Business, No. 1, be postponed until later this day.

9 **GAMING No. 2 BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

House in Committee.

The Deputy President resumed the Chair; and the Honourable W. Forwood having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

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

10 **HEALTH SERVICES (COMMUNITY HEALTH CENTRES) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 30  
 The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson

NOES, 8  
 The Hon. M.M. Gould  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella  
 S.M. Nguyen (*Teller*)  
 P. Power (*Teller*)  
 B.T. Pullen  
 T.C. Theophanous

I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood (*Teller*)  
 C.A. Furletti  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas (*Teller*)  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative.

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

House in Committee.

The President resumed the Chair; and the Honourable G.B. Ashman having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

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

- 11 ELECTRICITY INDUSTRY (LOY YANG B) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to facilitate the sale of the Loy Yang B power station, to amend the Electricity Industry Act 1993, the State Electricity Commission Act 1958 and the Loy Yang B Act 1992 and for other purposes* and desiring the concurrence of the Council therein.

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

- 12 HIRE-PURCHASE (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Hire-Purchase Act 1959 and for other purposes* and desiring the concurrence of the Council therein.

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

- 13 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Local Government Act 1989 and for other purposes* and desiring the concurrence of the Council therein.

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

**14 LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Livestock Disease Control Act 1994 and the Stamps Act 1958 to make further provision for livestock compensation funds and for other purposes* and desiring the concurrence of the Council therein.

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

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

Debate ensued.

*And the Council having continued to sit until after 12 midnight –*

THURSDAY, 24 APRIL 1997

Debate continued.

Question – put and resolved in the affirmative.

And then the Council, at 12.01 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 33 – Thursday, 24 April 1997**

1 The President took the Chair and read the Prayer.

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

3 **BUSINESS POSTPONED** – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until later this day.

4 **EDUCATION (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

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

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

5 **LAND (REVOCATION OF MISCELLANEOUS RESERVATIONS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

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

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

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



- 6 FIRE AUTHORITIES (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

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

The Honourable D.A. Nardella moved, That the debate be now adjourned.

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

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

- 7 HIRE-PURCHASE (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable L.Asher) moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

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

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

- 8 LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time

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

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

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

- 9 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 6 and 7, be postponed until the next day of meeting.

- 10 CONSTITUTION AND PARLIAMENTARY COMMITTEES (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That the Bill be committed to a Committee of the whole on the next day of meeting.

- 11 GAMING No. 2 BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in this Bill.

- 12 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 12.47 p.m., adjourned until Tuesday next.

A.V. BRAY  
Clerk of the Legislative Council



# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 34, 35 and 36

### No. 34 – Tuesday, 29 April 1997

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Board of Studies (Amendment) Act*  
*Melbourne University (VCAH) Act*  
*National Australia Bank and Bank of New Zealand Act*  
*Racing (Amendment) Act*  
*Teaching Service (Amendment) Act.*
- 3 **HEALTH SERVICES (COMMUNITY HEALTH CENTRES) BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.
- 4 **QUESTIONS** – Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.
- 5 **PAPERS** –  
**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – BUDGET ESTIMATES AND OUTCOMES** – The Honourable W. Forwood presented a Report from the Public Accounts and Estimates Committee upon the 1996-97 Budget Estimates and the 1995-96 Budget Outcomes, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

\* \* \* \* \*

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

Melbourne City Link Act 1995 – Order in Council of 15 April 1997 varying the project area of land pursuant to section 8(4) of the Act.

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

Brimbank Planning Scheme – Amendment L20.

Cranbourne Planning Scheme – Amendment L179 Part 1.

Euroa Planning Scheme – Amendment L29.

Planning and Environment Act 1987 - *continued*.

Frankston Planning Scheme – Amendments L83 and L84 Part 1.

Glen Eira Planning Scheme – Amendment L13.

Hume Planning Scheme – Amendment L28.

Melbourne Planning Scheme – Amendments L246 and L248.

Milawa Planning Scheme – Amendments L17 and L18.

Moira Planning Scheme – Amendment L2.

Moreland Planning Scheme – Amendment L38.

Rosedale Planning Scheme – Amendment L48.

Shepparton (City) Planning Scheme – Amendment L61.

Traralgon (City) Planning Scheme – Amendment L71.

Warragul Planning Scheme – Amendment L55.

Whittlesea Planning Scheme – Amendments L147 and L148

Yarra Planning Scheme – Amendment L25.

Yarra Ranges Planning Scheme – Amendments L34, L53 and L60.

- 6 BUSINESS POSTPONED** – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until later this day.

- 7 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

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

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

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

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

- 8 ELECTRICITY INDUSTRY (LOY YANG B) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

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

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

- 9 CONSTITUTION AND PARLIAMENTARY COMMITTEES (AMENDMENT) BILL** – This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

- 10 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

**11 HERITAGE (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

**12 GAMING ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable T.C. Theophanous moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until the Government demonstrates its commitment to a clean and reputable gaming industry”.

Debate ensued.

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

The Council divided.

	AYES, 31		NOES, 8
The Hon.	L. Asher	The Hon.	M.M. Gould
	B.N. Atkinson		C.J. Hogg
	W.R. Baxter		J. McLean ( <i>Teller</i> )
	R.A. Best ( <i>Teller</i> )		D.A. Nardella
	M.A. Birrell		S.M. Nguyen
	B.W. Bishop		P. Power
	B.C. Boardman		B.T. Pullen ( <i>Teller</i> )
	R.H. Bowden		T.C. Theophanous
	A.R. Brideson		
	I.J. Cover		
	G.R. Craige		
	D.M. Davis		
	P.R. Davis		
	R.S. de Fegely		
	W. Forwood		
	C.A. Furletti		
	P.R. Hall		
	R.M. Hallam		
	W.A.N. Hartigan		
	P.A. Katsambanis		
	R.I. Knowles		
	N.B. Lucas		
	M.T. Luckins		
	E.J. Powell		
	Dr. J.W.G. Ross ( <i>Teller</i> )		
	K.M. Smith		
	W.I. Smith		

Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Sue deC Wilding

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

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

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

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

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

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.33 p.m., adjourned until tomorrow.

A.V. BRAY  
 Clerk of the Legislative Council

## No. 35 – Wednesday, 30 April 1997

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

**2 POLICE AND CORRECTIONS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Control of Weapons Act 1990*, the *Corrections Act 1986*, the *Firearms Act 1996* and the *Police Regulation Act 1958* and other Acts and for other purposes and desiring the concurrence of the Council therein.

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

**3 CONSTITUTION AND PARLIAMENTARY COMMITTEES (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.

**4 PAPERS** –

**BUDGET PAPERS 1997-98** – The Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, by leave, That there be laid before this House a copy of the following 1997-98 Budget papers:

- (a) Treasurer's Speech (Budget Paper No. 1);
- (b) Budget Statement (Budget Paper No. 2); and
- (c) Budget Estimates (Budget Paper No. 3).

Question – put and resolved in the affirmative.

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

The Honourable R.I. Knowles moved, That the papers tabled pursuant to the foregoing Order be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Crown Land (Reserves) Act 1978 – Minister's Order of 12 April 1997 giving approval to granting of a lease at Kingston.

Driver Education Centre of Australia Ltd – Minister for Tertiary Education and Training's report of receipt of 1996 Annual Report.

Statutory Rules under the following Acts of Parliament:

Firearms Act 1996 – No. 32.

Fisheries Act 1968 – No. 34.

Legal Practice Act 1996 – No. 30.

Subordinate Legislation Act 1994 – No. 33.

Supreme Court Act 1986 – No. 31.

Subordinate Legislation Act 1994 –

Minister's exemption certificate under section 8(4) in respect of Statutory Rule No. 31/1997.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 30 and 34/1997.

\* \* \* \* \*

**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 14 May 1996:

Firearms Act 1996 – Remaining provisions (except sections 201(3) and 202) – 29 April 1997 (*Gazette No. G16, 24 April 1997*).

Parliament House Completion Authority (Repeal) Act 1997 – Remaining provisions – 22 April 1997 (*Gazette No. S42, 22 April 1997*).

**5 BUSINESS POSTPONED** – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.

**6 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**7 AUDITOR-GENERAL** – The Honourable T.C. Theophanous moved, That this House –

- (a) recognises that the Victorian Commission of Audit, the Report of the Review of the Audit Act and other performance audits of the Auditor-General's office have all acknowledged that the current system of independent auditing by the Auditor-General has served Victoria well;
- (b) acknowledges the validity of community concerns, and those of prominent persons, about proposed changes to the role of the Auditor-General;
- (c) endorses the motion passed by the Australasian Council of Public Accounts Committees in February 1997 supporting the operational independence of the Auditor-General which states that "the Auditor-General should have the sole power to carry out, or designate an auditor to carry out, the external audit on all agencies which are owned, controlled or substantially responsible to government"; and
- (d) believes that, in order to ensure the continuing total independence and effectiveness of the Auditor-General and his office, the Auditor-General

should maintain total discretion, including operational discretion, over the conduct of audits of all Victorian Government departments and agencies.

Debate ensued.

The Honourable R.M. Hallam moved, as an amendment, That all the words and expressions after "That this House –" be omitted with the view of inserting in place thereof:

- (a) recognises the work of the Auditor-General in discharging his responsibilities in respect of financial and performance audits;
- (b) notes that the Audit Act Review forms part of Victoria's commitments under National Competition Policy; and
- (c) acknowledges that the Government has received the Review Report and is considering it in detail with the intent that any legislative changes be prepared for the Spring Parliamentary sittings.

Debate ensued.

The Honourable P. Power moved, as an amendment to the amendment of the Honourable R. M. Hallam, That paragraphs (b) and (c) be omitted with the view of inserting in place thereof:

- (b) does not support any changes to the role or function of the Auditor-General proposed by the Audit Act Review which would compromise the Auditor-General's operational independence, including his right to retain sole power to carry out or to designate another auditor to carry out financial and performance audits of all Government agencies.

Debate ensued.

Question – That the paragraphs proposed to be omitted (from the amendment of the Honourable R.M. Hallam) stand part of the amendment – put.

The Council divided.

AYES, 30	NOES, 7
The Hon. L. Asher	The Hon. M.M. Gould ( <i>Teller</i> )
G.B. Ashman	C.J. Hogg
B.N. Atkinson	D.A. Nardella
W.R. Baxter	S.M. Nguyen
R.A. Best ( <i>Teller</i> )	P. Power ( <i>Teller</i> )
B.W. Bishop	B.T. Pullen
B.C. Boardman	T.C. Theophanous
A.R. Brideson	
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
R.I. Knowles	
N.B. Lucas	
M.T. Luckins	



E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong (*Teller*)  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative – Amendment negatived.

Question – That the words and expressions proposed to be omitted (from the motion of the Honourable T.C. Theophanous) stand part of the question – put.

The Council divided.

AYES, 8  
 The Hon. M.M. Gould  
 C.J. Hogg (*Teller*)  
 J. McLean  
 D.A. Nardella (*Teller*)  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen  
 T.C. Theophanous

NOES, 31  
 The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson (*Teller*)  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely (*Teller*)  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it passed in the negative.

Question – That the words and expressions proposed to be inserted (by the Honourable R.M. Hallam) be so inserted – put and resolved in the affirmative.

Question – That this House –

- (a) recognises the work of the Auditor-General in discharging his responsibilities in respect of financial and performance audits;
  - (b) notes that the Audit Act Review forms part of Victoria's commitments under National Competition Policy; and
  - (c) acknowledges that the Government has received the Review Report and is considering it in detail with the intent that any legislative changes be prepared for the Spring Parliamentary sittings –
- put and resolved in the affirmative.

**8 QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**9 BUSINESS POSTPONED** – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

**10 INFERTILITY TREATMENT (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

**11 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 2 to 4 inclusive, be postponed until later this day.

**12 HIRE-PURCHASE (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 ELECTRICITY INDUSTRY (LOY YANG B) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable T.C. Theophanous moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the Government provides a proper briefing with adequate notice to the Opposition and allows adequate time for the Opposition to consult on the ramifications of the Bill and prepare a response".

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 30	NOES, 7
The Hon. L. Asher	The Hon. M.M. Gould
G.B. Ashman	C.J. Hogg

B.N. Atkinson	J. McLean
W.R. Baxter	D.A. Nardella ( <i>Teller</i> )
R.A. Best	P. Power
M.A. Birrell	B.T. Pullen ( <i>Teller</i> )
B.W. Bishop	T.C. Theophanous
R.H. Bowden	
A.R. Brideson	
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti	
P.R. Hall	
W.A.N. Hartigan	
R.I. Knowles	
N.B. Lucas	
M.T. Luckins	
E.J. Powell	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
Graeme Stoney ( <i>Teller</i> )	
C.A. Strong	
Rosemary Varty ( <i>Teller</i> )	
Dr. R.J.H. Wells	
Sue deC Wilding	

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put.

The Council divided.

AYES, 30	NOES, 7
The Hon. L. Asher	The Hon. M.M. Gould
G.B. Ashman ( <i>Teller</i> )	C.J. Hogg
B.N. Atkinson	J. McLean ( <i>Teller</i> )
W.R. Baxter	D.A. Nardella
R.A. Best	P. Power ( <i>Teller</i> )
M.A. Birrell	B.T. Pullen
B.W. Bishop	T.C. Theophanous
R.H. Bowden	
A.R. Brideson	
I.J. Cover ( <i>Teller</i> )	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	

W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 W.A.N. Hartigan  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 ANGLICAN WELFARE AGENCY BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *relating to the Anglican Welfare Agency and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**15 STATE TAXATION ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Financial Institutions Duty Act 1982, the Land Tax Act 1958, the Pay-roll Tax Act 1971, the Stamps Act 1958 and the Taxation (Reciprocal Powers) Act 1987 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**16 BUILDING (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to further amend the Building Act 1993 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**17 TAXATION ADMINISTRATION BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make general provision for the administration and enforcement of taxation laws, to make consequential amendments to other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**18 MELBOURNE LANDS (YARRA RIVER NORTH BANK) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make further provision in relation to the leasing, divesting and reservation of certain land adjacent to the Yarra River near Flinders Street and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**19 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**20 ANGLICAN WELFARE AGENCY BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**21 BUILDING (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**22 TAXATION ADMINISTRATION BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.

The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**23 ROAD SAFETY (DISCLOSURE OF INFORMATION) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Road Safety Act 1986 and the Crimes Act 1958 with respect to the disclosure of information from the records of the Roads Corporation and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable G.R. Craige), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**24 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.  
And then the Council, at 11.03 p.m., adjourned until tomorrow.

A.V. BRAY  
*Clerk of the Legislative Council*

## No. 36 — Thursday, 1 May 1997

1 The President took the Chair and read the Prayer.

2 **PAPERS —**

**PARLIAMENT HOUSE COMPLETION AUTHORITY —** The Honourable W.R. Baxter moved, by leave, That there be laid before this House a copy of a Report from the Parliament House Completion Authority, together with Appendices, following the winding up of the Authority.

Question — put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable W.R. Baxter and ordered to lie on the Table and the Report to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE —** The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Ballarat University — Report, 1996.

Deakin University — Report, 1996.

Monash University — Report, 1996.

Swinburne University of Technology — Report, 1996.

Victoria University of Technology — Report, 1996.

Victorian College of Agriculture and Horticulture Limited — Report, 1996 (two papers).

3 **BUSINESS POSTPONED —** Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

4 **MELBOURNE LANDS (YARRA RIVER NORTH BANK) BILL —** The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

5 **ROAD SAFETY (DISCLOSURE OF INFORMATION) BILL —** The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

6 **BUSINESS POSTPONED —** Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 and 4, be postponed until later this day.

7 **LAND (REVOCATION OF MISCELLANEOUS RESERVATIONS) BILL —** The Order of the Day was read for the resumption of the debate on the question, That

this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**8 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 6, be postponed until later this day.

**9 EDUCATION (FURTHER AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 POLICE AND CORRECTIONS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable G.R. Craige made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**11 OFFICE OF THE REGULATOR-GENERAL (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

*The Honourable T.C. Theophanous having sought to move a reasoned amendment and the President having ruled this amendment out of order –*

The Honourable T.C. Theophanous moved, with the leave of the House – That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until the Government demonstrates its commitment to providing appropriate and adequate information on its privatisation program to the Parliament and people of Victoria”.

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

	AYES, 29		NOES, 8
The Hon.	L. Asher	The Hon.	C.J. Hogg
	G.B. Ashman		J. McLean
	B.N. Atkinson		D.A. Nardella
	W.R. Baxter		S.M. Nguyen ( <i>Teller</i> )
	R.A. Best		P. Power
	M.A. Birrell		B.T. Pullen
	B.W. Bishop		T.C. Theophanous

B.C. Boardman	D.T. Walpole ( <i>Teller</i> )
R.H. Bowden	
A.R. Brideson	
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti ( <i>Teller</i> )	
P.R. Hall	
R.M. Hallam	
R.I. Knowles	
N.B. Lucas	
M.T. Luckins	
E.J. Powell ( <i>Teller</i> )	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong	
Sue deC Wilding	

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 BUDGET PAPERS, 1997-98** – The Order of the Day having been read for the consideration of the Budget Papers, 1997-98, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That the Council take note of the Budget Papers, 1997-98.

Debate ensued.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

- 13 QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 14 BUDGET PAPERS, 1997-98** – Debate continued on the motion, That the Council take note of the Budget Papers, 1997-98.

The Honourable Dr. R.J.H. Wells moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 15 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 13 May 1997.

Question – put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.



Question – put and resolved in the affirmative.  
And then the Council, at 5.52 p.m., adjourned until Tuesday, 13 May 1997.

A.V. BRAY  
*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 37, 38 and 39

### No. 37 – Tuesday, 13 May 1997

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented Messages from His Excellency the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - On 6 May 1997 –
    - Constitution and Parliamentary Committees (Amendment) Act*
    - Electricity Industry (Loy Yang B) Act*
    - Gaming Acts (Further Amendment) Act*
    - Gaming No. 2 Act*
    - Health Services (Community Health Centres) Act*
    - Heritage (Amendment) Act*
    - Hire-Purchase (Amendment) Act*
  - On 13 May 1997 –
    - Education (Further Amendment) Act*
    - Land (Revocation of Miscellaneous Reservations) Act*
    - Office of the Regulator-General (Amendment) Act.*
- 3 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 4 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 5 **PAPERS** –
  - SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** –
  - ALERT DIGEST** – The Honourable P.A. Katsambanis presented Alert Digest No. 4 of 1997 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**SUBORDINATE LEGISLATION** – The Honourable P.A. Katsambanis presented a Report from the Scrutiny of Acts and Regulations Committee upon Subordinate Legislation concerning Statutory Rules Series 1995 and 1996, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Chiropracist Registration Board – Report, 1996.

Crown Land (Reserves) Act 1978 – Minister's Order of 12 April 1997 giving approval to granting of a lease at Mornington.

Defence Reserves Re-Employment Board – Minister for Fair Trading's report of receipt of 1996 Annual Report.

Interpretation of Legislation Act 1984 – Notices pursuant to section 32(3)(a) in relation to Statutory Rules No. 148/1996 and No. 11/1997.

La Trobe University – Report, 1996.

Melbourne City Link Act 1995 –

Orders in Council of 22 April 1997 varying the project area of land pursuant to section 8(4) of the Act.

Statement of Variation No. 3/1997 to the Melbourne City Link Project Agreement, 30 April 1997, pursuant to section 15(2) of the Act.

Melbourne Sports and Aquatic Centre Trust –

Minister's report of 8 May 1997 of failure of Trust to submit 1995-96 annual report to him within the prescribed period and the reasons therefor.

Minister's report of receipt of 1995-96 Annual Report.

Melbourne University – Report, 1996.

Ombudsman –

Interim Report on Operation Bart – Investigation of Allegations against Police in Relation to the Shutter Allocation System, April 1997.

Report on Investigation into Complaint by a Chiropractor against the Chiropractors and Osteopaths Registration Board, April 1997.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Alberton Planning Scheme – Amendment L45.

Ballarat Planning Scheme – Amendments L18 and L21.

Frankston Planning Scheme – Amendment L96.

Geelong – Greater Geelong Planning Scheme – Amendments R194 and R198.

Glen Eira Planning Scheme – Amendment L12.

Golden Plains Planning Scheme – Amendment RL7.

Hepburn Planning Scheme – Amendment L3.

Melbourne Planning Scheme – Amendments L245 and L260.

Monash Planning Scheme – Amendment L16.

Rodney Planning Scheme – Amendments L97 and L101.

Surf Coast Planning Scheme – Amendment RL38.

Swan Hill (Shire) Planning Scheme – Amendment L24.

Victoria – State Section Planning Scheme – Amendments S56 and SRL5.  
 Planning and Environment Act 1987 - *continued*.

Warragul Planning Scheme – Amendment L58.

Whitehorse Planning Scheme – Amendment L17.

Whittlesea Planning Scheme – Amendment L149.

Yarra Ranges Planning Scheme – Amendments L50 and L61.

Prince Henry's Institute of Medical Research – Report, 1996.

Royal Melbourne Institute of Technology – Report, 1996.

\* \* \* \* \*

**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 14 May 1996:

Electricity Industry (Loy Yang B) Act 1997 – Remaining provisions – 8 May 1997 (*Gazette No. G18, 8 May 1997*).

National Australia Bank and Bank of New Zealand Act 1997 – Remaining provisions – 1 May 1997 (*Gazette No. G17, 1 May 1997*).

**6 UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN** – The Honourable R.M. Hallam moved, That pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendments Nos. 97, 98, 99 and 100 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.

Debate ensued.

The Honourable P. Power moved, as an amendment, That “, 99 and 100” be omitted with the view of inserting in place thereof “and 99”.

Debate ensued.

Question – That the expression proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 31	NOES, 9
The Hon. L. Asher	The Hon. Tayfun Eren ( <i>Teller</i> )
G.B. Ashman	M.M. Gould
B.N. Atkinson ( <i>Teller</i> )	C.J. Hogg
W.R. Baxter	D.A. Nardella
R.A. Best	S.M. Nguyen ( <i>Teller</i> )
M.A. Birrell	P. Power
B.W. Bishop	B.T. Pullen
B.C. Boardman ( <i>Teller</i> )	T.C. Theophanous
R.H. Bowden	D.T. Walpole
A.R. Brideson	
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti	
R.M. Hallam	

W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative – Amendment negatived.

Question – That pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendments Nos. 97, 98, 99 and 100 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved – put and resolved in the affirmative.

- 7 **STATE TAXATION ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 8 **JOINT SITTING – SENATE VACANCY** – The Deputy President announced the receipt of –

- (a) a Message from His Excellency the Governor transmitting a despatch from the President of the Senate notifying that a vacancy had happened in the Senate through the resignation of Senator the Honourable James Robert Short; and
- (b) a Message from the Assembly acquainting the Council that they had agreed to meet the Council to choose a person to hold the vacant place, and proposing that the place and time of the Joint Sitting be the Assembly Chamber on Tuesday, 13 May 1997 at 6.15 p.m., and desiring the concurrence of the Council.

Ordered – That the Assembly's Message be taken into consideration forthwith.

The Honourable R.I. Knowles moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable James Robert Short, and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber this day at 6.15 p.m.

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them therewith.

**9 JOINT SITTING – DEAKIN UNIVERSITY COUNCIL AND UNIVERSITY OF BALLARAT COUNCIL** – The Deputy President announced the receipt of –

- (a) letters requesting that arrangements be made for a Joint Sitting of the Council and the Assembly for the purpose of making the following appointments:

One Member to replace Ms. Mary Jane Gillett, M.P., on the Deakin University Council for the term ending 30 June 1998; and

Three Members to the University of Ballarat Council following the expiry of the terms of the Honourables Richard Strachan deFegely, M.L.C., and William Desmond McGrath, M.P., and Mr. Stephen Philip Bracks, M.P., on 26 April 1997; and

- (b) a Message from the Assembly acquainting the Council that they had agreed to meet the Council for that purpose and proposing that the place and time of the Joint Sitting be the Assembly Chamber on Tuesday, 13 May 1997 at 6.15 p.m., and desiring the concurrence of the Council.

Ordered – That the Assembly's Message be taken into consideration forthwith.

The Honourable R.I. Knowles moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting and voting together to recommend Members for appointment to the Councils of Deakin University and the University of Ballarat, and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber this day at 6.15 p.m.

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them therewith.

**10 FIRE AUTHORITIES (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable D.A. Nardella moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until –

- (a) thorough consultation has occurred with the Country Fire Authority and the Metropolitan Fire Brigades Board employees and their representatives, the insurance industry, the Property Council and local government;
- (b) the government clearly rejects the privatisation or outsourcing of duties carried out by operational firefighters within the Authority and the Board; and
- (c) the government initiates a full and independent public inquiry into the privatisation of emergency service communications and dispatch to assess the capacity of the government to properly manage outsourcing and privatisation projects".

Debate ensued.

*Interruption* –

**11 JOINT SITTING** – The President announced that the time had arrived for the House to meet the Assembly in the Assembly Chamber to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable James Robert Short and to recommend Members for appointment to the Councils of Deakin University and the University of Ballarat.

Accordingly, the Council then proceeded to the Assembly Chamber, and having returned – The Deputy President reported that at the Joint Sitting –

Ms. Karen Margaret Synon  
 was chosen to hold the vacant place in the Senate;  
 Mrs Judith Marilyn Maddigan, M.P.,  
 was chosen to be recommended for appointment as a member of the Council of  
 the Deakin University for the term ending on 30 June 1998; and  
 The Honourable Richard Strachan deFegely, M.L.C.;  
 Ms Mary Jane Gillett, M.P., and  
 The Honourable William Desmond McGrath, M.P.,  
 were chosen to be recommended for appointment as members of the Council of  
 the University of Ballarat for the term ending on 26 April 2000.

**12 FIRE AUTHORITIES (AMENDMENT) BILL** – Debate continued on the question,  
 That this Bill be now read a second time and on the amendment of the  
 Honourable D.A. Nardella (*for text see Item 10*).

Question – That the words proposed to be omitted stand part of the question –  
 put.

The Council divided.

	AYES, 31		NOES, 9
The Hon.	L. Asher	The Hon.	M.M. Gould
	G.B. Ashman		C.J. Hogg
	B.N. Atkinson		J. McLean
	W.R. Baxter		D.A. Nardella
	R.A. Best		S.M. Nguyen
	M.A. Birrell		P. Power ( <i>Teller</i> )
	B.W. Bishop		B.T. Pullen
	B.C. Boardman		T.C. Theophanous
	R.H. Bowden		D.T. Walpole ( <i>Teller</i> )
	A.R. Brideson		
	I.J. Cover		
	G.R. Craige		
	D.M. Davis		
	P.R. Davis ( <i>Teller</i> )		
	R.S. de Fegely		
	W. Forwood		
	C.A. Furletti		
	R.M. Hallam		
	W.A.N. Hartigan		
	P.A. Katsambanis		
	R.I. Knowles		
	N.B. Lucas		
	M.T. Luckins		
	E.J. Powell		
	Dr. J.W.G. Ross		
	K.M. Smith		
	Graeme Stoney		
	C.A. Strong		
	Rosemary Varty		
	Dr. R.J.H. Wells		



Sue deC Wilding (*Teller*)

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and redrafted to provide for the suspension of the sheep slaughter program until such time as a full independent cost-benefit analysis of the eradication program has been conducted”.

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put and resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 ADJOURNMENT** – The Honourable G.R. Craige moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.13 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 38 – Wednesday, 14 May 1997**

**1** The President took the Chair and read the Prayer.

**2 NATIONAL ELECTRICITY (VICTORIA) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make provision for the operation of a national electricity market and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**3 PAPERS –**

**OBSTETRIC AND PAEDIATRIC MORTALITY AND MORBIDITY –** The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Report of the Consultative Council on Obstetric and Paediatric Mortality and Morbidity for the year 1995.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.

\* \* \* \* \*

**ECONOMIC DEVELOPMENT COMMITTEE – MEDICAL AND PUBLIC HEALTH RESEARCH –** The Honourable C.A. Strong presented the Final Report from the Economic Development Committee upon Medical and Public Health Research in Victoria, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE –** The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General – Report on Ministerial Portfolios, May 1997.

Public Sector Equal Employment Opportunity – Report, 1995-96.

**4 BUSINESS POSTPONED –**

Ordered – That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

Ordered – That the consideration of Notice of Motion, General Business, No. 2, be postponed until the next day of meeting.

**5 ELECTRICITY AND GAS PRICING –** The Honourable D.A. Nardella moved, That this House calls on the Government to ensure –

- (a) that country Victorians who are domestic consumers of electricity and gas pay no more for these services than Victorians in metropolitan Melbourne after the year 2000;
- (b) that the electricity and proposed gas distribution companies are held liable for the quality and reliability of power and gas delivered to consumers; and
- (c) that all categories of consumers are subject to the same pricing structure for the non-contestable network distribution charges in electricity and in future for gas, irrespective of the part of Victoria in which they are located.

Debate ensued.

Question – put.

The Council divided.

AYES, 9	NOES, 32
The Hon. M.M. Gould	The Hon. L. Asher
C.J. Hogg ( <i>Teller</i> )	G.B. Ashman
J. McLean ( <i>Teller</i> )	B.N. Atkinson
D.A. Nardella	W.R. Baxter
S.M. Nguyen	R.A. Best
P. Power	M.A. Birrell
B.T. Pullen	B.W. Bishop
T.C. Theophanous	B.C. Boardman

D.T. Walpole

R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins (*Teller*)  
 E.J. Powell (*Teller*)  
 Dr. J.W.G. Ross  
 K.M. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it passed in the negative.

- 6 **NATIONAL ELECTRICITY (VICTORIA) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.  
 The Honourable P. Power (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.  
 Question – That the debate be now adjourned – put and resolved in the affirmative.  
 Ordered – That the debate be adjourned until the next day of meeting.
- 7 **BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 1 to 4 inclusive, be postponed until later this day.
- 8 **TAXATION ADMINISTRATION BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –  
 Debate resumed.  
*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*
- 9 **QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 10 **TAXATION ADMINISTRATION BILL** – Debate continued on the question, That this Bill be now read a second time.  
 Question – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 6, be postponed until later this day.

**12 MELBOURNE LANDS (YARRA RIVER NORTH BANK) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 BUDGET PAPERS, 1997-98** — The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 1997-98 —

Debate resumed.

The Honourable Dr. R.J.H. Wells moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until later this day.

**14 POLICE AND CORRECTIONS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative — Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

**15 BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

**16 BUILDING (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative — Bill read a second time.

Ordered — That the Bill be committed to a Committee of the whole on the next day of meeting.

**17 GAS INDUSTRY (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Gas Industry Act 1994 and the State Electricity Commission Act 1958, to repeal the Energy Consumption Levy Act 1982 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**18 ROAD SAFETY (DISCLOSURE OF INFORMATION) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**19 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.18 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 39 – Thursday, 15 May 1997**

**1** The President took the Chair and read the Prayer.

**2 PAPERS** –

**DAREBIN CITY COUNCIL** – The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report of the Inquiry into Darebin City Council, April 1997.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table and to be printed.

The Honourable R.A. Best moved, That the report be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Prevention of Cruelty to Animals Act 1986 –

Revocation of the Code of Accepted Farming Practice for the Welfare of Pigs, 1985.

Revocation of the Code of Accepted Farming Practice for the Welfare of Pigs (Revision No. 1), 1993.

Code of Accepted Farming Practice for the Welfare of Pigs (Revision No. 1).

Statutory Rule under the Magistrates' Court Act 1989 – No. 35.

Subordinate Legislation Act 1994 – Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 35/1997.

**3 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

**4 ANGLICAN WELFARE AGENCY BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

*And the President having ruled the Bill to be a Private Bill –*

The Honourable R.I. Knowles moved, That this Bill be dealt with as a Public Bill.

Question – put and resolved in the affirmative.

Debate resumed.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**5 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

**6 QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**7 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put.

The Council divided.

	AYES, 31		NOES, 9
The Hon.	L. Asher	The Hon.	Tayfun Eren
	G.B. Ashman		C.J. Hogg ( <i>Teller</i> )
	B.N. Atkinson		J. McLean
	W.R. Baxter		D.A. Nardella
	R.A. Best		S.M. Nguyen
	M.A. Birrell		P. Power
	B.C. Boardman		B.T. Pullen ( <i>Teller</i> )
	R.H. Bowden ( <i>Teller</i> )		T.C. Theophanous
	A.R. Brideson		D.T. Walpole
	I.J. Cover		
	G.R. Craige		
	D.M. Davis ( <i>Teller</i> )		
	P.R. Davis		
	R.S. de Fegely		
	W. Forwood		
	C.A. Furletti		
	R.M. Hallam		
	W.A.N. Hartigan		
	P.A. Katsambanis		

R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable W. Forwood having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 8 ELECTRICITY INDUSTRY (MISCELLANEOUS AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for further miscellaneous amendment of the Electricity Industry Act 1993, to amend the State Electricity Commission Act 1958 and certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 9 APPROPRIATION (PARLIAMENT 1997/98) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to appropriate certain sums out of the Consolidated Fund for the Parliament for the financial year 1997/98 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 10 POLICE AND CORRECTIONS (AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.

And then the Council, at 6.31 p.m., adjourned until Tuesday next.

A.V. BRAY  
Clerk of the Legislative Council

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 40, 41 and 42

### No. 40 – Tuesday, 20 May 1997

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Anglican Welfare Agency Act*  
*Fire Authorities (Amendment) Act*  
*Livestock Disease Control (Amendment) Act*  
*Police and Corrections (Amendment) Act.*
- 3 **APPROPRIATION (1997/98) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to appropriate certain sums out of the Consolidated Fund for the financial year 1997/98 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 5 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.  
Question – put and resolved in the affirmative.  
Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 6 **PAPERS** –  
**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – AUDITOR-GENERAL'S OFFICE FINANCIAL AUDIT** – The Honourable W. Forwood presented a Report from the Public Accounts and Estimates Committee upon the Appointment of an Auditor to conduct a Financial Audit of the Victorian Auditor-General's Office, together with Appendices.  
Ordered to lie on the Table and to be printed.



**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Anti-Cancer Council – Report, 1 July 1996 to 31 December 1996.

Melbourne City Link Act 1995 – Order in Council of 6 May 1997 varying the project area of land pursuant to section 8(4) of the Act.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Cranbourne Planning Scheme – Amendments L148 and L163.

Flinders Planning Scheme – Amendments L116 and L170.

Geelong – Greater Geelong Planning Scheme – Amendments R188, RL187 and RL189.

Glenelg Planning Scheme – Amendment L5.

Golden Plains Planning Scheme – Amendment RL9.

Hastings Planning Scheme – Amendment L116.

Knox Planning Scheme – Amendment L137.

Melbourne Planning Scheme – Amendment L251.

Monash Planning Scheme – Amendment L28.

Pakenham Planning Scheme – Amendment L144.

Port Phillip Planning Scheme – Amendment L42.

Warrnambool Planning Scheme – Amendment L25.

Whitehorse Planning Scheme – Amendment L16.

Yarra Ranges Planning Scheme – Amendment L54.

**7 APPROPRIATION (1997/98) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

**8 COGNATE DEBATE** – The Honourable R.M. Hallam moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Appropriation (1997/98) Bill to be taken concurrently with further debate on the motion to take note of the Budget Papers, 1997-98.

Question – put and resolved in the affirmative.

**9 APPROPRIATION (PARLIAMENT 1997/98) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

**10 ELECTRICITY INDUSTRY (MISCELLANEOUS AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 11 GAS INDUSTRY (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 12 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 4, be postponed until the next day of meeting.

- 13 STATE TAXATION ACTS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 APPROPRIATION (1997/98) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the 1997-98 Budget Papers having been authorized to be debated concurrently pursuant to an Order of the Council this day] –

Debate resumed.

The Honourable M.T. Luckins moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

- 15 NATIONAL ELECTRICITY (VICTORIA) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 16 APPROPRIATION (1997/98) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the 1997-98 Budget Papers having been authorized to be debated concurrently pursuant to an Order of the Council this day] –

Debate resumed.

The Honourable E.J. Powell moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**17 MELBOURNE AND METROPOLITAN BOARD OF WORKS (AMENDMENT)**

**BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Melbourne and Metropolitan Board of Works Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable G.R. Craige), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**18 ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.50 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

**No. 41 — Wednesday, 21 May 1997**

1 The President took the Chair and read the Prayer.

**2 FRIENDLY SOCIETIES (VICTORIA) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Friendly Societies (Victoria) Act 1996 and the Financial Institutions (Victoria) Act 1992 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**3 PAPERS —**

**LAW REFORM COMMITTEE — HEALTH SERVICE PROVIDERS' LEGAL LIABILITY** — The Honourable C.A. Furletti presented a Report from the Law Reform Committee upon the Liability of the State of Victoria and Health Service Providers, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Parliamentary Committees Act 1968 — Minister's response to recommendations in Road Safety Committee's report upon the Effects of Drugs (other than Alcohol) on Road Safety in Victoria.

**4 BUSINESS POSTPONED —**

Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 and 3, be postponed until later this day.

Ordered — That the consideration of Notice of Motion, General Business, No. 2, be postponed until the next day of meeting.

**5 AUDITOR-GENERAL** — The Honourable T.C. Theophanous moved, That this House expresses its appreciation of the valuable work of Victoria's independent Auditor-General in identifying mismanagement and waste in Government in his

Report on Ministerial Portfolios May, 1997 and Special Report number 49, and calls on the Government to ensure that the issues he identifies are fully addressed.

Debate ensued.

The Honourable W. Forwood moved, as an amendment, That all the words after "That this House" be omitted with the view of inserting in place thereof –

- (a) takes note of recent reports of the Auditor-General, including Special Report number 49 and the Report on Ministerial Portfolios of May 1997; and
- (b) acknowledges that the Minister for Finance will table the Government's response to the Report on Ministerial Portfolios during the next Parliamentary sitting period, in line with standard practice.

Debate ensued.

The Honourable M.M. Gould moved, as an amendment to the amendment of the Honourable W. Forwood, That the following paragraph be added to follow paragraph (b):

“; and

- (c) will take action to address the waste and mismanagement identified by Victoria's independent Auditor-General in his reports”.

Debate ensued.

Question – That the paragraph proposed to be added (to the amendment of the Honourable W. Forwood) be so added – put.

The Council divided.

AYES, 8	NOES, 31
The Hon. Tayfun Eren ( <i>Teller</i> )	The Hon. L. Asher
M.M. Gould	G.B. Ashman
C.J. Hogg	B.N. Atkinson
D.A. Nardella	W.R. Baxter
S.M. Nguyen	R.A. Best ( <i>Teller</i> )
B.T. Pullen	M.A. Birrell
T.C. Theophanous	B.W. Bishop
D.T. Walpole ( <i>Teller</i> )	B.C. Boardman
	R.H. Bowden ( <i>Teller</i> )
	A.R. Brideson
	I.J. Cover
	G.R. Craige
	D.M. Davis
	P.R. Davis
	R.S. de Fegely
	W. Forwood
	C.A. Furletti
	P.R. Hall
	R.M. Hallam
	W.A.N. Hartigan
	P.A. Katsambanis
	R.I. Knowles
	N.B. Lucas
	M.T. Luckins

E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Sue deC Wilding

And so it passed in the negative.

Question – That the words and expressions proposed to be omitted (from the motion of the Honourable T.C. Theophanous) stand part of the question – put and negatived.

Question – That the words and expressions proposed to be inserted (by the Honourable W. Forwood) be so inserted – put and resolved in the affirmative.

Question – That this House

(a) takes note of recent reports of the Auditor-General, including Special Report number 49 and the Report on Ministerial Portfolios of May 1997; and

(b) acknowledges that the Minister for Finance will table the Government's response to the Report on Ministerial Portfolios during the next Parliamentary sitting period, in line with standard practice –

put and resolved in the affirmative.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

**7 BUILDING (FURTHER AMENDMENT) BILL** — This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

**9 ELECTRICITY INDUSTRY (MISCELLANEOUS AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 30  
 The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 B.W. Bishop

NOES, 8  
 The Hon. Tayfun Eren  
 M.M. Gould  
 J. McLean  
 D.A. Nardella  
 S.M. Nguyen  
 B.T. Pullen (*Teller*)

B.C. Boardman  
R.H. Bowden  
A.R. Brideson (*Teller*)  
I.J. Cover  
G.R. Craige  
D.M. Davis (*Teller*)  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

T.C. Theophanous  
D.T. Walpole (*Teller*)

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

**11 APPROPRIATION (1997/98) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the 1997-98 Budget Papers having been authorized to be debated concurrently pursuant to an Order of the Council on 20 May 1997] —

Debate resumed.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until later this day.

**12 STATE TAXATION ACTS (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Business Franchise (Petroleum Products) Act 1979*, the *Pay-roll Tax Act 1971* and the *Stamps Act 1958* and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 FINANCIAL MANAGEMENT (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to make certain amendments to the *Financial Management Act 1994* and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 14 AUDITOR-GENERAL'S OFFICE FINANCIAL AUDIT** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the appointment of Mr. Douglas N. Bartley to conduct the audit of the Auditor-General's Office, and desiring the concurrence of the Council therein.

Ordered – That the Message be taken into consideration forthwith.

The Honourable R.M. Hallam moved, by leave, That the Council concur with the Assembly and resolves That, pursuant to section 17 of the *Audit Act 1994*, Mr Douglas N. Bartley of KPMG be appointed to conduct the audit of the Auditor-General's Office in accordance with the conditions of appointment and remuneration contained in Appendix Two of the Report of the Public Accounts and Estimates Committee upon the Appointment of an Auditor to Conduct a Financial Audit of the Victorian Auditor-General's Office (Parliamentary Paper No. 49, Session 1996-97).

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them accordingly.

- 15 GAS INDUSTRY (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 31	NOES, 8
The Hon. L. Asher	The Hon. M.M. Gould
G.B. Ashman	C.J. Hogg
B.N. Atkinson	J. McLean ( <i>Teller</i> )
W.R. Baxter	D.A. Nardella ( <i>Teller</i> )
M.A. Birrell	P. Power
B.W. Bishop	B.T. Pullen
B.C. Boardman	T.C. Theophanous
R.H. Bowden	D.T. Walpole
A.R. Brideson	
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood ( <i>Teller</i> )	

C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas (*Teller*)  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.52 p.m., adjourned until tomorrow.

A.V. BRAY  
*Clerk of the Legislative Council*

## **No. 42 – Thursday, 22 May 1997**

**1** The President took the Chair and read the Prayer.

**2 SUPERANNUATION ACTS (MISCELLANEOUS AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Local Authorities Superannuation Act 1988, the Port of Melbourne Authority Act 1958, the Public Sector Superannuation (Administration) Act 1993, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988, the Superannuation (Portability) Act 1989, the Transport Superannuation Act 1988 and certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**3 BUILDING (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.

**4 PAPERS** –



**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT**

**DIGEST** – The Honourable P.A. Katsambanis presented Alert Digest No. 5 of 1997 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** – The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Members of Parliament (Register of Interests) Act 1978 – Summary of Variations notified between 5 December 1996 and 21 May 1997.

- 5 SUPERANNUATION ACTS (MISCELLANEOUS AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

- 6 FRIENDLY SOCIETIES (VICTORIA) (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

- 7 MELBOURNE AND METROPOLITAN BOARD OF WORKS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable G.R. Craige) moved, That this Bill be now read a second time.

The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

- 8 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 3 and 4, be postponed until later this day.

- 9 APPROPRIATION (1997/98) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the 1997-98 Budget Papers having been authorized to be debated concurrently pursuant to an Order of the Council on 20 May 1997] –

Debate resumed.

The Honourable C.A. Furletti moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

**10 FRIENDLY SOCIETIES (VICTORIA) (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable J. McLean having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment, and desiring their concurrence therein.

**11 MELBOURNE AND METROPOLITAN BOARD OF WORKS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 APPROPRIATION (1997/98) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the 1997-98 Budget Papers having been authorized to be debated concurrently pursuant to an Order of the Council on 20 May 1997] –

Debate resumed.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

**13 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**14 APPROPRIATION (1997/98) BILL** – Debate continued on the question, That this Bill be now read a second time and on the motion to take note of the 1997-98 Budget Papers.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 BUDGET PAPERS, 1997-98** – The concurrent debate having concluded –

Question – That the Council take note of the Budget Papers, 1997-98 – put and resolved in the affirmative.

**16 APPROPRIATION (PARLIAMENT 1997/98) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**17 PROSTITUTION CONTROL (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Prostitution Control Act 1994 in order to improve the efficiency and effectiveness of the Prostitution Control Board and of the licensing system under that Act and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam (for the Honourable L. Asher), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**18 UNCLAIMED MONEYS (SUPERANNUATION BENEFITS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the payment of certain unclaimed superannuation benefits into the Consolidated Fund, to amend the Unclaimed Moneys Act 1962 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**19 STATE TAXATION ACTS (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**20 FINANCIAL MANAGEMENT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**21 ADJOURNMENT** — The Honourable R.M. Hallam moved, That the Council, at its rising, adjourn until Tuesday next at 10.00 a.m.

Question — put and resolved in the affirmative.

The Honourable R.M. Hallam moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.  
And then the Council, at 6.25 p.m., adjourned until Tuesday next at 10.00 a.m.

A.V. BRAY  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 43, 44 and 45

### No. 43 – Tuesday, 27 May 1997

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - Local Government (Further Amendment) Act*
  - Melbourne Lands (Yarra River North Bank) Act*
  - National Electricity (Victoria) Act*
  - Road Safety (Disclosure of Information) Act*
  - State Taxation Acts (Amendment) Act.*
- 3 **MELBOURNE CITY LINK (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to further amend the Melbourne City Link Act 1995, to make provision for the Exhibition Street Extension Project and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **VICTIMS OF CRIME ASSISTANCE (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Victims of Crime Assistance Act 1996 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **MISCELLANEOUS ACTS (OMNIBUS No. 3) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Accident Compensation Act 1985, the Accident Compensation Act (Further Amendment) Act 1996, the Borrowing and Investment Powers Act 1987, the Cancer Act 1958, the Dried Fruit Acts 1958, the Melbourne and Metropolitan Board of Works Act 1958, the Parliamentary Officers Act 1975, the Pharmacists Act 1974, the Plant Health and Plant Products Act 1995, the State Owned Enterprises Act 1992, the Water Industry Act 1994 and the Zoological Parks and Gardens Act 1995 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Project Development and Construction Management Act 1994 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 SENTENCING AND OTHER ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Sentencing Act 1991, the Drugs, Poisons and Controlled Substances Act 1981, the Bail Act 1977, the Children and Young Persons Act 1989, the Crimes Act 1958, the Magistrates' Court Act 1989 and certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 LAW AND JUSTICE LEGISLATION AMENDMENT BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Crimes Act 1958, the Crimes (Family Violence) Act 1987, the Legal Aid Act 1978, the Legal Aid Commission (Amendment) Act 1989, the Legal Practice Act 1996, the Magistrates' Court Act 1989, the Public Prosecutions Act 1994, the Road Safety Act 1986, the Second-Hand Dealers and Pawnbrokers Act 1989 and the Summary Offences Act 1966 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 ENVIRONMENT CONSERVATION COUNCIL BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish an Environment Conservation Council, to make consequential amendments to other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 10 INFERTILITY TREATMENT (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

- 11 FRIENDLY SOCIETIES (VICTORIA) (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in this Bill.

- 12 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent Government Business taking precedence of all other business from 12.00 noon during the sitting of the Council on Wednesday, 28 May 1997.

Question – put and resolved in the affirmative.

**13 PAPERS –**

**SUPREME COURT JUDGES** – The Honourable L. Asher presented, by command of His Excellency the Governor, the Report of the Supreme Court Judges for the year 1996.

Ordered to lie on the Table.

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**COUNTY COURT JUDGES** – The Honourable L. Asher presented, by command of His Excellency the Governor, the Report of the County Court Judges for the year 1995-96.

Ordered to lie on the Table.

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**MAGISTRATES' COURT** – The Honourable L. Asher presented, by command of His Excellency the Governor, the Report of the Magistrates' Court for the year 1995-96.

Ordered to lie on the Table.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Drugs, Poisons and Controlled Substances Act 1981 –

Standard for the Uniform Scheduling of Drugs and Poisons, No. 11 – Amendment No. 2; and

Notice regarding the amendment, commencement and availability of the Poisons Code.

Infertility – Standing Review and Advisory Committee – Report, 1996.

Law Foundation – Report, year ended 30 September 1996.

Parliamentary Committees Act 1968 –

Minister's response to recommendations in Drugs and Crime Prevention Committee's final report upon Combating Sexual Assault Against Adult Men and Women.

Minister's response to recommendations in Law Reform Committee's final report, Volume 1, upon Jury Service in Victoria.

\* \* \* \* \*

**PROCLAMATION** – A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council on 14 May 1996:

Police and Corrections (Amendment) Act 1997 – Part 3; Remaining provisions of Part 4 (except sections 32 and 33) and Part 6 (except section 55) – 22 May 1997 (*Gazette No. G20, 22 May 1997*).

**14 MELBOURNE CITY LINK (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

**15 VICTIMS OF CRIME ASSISTANCE (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable L. Asher made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

- 16 MISCELLANEOUS ACTS (OMNIBUS No. 3) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

- 17 SENTENCING AND OTHER ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 18 PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 19 LAW AND JUSTICE LEGISLATION AMENDMENT BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable L. Asher made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 20 ENVIRONMENT CONSERVATION COUNCIL BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.



**21 SUPERANNUATION ACTS (MISCELLANEOUS AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable T.C. Theophanous moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until the Government –

- (a) presents to Parliament a scheme of arrangement for funding the \$466 million local authorities superannuation shortfall; and
- (b) requests the Auditor-General to conduct a full performance audit of compulsory competitive tendering and the impact of unfunded superannuation payouts to employees made redundant as a result of such tendering.”

Debate ensued.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

**22 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**23 SUPERANNUATION ACTS (MISCELLANEOUS AMENDMENT) BILL** – Debate continued on the question, That this Bill be now read a second time and on the amendment of the Honourable T.C. Theophanous (*for text see Item 21*).

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 31	NOES, 8
The Hon. L. Asher	The Hon. Tayfun Eren
G.B. Ashman	M.M. Gould
B.N. Atkinson	C.J. Hogg ( <i>Teller</i> )
W.R. Baxter	J. McLean
R.A. Best	P. Power ( <i>Teller</i> )
M.A. Birrell	B.T. Pullen
B.W. Bishop ( <i>Teller</i> )	T.C. Theophanous
B.C. Boardman	D.T. Walpole
R.H. Bowden	
A.R. Brideson	
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
C.A. Furletti	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
P.A. Katsambanis	
R.I. Knowles	
N.B. Lucas	
E.J. Powell	

Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith (*Teller*)  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**24 MELBOURNE CITY LINK (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 32  
 The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith

NOES, 9  
 The Hon. Tayfun Eren  
 M.M. Gould (*Teller*)  
 C.J. Hogg  
 J. McLean  
 S.M. Nguyen (*Teller*)  
 P. Power  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole

W.I. Smith  
 Graeme Stoney (*Teller*)  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding (*Teller*)

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**25 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**26 MISCELLANEOUS ACTS (OMNIBUS No. 3) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable M.M. Gould moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this legislation not proceed until –

- (a) adequate consultation has occurred with electorate officers, the State Public Services Federation and Members of Parliament about Part 8;
- (b) the Government has promulgated adequate guidelines for outsourcing in public statutory authorities and established an appropriate mechanism for enforcing such guidelines; and
- (c) the Bill has been divided into five Bills comprising the – (i) Treasury and Finance Acts (Amendment) Bill; (ii) Health Acts (Miscellaneous Amendments) Bill; (iii) Agriculture and Resources Acts (Amendment) Bill; (iv) Parliamentary Officers (Amendment) Bill; and (v) Zoological Parks and Gardens (Amendment) Bill.”

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

<p>AYES, 32</p> <p>The Hon. L. Asher</p> <p>G.B. Ashman</p> <p>B.N. Atkinson</p> <p>W.R. Baxter</p> <p>R.A. Best</p> <p>M.A. Birrell</p> <p>B.W. Bishop</p> <p>B.C. Boardman</p> <p>R.H. Bowden</p> <p>A.R. Brideson</p> <p>I.J. Cover</p> <p>G.R. Craige</p>	<p>NOES, 9</p> <p>The Hon. Tayfun Eren</p> <p>M.M. Gould</p> <p>C.J. Hogg (<i>Teller</i>)</p> <p>J. McLean</p> <p>D.A. Nardella</p> <p>S.M. Nguyen</p> <p>P. Power</p> <p>B.T. Pullen (<i>Teller</i>)</p> <p>T.C. Theophanous</p>
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D.M. Davis  
 P.R. Davis (*Teller*)  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 E.J. Powell (*Teller*)  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**27 PROSTITUTION CONTROL (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative – Bill read a second time and committed to a Committee of the whole.

House in Committee.

*And having continued to sit until after 12 midnight –*

WEDNESDAY, 28 MAY 1997

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**28 ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 12.31 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 44 — Wednesday, 28 May 1997**

**1** The President took the Chair and read the Prayer.

**2 PETITION — AUDITOR-GENERAL** — The Honourable B.T. Pullen presented a Petition bearing 753 signatures from certain citizens of Victoria requesting that the Auditor-General have the sole power to carry out the external audit on all agencies which are owned by, controlled by or substantially responsible to government, and that the State Government immediately abandon its attempts to reduce his powers.

Ordered to lie on the Table.

**3 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Boroondara Planning Scheme — Amendment L30.

Chiltern Planning Scheme — Amendment L28.

Dandenong — Greater Dandenong Planning Scheme — Amendment L10.

Darebin Planning Scheme — Amendment L47.

Doncaster and Templestowe Planning Scheme — Amendments L117 and L118.

Glen Eira Planning Scheme — Amendments L1 and L2.

Hume Planning Scheme — Amendment L32.

Knox Planning Scheme — Amendments L107 Part 1, L135 and L136.

Melbourne Planning Scheme — Amendment L230.

Melton Planning Scheme — Amendment L63.

Stonnington Planning Scheme — Amendment L15.

Victoria — State Section Planning Schemes — Amendment S44.

Werribee Planning Scheme — Amendments L93 and L108.

Whittlesea Planning Scheme — Amendment L135.

Yarra Planning Scheme — Amendments L8 and L30.

Yea Planning Scheme — Amendments L12 and L13.

**4 BUSINESS POSTPONED** —

Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until the next day of meeting.

Ordered — That the consideration of Notices of Motion, General Business, Nos. 3 and 4, be postponed until later this day.

**5 METROPOLITAN AMBULANCE SERVICE** – The Honourable T.C. Theophanous moved, That this House notes with concern that four Ministerial briefing notes were illegally concealed from an Opposition Freedom of Information request in February/March 1996 and that the Government claims that an important Ministerial briefing note dated 19 February 1996 from the Metropolitan Ambulance Service to the then Minister for Health, the Honourable M. T. Tehan, MP, was not seen by the Minister and as a result calls on the Government to immediately establish a full judicial inquiry to determine –

- (a) why the existence of four Ministerial briefing notes relating to private ambulance contracts was not disclosed to the Opposition in March 1996 as required;
- (b) whether there was any instruction given by the then Minister for Health or her staff to the Metropolitan Ambulance Service not to release the four briefing notes;
- (c) whether there were any illegal acts by the then Minister for Health, her staff or Ambulance Service management in relation to the four Ministerial briefing notes;
- (d) whether the then Minister for Health saw or was briefed on the contents of the Ministerial briefing note dated 19 February 1996;
- (e) whether the then Minister for Health, her staff or senior public servants in the Department of Health and Community Services were advised of or involved in improper practices in the awarding of contracts by the Metropolitan Ambulance Service between 1 January 1993 and 30 March 1996; and
- (f) whether there are inconsistencies between the statements of Metropolitan Ambulance Service Chief Executive Officer, Mr Olszak, and the current Minister for Health, the Honourable R. I. Knowles, MLC.

Debate ensued.

Question – put.

The Council divided.

<p>AYES, 8</p> <p>The Hon. Tayfun Eren M.M. Gould J. McLean D.A. Nardella (<i>Teller</i>) P. Power B.T. Pullen T.C. Theophanous D.T. Walpole (<i>Teller</i>)</p>	<p>NOES, 30</p> <p>The Hon. L. Asher G.B. Ashman (<i>Teller</i>) B.N. Atkinson W.R. Baxter R.A. Best M.A. Birrell B.W. Bishop B.C. Boardman R.H. Bowden A.R. Brideson I.J. Cover G.R. Craige D.M. Davis P.R. Davis (<i>Teller</i>) R.S. de Fegely W. Forwood C.A. Furletti</p>
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R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 E.J. Powell  
 Dr. J.W.G. Ross  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it passed in the negative.

- 6 **MEMBER'S PRIVATE INTERESTS** – The Honourable T.C. Theophanous moved, by leave, That this House notes that the Honourable B N Atkinson, MLC, has misled the House in claiming on 9 April 1997 that he had done “N-O no work” for local traders or councils in Victoria since becoming a Parliamentary Secretary on 2 April 1996, when documents obtained under Freedom of Information show that he was involved in a consultancy for the Moira Shire in May 1996 to develop proposals to put to the Minister for Planning and Local Government for approval which would place him in direct conflict of interest with his duties as Parliamentary Secretary, and calls upon Mr Atkinson to immediately stand down as Parliamentary Secretary to the Minister.

Debate ensued.

Question – put.

The Council divided.

AYES, 8  
 The Hon. Tayfun Eren  
 M.M. Gould  
 J. McLean (*Teller*)  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole (*Teller*)

NOES, 30  
 The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan

P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 E.J. Powell  
 Dr. J.W.G. Ross (*Teller*)  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells (*Teller*)  
 Sue deC Wilding

And so it passed in the negative.

- 7 **ENVIRONMENT CONSERVATION COUNCIL BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until –

- (a) the Land Conservation Council has completed and published its final recommendations on the Marine and Coastal and the Box Iron Bark Special Investigations;
- (b) adequate consultation has occurred with community and key interest groups; and
- (c) provision is made for guaranteed continuing independence, budget allocations and public participation in the investigation and recommendation process in the same manner as the existing Land Conservation Council.”

Debate ensued.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

- 8 **QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 9 **ENVIRONMENT CONSERVATION COUNCIL BILL** – Debate continued on the question, That this Bill be now read a second time and on the amendment of the Honourable P. Power (*for text see Item 7*).

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

<p>AYES, 30</p> <p>The Hon. L. Asher</p> <p>G.B. Ashman</p> <p>B.N. Atkinson</p> <p>W.R. Baxter</p> <p>R.A. Best</p> <p>M.A. Birrell</p> <p>B.W. Bishop</p> <p>B.C. Boardman</p>	<p>NOES, 8</p> <p>The Hon. M.M. Gould</p> <p>C.J. Hogg</p> <p>J. McLean</p> <p>D.A. Nardella</p> <p>P. Power</p> <p>B.T. Pullen (<i>Teller</i>)</p> <p>T.C. Theophanous</p> <p>D.T. Walpole (<i>Teller</i>)</p>
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R.H. Bowden  
 A.R. Brideson  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis (*Teller*)  
 R.I. Knowles  
 N.B. Lucas  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong (*Teller*)  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 SENTENCING AND OTHER ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable D.A. Nardella moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until –

- (a) the spirit of the recommendations of the Premier’s Drug Advisory Council of March 1996 in relation to drug law reform is encompassed in the legislation; and
- (b) the amendments to the *Sentencing Act 1991*, particularly those relating to a combined custody and treatment order, are removed and dealt with in a separate Bill.”

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 28  
 The Hon. L. Asher

NOES, 8  
 The Hon. M.M. Gould

W.R. Baxter	C.J. Hogg
R.A. Best	J. McLean
M.A. Birrell	D.A. Nardella ( <i>Teller</i> )
B.W. Bishop	S.M. Nguyen
B.C. Boardman ( <i>Teller</i> )	P. Power
R.H. Bowden	B.T. Pullen
A.R. Brideson ( <i>Teller</i> )	D.T. Walpole ( <i>Teller</i> )
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti	
R.M. Hallam	
W.A.N. Hartigan	
R.I. Knowles	
N.B. Lucas	
E.J. Powell	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC Wilding	

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**11 UNCLAIMED MONEYS (SUPERANNUATION BENEFITS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 STATE TAXATION ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.33 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 45 – Thursday, 29 May 1997**

**1** The President took the Chair and read the Prayer.

**2 PETITIONS –**

**AUDITOR-GENERAL** – The Honourable B.T. Pullen presented a Petition bearing 37 signatures from certain citizens of Victoria praying that the State Government immediately abandon its attempts to reduce the powers of the Auditor-General and ensure that the Auditor-General retains sole discretion, including operational discretion, over the conduct of audits of all Victorian Government departments and agencies.

Ordered to lie on the Table.

\* \* \* \* \*

**AUDITOR-GENERAL** – The Honourable B.T. Pullen presented a Petition bearing 80 signatures from certain citizens of Victoria requesting that the Auditor-General have the sole power to carry out the external audit on all agencies which are owned by, controlled by or substantially responsible to government, and that the State Government immediately abandon its attempts to reduce his powers.

Ordered to lie on the Table.

**3 PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Judicial Remuneration Tribunal – Report on Tribunals' Salaries and Allowances, 30 April 1997, together with a statement from the Attorney-General, the Minister for Health and the Minister for Small Business as to reasons for not accepting the Tribunal's recommendations, 28 May 1997 (two papers).

Statutory Rules under the following Acts of Parliament:

Estate Agents Act 1980 – No. 41.

Pathology Services Accreditation Act 1984 – No. 36.

Subordinate Legislation Act 1994 – Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 36/1997.

**4 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

**5 FINANCIAL MANAGEMENT (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 6 LAW AND JUSTICE LEGISLATION AMENDMENT BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable D.A. Nardella moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until –

- (a) a review of the appeals process under the *Legal Aid Act 1987* has taken place;
- (b) the impact on the community of lifting the interest rates which can be charged by pawnbrokers has been assessed;
- (c) the Government enunciates a clear policy in relation to the contracting out of services related to law enforcement and the judiciary; and
- (d) the amendments proposed to the *Crimes (Family Violence) Act 1987* and the *Summary Offences Act 1966* are removed and dealt with as separate Bills.”

Debate ensued.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

- 7 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 8 LAW AND JUSTICE LEGISLATION AMENDMENT BILL** – Debate continued on the question, That this Bill be now read a second time and on the amendment of the Honourable D.A. Nardella (*for text see Item 6*).

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 30	NOES, 8
The Hon. L. Asher	The Hon. Tayfun Eren
G.B. Ashman	M.M. Gould ( <i>Teller</i> )
B.N. Atkinson	C.J. Hogg
W.R. Baxter	D.A. Nardella
R.A. Best	S.M. Nguyen
M.A. Birrell	P. Power
B.W. Bishop ( <i>Teller</i> )	B.T. Pullen ( <i>Teller</i> )
B.C. Boardman	D.T. Walpole
R.H. Bowden	
A.R. Brideson	
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti	
P.R. Hall	
R.M. Hallam	

P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty (*Teller*)  
 Sue deC Wilding

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put.

The Council divided.

<p>AYES, 30</p> <p>The Hon. L. Asher            G.B. Ashman            B.N. Atkinson            W.R. Baxter            R.A. Best            M.A. Birrell            B.W. Bishop            B.C. Boardman            R.H. Bowden            A.R. Brideson            I.J. Cover            G.R. Craige            D.M. Davis            P.R. Davis            R.S. de Fegely (<i>Teller</i>)            W. Forwood (<i>Teller</i>)            C.A. Furletti            P.R. Hall            R.M. Hallam            P.A. Katsambanis            R.I. Knowles            N.B. Lucas            E.J. Powell            Dr. J.W.G. Ross            K.M. Smith            W.I. Smith            Graeme Stoney            C.A. Strong            Rosemary Varty            Sue deC Wilding</p>	<p>NOES, 8</p> <p>The Hon. Tayfun Eren (<i>Teller</i>)            M.M. Gould            C.J. Hogg            D.A. Nardella            S.M. Nguyen (<i>Teller</i>)            P. Power            B.T. Pullen            D.T. Walpole</p>
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And so it was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**9 PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 VICTIMS OF CRIME ASSISTANCE (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**11 SUSPENSION OF STANDING ORDERS — QUESTIONS** — The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question — put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.

**13 PARLIAMENT HOUSE COMPLETION AUTHORITY (AMENDMENT) BILL — ORDER DISCHARGED** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

The Honourable R.I. Knowles moved, That this Order of the Day be discharged and that the Bill be withdrawn.

Question — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them therewith.

**14 PAPER — BLF CUSTODIAN** — By leave, the Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of Report No. 35 dated 31 May 1997 given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of the Act.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.

**15 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

Question – put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.26 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

A.V. BRAY

*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 46 and 47

### No. 46 – Tuesday, 7 October 1997

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution having fixed this day at 2.30 p.m. as the time of meeting.  
The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE LESLIE GEORGE NORMAN** – The Honourable M.A. Birrell moved, That this House expresses its sincere sorrow at the death, on 5 July 1997, of the Honourable Leslie George Norman and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of Glen Iris from 1947 to 1952 and as Minister without Portfolio in 1950.  
And other Honourable Members having addressed the House –  
The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.
- 3 **ADJOURNMENT** – The Honourable M.A. Birrell moved, That as a further mark of respect to the memory of the late Honourable Leslie George Norman, the House do now adjourn until this day at 4.00 p.m.  
Question – put and resolved in the affirmative.  
And then the Council, at 2.54 p.m., adjourned until this day at 4.00 p.m.

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- 1 The President took the Chair.
  - 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented Messages from His Excellency the Governor informing the Council –  
That he had, on 3 June 1997, given the Royal Assent to the undermentioned Acts presented to him by the Honourable the Speaker of the Legislative Assembly:  
*Appropriation (1997/98) Act*  
*Appropriation (Parliament 1997/98) Act.*  
That he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
On 3 June 1997 –  
*Building (Further Amendment) Act*  
*Electricity Industry (Miscellaneous Amendment) Act*  
*Gas Industry (Amendment) Act*  
*Infertility Treatment (Amendment) Act*  
*Melbourne and Metropolitan Board of Works (Amendment) Act*  
*Melbourne City Link (Further Amendment) Act*  
*Taxation Administration Act*



On 11 June 1997 –

*Environment Conservation Council Act*  
*Financial Management (Amendment) Act*  
*Friendly Societies (Victoria) (Amendment) Act*  
*Law and Justice Legislation Amendment Act*  
*Miscellaneous Acts (Omnibus No. 3) Act*  
*Project Development and Construction Management (Amendment) Act*  
*Prostitution Control (Amendment) Act*  
*Sentencing and Other Acts (Amendment) Act*  
*State Taxation Acts (Further Amendment) Act*  
*Superannuation Acts (Miscellaneous Amendment) Act*  
*Unclaimed Moneys (Superannuation Benefits) Act*  
*Victims of Crime Assistance (Amendment) Act.*

**3 DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL –**

The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Drugs, Poisons and Controlled Substances Act 1981* to exempt certain processed products from the operation of that Act, to authorise the cultivation and processing of low-THC cannabis for certain commercial and research purposes and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**4 VETERINARY PRACTICE BILL –** The President announced the receipt of a Message from the Assembly transmitting a Bill to make further provision for the registration of veterinary practitioners, the investigation into the professional conduct or fitness to practise of registered veterinary practitioners, to establish the *Veterinary Practitioners Registration Board of Victoria* and the *Veterinary Practitioners Registration Board Fund*, to repeal the *Veterinary Surgeons Act 1958* and to make consequential amendments to other Acts and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**5 INTRODUCTION AGENTS BILL –** The President announced the receipt of a Message from the Assembly transmitting a Bill to regulate introduction agents and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**6 ASSOCIATIONS INCORPORATION (AMENDMENT) BILL –** The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Associations Incorporation Act 1981* and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**7 MELBOURNE AND OLYMPIC PARKS (AMENDMENT) BILL –** The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Melbourne and Olympic Parks Act 1985* to extend the functions of the *Melbourne and Olympic Parks Trust* and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 8 CONSTRUCTION INDUSTRY LONG SERVICE LEAVE BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to repeal the Construction Industry Long Service Leave Act 1983 and provide for the scheme established by that Act to be administered in accordance with a trust deed by a company incorporated under the Corporations Law and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 9 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 10 ADJOURNMENT OF BILLS** – The Honourable R.I. Knowles moved, by leave, That –
- (a) unless otherwise ordered, where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 5 December 1997, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1998: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 8 December 1997 may be taken through all stages; and
  - (b) this Order shall have effect until 31 December 1997.

Question – put and resolved in the affirmative.

- 11 PETITION – KINDERGARTENS** – The Honourable A.R. Brideson presented a Petition bearing 892 signatures from certain citizens of Victoria requesting that kindergartens should no longer come under a Department of welfare-based services but move to a more appropriate and seamless educational process overseen by the Department of Education.

Ordered to lie on the Table.

- 12 PAPERS** –

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – OUTSTANDING FINES AND UNEXECUTED WARRANTS** – The Honourable W. Forwood presented a Report from the Public Accounts and Estimates Committee upon Outstanding Fines and Unexecuted Warrants, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGESTS** – The Honourable P.A. Katsambanis presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 6 of 1997, together with an Appendix.

Alert Digest No. 7 of 1997, together with an Appendix.

Severally ordered to lie on the Table and to be printed.

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**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Aluminium Smelters of Victoria Pty Ltd – Report, 1996-97.

Anderson's Creek Cemetery Trust – Report, 1996.

Australian Grand Prix Corporation – Report, 1996-97.

- Ballaarat General Cemeteries – Report, 1996.
- Bendigo Cemeteries Trust – Report, 1996.
- Border Groundwater Agreement Review Committee – Report, 1995-96.
- Cheltenham Cemeteries Trust – Report, 1996.
- Citipower Ltd – Financial statements, 1 July 1995 to 30 September 1995.
- Crown Land (Reserves) Act 1978 – Minister’s Order of 18 August 1997 giving approval to granting of a lease at Warrenheip.
- Drugs, Poisons and Controlled Substances Act 1981 –  
 Poisons Code – Standard for the Uniform Scheduling of Drugs and Poisons, No. 11, September 1996, together with Amendments Nos. 1 to 3 and Minister’s Notice regarding the preparation, substitution, commencement and availability of the Code (five papers); and  
 Standard for the Uniform Scheduling of Drugs and Poisons, No. 11 – Amendments Nos. 3 and 4 and Minister’s Notices regarding the amendments, commencement and availability of the Poisons Code (four papers).
- Eastern Regional Waste Management Group – Minister for Conservation and Land Management’s report of receipt of the 1995-96 Report.
- Electoral Commissioner –  
 Report on the Gippsland West District By-Election, 1 February 1997.  
 Statements of functions conferred, 27 May 1997, 1 July 1997, 8 July 1997 and 12 August 1997 (four papers).
- Electric Light and Power Act 1958 – Chief Electrical Inspector’s Report on Applications and Proceedings, 1996.
- Electricity Services Victoria – Report, 1996-97.
- Energy Brix Australia Corporation – Financial statements, 15 July 1996 to 13 September 1996.
- Environment Conservation Council Act 1997 – Minister for Conservation and Land Management’s request for the Environment Conservation Council to investigate Victoria’s marine, coastal and estuarine areas.
- Environment Protection Act 1970 – Minister’s Order of 26 August 1997 varying the State Environment Protection Policy (Waters of Victoria).
- Everton Dell Pty Ltd – Report, 1996-97.
- Fawkner Crematorium and Memorial Park – Report, 1996.
- Geelong Cemeteries Trust – Report, 1996.
- Hazelwood Power Corporation – Financial statements, 1 July 1996 to 13 September 1996.
- Judicial Remuneration Tribunal – Statements from the Attorney-General, Minister for Health and Minister for Small Business as to reasons for varying certain recommendations in the Report on Tribunals’ Salaries and Allowances, 30 April 1997.
- Land Acquisition and Compensation Act 1986 – Notice pursuant to section 7(4) of the Act.
- Land Conservation Council – Report, 1996-97.
- Lilydale Memorial Park and Cemetery Trust – Report, 1996.
- Local Government Act 1989 – Order in Council of 11 June 1997 suspending Darebin City Councillors and appointing an Administrator to the Council.
- Melbourne City Link Act 1995 –  
 Orders in Council of 3, 11 and 24 June 1997, 26 August 1997 and 2 and 9 September 1997 varying the project area of land pursuant to section 8(4) of the Act (seven papers).

- Statement of Variation No. 4/1997 to the Melbourne City Link Project Agreement, 10 July 1997, pursuant to section 15(2) of the Act.
- Memorial Park Cemetery Trust – Report 1996.
- Mildura Cemetery Trust – Report, 1 July 1995 to 31 December 1996.
- Multicultural Commission – Report, 1996-97.
- Necropolis Trust – Report, 1996.
- Parliamentary Committees Act 1968 – Minister’s response to recommendations in Scrutiny of Acts and Regulations Committee’s Report upon Redundant and Unclear Legislation concerning the Review of the *Hire Purchase Act 1959*.
- Planning and Environment Act 1987 –
- Approved Amendments Nos. 101, 103, 104 and 107 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (four papers).
- Notices of Approval of the following amendments to planning schemes:
- Alexandra Planning Scheme – Amendments L39 and L40.
- Bacchus Marsh Planning Scheme – Amendment L55.
- Bairnsdale (City) Planning Scheme – Amendment L40.
- Bairnsdale (Shire) Planning Scheme – Amendments L60 and L61.
- Ballan Planning Scheme – Amendment L17.
- Ballarat Planning Scheme – Amendments L26, L28, L29 and L31.
- Banyule Planning Scheme – Amendments L8 Part 2 and L13.
- Bass Planning Scheme – Amendment L37.
- Bayside Planning Scheme – Amendments L1 to L3.
- Belfast Planning Scheme – Amendment L3.
- Bendigo – Greater Bendigo Planning Scheme – Amendment L59.
- Berwick Planning Scheme – Amendments L120 to L122 and L126 to L128.
- Boroondara Planning Scheme – Amendments L18, L21, L26, L31 and L32.
- Brimbank Planning Scheme – Amendments L18, L25, L26, L29, L33 and L39.
- Campaspe Planning Scheme – Amendment L17.
- Central Goldfields Planning Scheme – Amendment L1.
- Colac Otway Planning Scheme – Amendments L3, L11 and L14.
- Corangamite (Shire) Planning Scheme – Amendment L9.
- Cranbourne Planning Scheme – Amendments L168, L184, L197, L198, L201, L203, L208 and L209.
- Dandenong – Greater Dandenong Planning Scheme – Amendment L11.
- Darebin Planning Scheme – Amendments L29, L33, L45, L48 to L50, L53 and L55.
- Delatite Planning Scheme – Amendment L8.
- Dimboola Planning Scheme – Amendments L7 and L8.
- Doncaster and Templestowe Planning Scheme – Amendments L115, L119 and L120.
- Flinders Planning Scheme – Amendments L148 and L155.
- Frankston Planning Scheme – Amendments L80, L85, L89, L98 and L101.
- Geelong – Greater Geelong Planning Scheme – Amendments L177, R33, R162, R176, R179, R181, R191, R197, R200, R201, R204, RL112, RL186 Part 1 and RL195.
- Glen Eira Planning Scheme – Amendments L5, L9, L11, L16, L17 and L19.
- Golden Plains Planning Scheme – Amendment L6.
- Hastings Planning Scheme – Amendment L58 Part 2.

## Hobsons Bay Planning Scheme – Amendment L5.

Planning and Environment Act 1987 – *continued*

Hume Planning Scheme – Amendments L11, L16, L20, L21, L24, L25, L29, L31, L33 and L34.

Kingston Planning Scheme – Amendment L25 to L27, L30 and L32.

Knox Planning Scheme – Amendments L116, L120, L124, L130, L139, L140 and L149.

Korumburra Planning Scheme – Amendments L52 Part 2 and L69.

Lowan Planning Scheme – Amendment L16.

Macedon Ranges Planning Scheme – Amendments L15, L18 and L19.

Maribyrnong Planning Scheme – Amendments L7, L20, L21 and L24 to L27.

Maroondah Planning Scheme – Amendments L8 Part 2, L15 and L17 to L19.

Melbourne Planning Scheme – Amendments L186, L188, L189, L231 L250, L262 to L267, L269 and L280 to L283.

Melton Planning Scheme – Amendments L54, L79, L82 and L83.

Metropolitan Region Planning Schemes – Amendment R132.

Mildura (City) Planning Scheme – Amendment L55.

Mildura (Shire) Planning Scheme – Amendments L43 and L44.

Mirboo Planning Scheme – Amendment L16.

Moe Planning Scheme – Amendments L40 and L41.

Moira Planning Scheme – Amendment L16.

Monash Planning Scheme – Amendments L19, L20, L23, L24, L27, L29, L30 and L33.

Moonee Valley Planning Scheme – Amendments L4, L20 to L22, L25 and L29.

Moreland Planning Scheme – Amendments L32, L35, L37, L41, L42 to L46, L48, L50 and L51.

Mornington Planning Scheme – Amendments L72, L80, L82 and L83.

Morwell Planning Scheme – Amendment L60.

Nillumbik Planning Scheme – Amendments L5, L8 and L10.

Pakenham Planning Scheme – Amendments L135 to L139 and L149.

Phillip Island Planning Scheme – Amendments L66 and L70.

Port Fairy Planning Scheme – Amendment L15.

Port of Melbourne Planning Scheme – Amendments L22 to L25.

Port Phillip Planning Scheme – Amendments L6 Part 1, L20, L44, L48 to L51, L53 and L54 Part 1.

Portland (City) Planning Scheme – Amendment L41.

Ripon Planning Scheme – Amendment L16.

Rodney Planning Scheme – Amendments L95 and L99.

Shepparton (Shire) Planning Scheme – Amendment L78.

Sherbrooke Planning Scheme – Amendments L106, L108 and L126 to L128.

Southern Grampians Planning Scheme – Amendment L2.

Stawell (City) Planning Scheme – Amendment L31.

Surf Coast Planning Scheme – Amendments R29 Part 1 and R49.

Swan Hill (City) Planning Scheme – Amendment L22.

Traralgon (City) Planning Scheme – Amendment L63.

Victoria Planning Provisions – Amendment V1.

Victoria – State Section Planning Schemes – Amendments S55, S66 and SL4.

Warragul Planning Scheme – Amendment L57.

- Warrnambool Planning Scheme – Amendments L17 Part B and L27.
- Planning and Environment Act 1987 – *continued*
- Werribee Planning Scheme – Amendments L109 to L112, L114 and L118.
- Whitehorse Planning Scheme – Amendments L13 and L24.
- Whittlesea Planning Scheme – Amendments L130, L134, L137, L138, L146 Part 1 and L150.
- Wodonga Rural (City) Planning Scheme – Amendment L10.
- Yarra Planning Scheme – Amendments L44, L45 and L48.
- Yarra Ranges Planning Scheme – Amendments L16 Part 1, L39, L42, L43, L48, L51, L57, L62 Part 1, L63, L64, L67, L68 and L73.
- Prevention of Cruelty to Animals Act 1986 –
- Code of Practice for the Intensive Husbandry of Rabbits (Victoria).
- Revocation of the Code of Practice for the Management of Companion Animals in Shelters and Pounds, 1990.
- Psychologists Registration Board – Minister for Health’s report of receipt of 1996 Annual Report.
- Queen Victoria Medical Centre (Guarantees) Act 1982 – Treasurer’s notice of guarantees executed, 4 June 1997.
- State Electricity Commission – Report, 1996-97.
- Statutory Rules under the following Acts of Parliament:
- Administrative Appeals Tribunal Act 1984 – No. 45.
- Administrative Appeals Tribunal Act 1984 – Planning Appeals Act 1980 – Subdivision Act 1988 – No. 87.
- Alpine Resorts Act 1983 – Nos 38 and 39.
- Audit Act 1994 – No. 56.
- Borrowing and Investment Powers Act 1987 – No. 58.
- Building Act 1993 – Nos. 67 and 79.
- Cemeteries Act 1958 – No. 94.
- Chattel Securities Act 1987 – No. 93.
- Chiropractors Registration Act 1996 – No. 77.
- Club Keno Act 1993 – Tattersall Consultations Act 1958 – No. 85.
- Conservation, Forests and Lands Act 1987 – No. 40.
- Crimes Act 1958 – No. 89.
- Dentists Act 1972 – No. 80.
- Drugs, Poisons and Controlled Substances Act 1981 – No. 75.
- Estate Agents Act 1980 – No. 50.
- Financial Institutions Duty Act 1982 – No. 63.
- Financial Management Act 1994 – No. 57.
- Fisheries Act 1968 – Nos. 44, 53, 72, 83, 96 and 97.
- Intellectually Disabled Persons’ Services Act 1986 – No. 59.
- Legal Practice Act 1996 – Nos. 74 and 88.
- Liquor Control Act 1987 – No. 43.
- Livestock Disease Control Act 1994 – No. 54.
- Local Government Act 1989 – No. 51.
- Lotteries Gaming and Betting Act 1966 – No. 47.
- Magistrates’ Court Act 1989 – No. 81.
- Metropolitan Fire Brigades Act 1958 – No. 84.
- Optometrists Registration Act 1996 – No. 78.

## Osteopaths Registration Act 1996 – No. 76.

Statutory Rules under the following Acts of Parliament – *continued*

Physiotherapists Act 1978 – Nos. 37 and 95.

Port of Melbourne Authority Act 1958 – No. 52.

Prevention of Cruelty to Animals Act 1986 – No. 73.

Professional Boxing and Martial Arts Act 1985 – No. 62.

Public Sector Management Act 1992 – No. 46.

Racing Act 1958 – No. 48.

Subordinate Legislation Act 1994 – Nos. 42, 61, 65, 66, 68 to 71 and 90 to 92.

Supreme Court Act 1986 – Nos. 60, 82 and 99.

Tobacco Act 1987 – Nos. 49 and 98.

Transport Act 1983 – No. 86.

Victims of Crime Assistance Act 1996 – No. 64.

Zoological Parks and Gardens Act 1996 – No. 55.

Subordinate Legislation Act 1994 –

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 38, 39, 45, 55, 59 to 61, 64, 81, 82, 87, 89 and 90 to 92/1997.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 9, 37, 40, 41, 46, 49, 50, 51, 53, 54, 63, 67, 72, 74 to 78, 80, 83, 85, 94 and 95/1997.

Templestowe Cemetery Trust – Report, 1996.

Wildlife Act 1975 – Notice of closure of areas to hunting, No. 2, 25 September 1997.

Yarra Valley Water Limited – Report, 1996-97.

\* \* \* \* \*

**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 14 May 1996:

Births, Deaths and Marriages Registration Act 1996 – Remaining provisions – 2 October 1997 (*Gazette No. G39, 2 October 1997*).

Building (Further Amendment) Act 1997 – Remaining provisions – 1 August 1997 (*Gazette No. S84, 29 July 1997*).

Co-operatives Act 1996 – Remaining provisions – 1 October 1997 (*Gazette No. S122, 1 October 1997*).

Electricity Industry (Amendment) Act 1994 – Paragraphs (c) and (d) of section 4 (1) and section 8 – 1 July 1997 (*Gazette No. G22, 5 June 1997*).

Electricity Industry (Miscellaneous Amendment) Act 1997 – Remaining provisions (except for sections 10 to 12, 15, 20(1), 20(2), 21(3)(a) and 30) – 3 June 1997 (*Gazette No. S58, 3 June 1997*), Section 30 – 12 August 1997 (*Gazette No. S92, 12 August 1997*).

Environment Conservation Council Act 1997 – Remaining provisions – 1 July 1997 (*Gazette No. S75, 1 July 1997*).

Fire Authorities (Amendment) Act 1997 – Part 3 – 1 September 1997 (*Gazette No. G32, 14 August 1997*).

Friendly Societies (Victoria) Act 1996 – Remaining provisions – 1 October 1997 (*Gazette No. S122, 1 October 1997*).

Gas Industry (Amendment) Act 1997 – Sections 3 to 13, 18 and 21 – 3 June 1997; remaining provisions – 1 July 1997 (*Gazette No. S58, 3 June 1997*).

Land (Revocation of Miscellaneous Reservations) Act 1997 – Section 4, Item 2 of Schedule 1 and Schedule 2 – 1 August 1997 (*Gazette No. G28, 17 July 1997*).

Proclamations — *continued*

Law and Justice Legislation Amendment Act 1997 — Sections 3, 7 and 53 to 55 — 19 June 1997 (*Gazette No. G24, 19 June 1997*); sections 14 to 17 and 19 to 23 — 14 July 1997 (*Gazette No. S77, 10 July 1997*).

Legal Aid Commission (Amendment) Act 1989 — Section 12 — 14 July 1997 (*Gazette No. S77, 10 July 1997*); section 8 — 28 July 1997 (*Gazette No. G29, 24 July 1997*).

Livestock Disease Control (Amendment) Act 1997 — Remaining provisions — 1 July 1997 (*Gazette No. G25, 26 June 1997*).

Melbourne City Link (Further Amendment) Act 1997 — Sections 3, 4(3), 8, 10 to 12, 14(2) and 15 — 12 June 1997 (*Gazette No. G23, 12 June 1997*), remaining provisions — 26 June 1997 (*Gazette No. G25, 26 June 1997*).

Melbourne Lands (Yarra River North Bank) Act 1997 — Remaining provisions — 19 June 1997 (*Gazette No. G24, 19 June 1997*).

Miscellaneous Acts (Further Omnibus Amendments) Act 1996 — Sections 50, 51, 55(3), 58 and 60 — 3 June 1997 (*Gazette No. G21, 29 May 1997*).

National Parks (Amendment) Act 1997 — Remaining provisions (except section 14(3)), — 4 June 1997 (*Gazette No. S59, 4 June 1997*).

Police and Corrections (Amendment) Act 1997 — Sections 38 and 39 — 26 June 1997 (*Gazette No. G25, 26 June 1997*), sections 32, 33, 55 and remaining provisions of Part 5 — 2 October 1997 (*Gazette No. G39, 2 October 1997*).

Professional Boxing and Martial Arts Act 1996 — Remaining provisions — 1 July 1997 (*Gazette No. G25, 26 June 1997*).

Taxation Administration Act 1997 — Remaining provisions — 1 July 1997 (*Gazette No. G23, 12 June 1997*).

Witness Protection (Amendment) Act 1996 — Section 12 — 2 October 1997 (*Gazette No. G39, 2 October 1997*).

**13 REMOVAL OF ABORIGINAL CHILDREN** — The Honourable M.A. Birrell moved, by leave, That this House apologises to the Aboriginal people on behalf of all Victorians for the past policies under which Aboriginal children were removed from their families, expresses deep regret at the hurt and distress this caused and reaffirms its support for reconciliation between all Australians.

Debate ensued.

Question — put and resolved in the affirmative.

**14 SUSPENSION OF STANDING ORDERS — QUESTIONS** — The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question — put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**15 ELECTRICITY INDUSTRY (FURTHER MISCELLANEOUS AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill to make further amendments to the Electricity Industry Act 1993, to amend the National Electricity (Victoria) Act 1997 and certain other Acts and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R. M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.



**16 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.18 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 47 – Wednesday, 8 October 1997**

**1** The President took the Chair and read the Prayer.

**2 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**3 PAPER** –

**BLF CUSTODIAN** – The Honourable M.A. Birrell moved, by leave, That there be laid before this House a copy of Report No. 36 dated 31 August 1997 given to Mr President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.A. Birrell and ordered to lie on the Table.

**4 BUSINESS POSTPONED** – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 4 inclusive, be postponed until later this day.

**5 UNEMPLOYMENT** – The Honourable T.C. Theophanous moved, That this House condemns the Government for –

- (a) its dismal record on jobs which after five years has resulted in unemployment above 9 per cent and the highest rate of country unemployment of any mainland State;
- (b) the unacceptably high taxes and charges Victorians are continuing to pay which is adversely affecting the Victorian economy; and
- (c) the poor economic outlook for Victoria if the Government's current policies are continued, as identified in the BIS Shrapnel and Access Economics most recent reports;

and calls on the Government to immediately – (i) introduce a mini-budget to cut taxes and create jobs; (ii) develop a coherent and comprehensive Victorian industry plan; and (iii) increase the number of training, apprenticeships, education and labor market programs to help stimulate job growth.

Debate ensued.

Question – put.

The Council divided.

AYES, 9

The Hon. Tayfun Eren  
 M.M. Gould  
 C.J. Hogg  
 J. McLean (*Teller*)  
 D.A. Nardella  
 S.M. Nguyen (*Teller*)  
 P. Power  
 T.C. Theophanous  
 D.T. Walpole

NOES, 32

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins (*Teller*)  
 E.J. Powell (*Teller*)  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it passed in the negative.

- 6 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 7 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.  
 The Honourable P. Power moved, That the debate be now adjourned.  
 Question – That the debate be now adjourned – put and resolved in the affirmative.  
 Ordered – That the debate be adjourned until the next day of meeting.
- 8 **VETERINARY PRACTICE BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable G.R. Craige made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 9 INTRODUCTION AGENTS BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 10 ASSOCIATIONS INCORPORATION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 11 MELBOURNE AND OLYMPIC PARKS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 12 CONSTRUCTION INDUSTRY LONG SERVICE LEAVE BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 13 ELECTRICITY INDUSTRY (FURTHER MISCELLANEOUS AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable R.M. Hallam made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 14 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next.

Question – put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 4.47 p.m., adjourned until Tuesday next.

A.V. BRAY  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 48 and 49

### No. 48 – Tuesday, 14 October 1997

- 1 The President took the Chair and read the Prayer.
- 2 **CRIMES (MENTAL IMPAIRMENT AND UNFITNESS TO BE TRIED) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to reform the law relating to fitness to stand trial for criminal offences and to the defence of insanity, to amend the Corrections Act 1986, the Crimes Act 1958, the Intellectually Disabled Persons' Services Act 1986 and the Mental Health Act 1986 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **COMMONWEALTH POWERS (FAMILY LAW-CHILDREN) (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Commonwealth Powers (Family Law – Children) Act 1986 with respect to the reference of matters to the Commonwealth Parliament and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **FINANCIAL INSTITUTIONS LEGISLATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Building Societies Act 1986, the Co-operative Housing Societies Act 1958 and the Financial Institutions (Victoria) Act 1992 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **ROAD TRANSPORT (DANGEROUS GOODS) (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Road Transport (Dangerous Goods) Act 1995 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 6 **EDUCATION (WORK EXPERIENCE) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Education*

*Act 1958 to make further provision for work experience arrangements and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 7 FORESTS (DUNSTAN AGREEMENT) (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to ratify a further agreement and to amend the Forests (Dunstan Agreement) Act 1987 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 8 PORT SERVICES (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Port Services Act 1995 and the State Electricity Commission Act 1958, to repeal the Port of Melbourne Authority Act 1958, the Port of Geelong Authority Act 1958, the Port of Portland Authority Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 9 SENTENCING (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Sentencing Act 1991, the Crimes Act 1958 and the Magistrates' Court Act 1989 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 10 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 11 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 12 PETITIONS** –

**AUDITOR-GENERAL** – The Honourable B.T. Pullen presented a Petition bearing 3,185 signatures from certain citizens of Victoria requesting that the Auditor-General have the sole power to carry out the external audit on all agencies which are owned by, controlled by or substantially responsible to government, and that the State Government immediately abandon its attempts to reduce his powers.

Ordered to lie on the Table.

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**PUBLIC TRANSPORT** – The Honourable M.T. Luckins presented a Petition bearing 12 signatures from certain citizens of Victoria praying that the State Government immediately abandon its plans to privatise Melbourne's train and

tram service, ensure that it is retained in public hands and improve its operations.

Ordered to lie on the Table.

### 13 PAPERS –

**FEDERAL-STATE RELATIONS COMMITTEE – INTERNATIONAL TREATY MAKING** – The Honourable B.T. Pullen presented a Report from the Federal-State Relations Committee upon International Treaty Making and the Role of the States, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST** – The Honourable P.A. Katsambanis presented Alert Digest No. 8 of 1997 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General's Office – Report, 1996-97.

Chiropractors and Osteopaths Registration Board – Report, 1996.

Crown Land (Reserves) Act 1978 – Minister's Orders of 2 and 8 October 1997 giving approval to granting of leases in the Cities of Manningham, Port Phillip, Melbourne and Bayside (four papers).

Murray Valley Wine Grape Industry Negotiating Committee – Report, 1996-97.

National Parks – Report of the Director, 1996-97.

Parliamentary Officers Act 1975 – Statements of appointments, alterations of classifications and of persons temporarily employed in the Parliamentary departments for the year 1996-97 (10 papers).

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme – Amendment L24.

Bendigo – Greater Bendigo Planning Scheme – Amendment L64.

Berwick Planning Scheme – Amendment L124.

Hume Planning Scheme – Amendment L10.

Knox Planning Scheme – Amendments L148 and L150.

Maribyrnong Planning Scheme – Amendment L28.

Mildura (Shire) Planning Scheme – Amendment L45.

Port Phillip Planning Scheme – Amendment L56.

Stonnington Planning Scheme – Amendment L27.

Victoria – State Section Planning Schemes – Amendment S67.

Whitehorse Planning Scheme – Amendment L27.

South East Water Limited – Report, 1996-97.

Statutory Rules under the following Acts of Parliament –

Births, Deaths and Marriages Registration Act 1996 – No. 100.

Borrowing and Investment Powers Act 1987 – No. 104.

Co-operatives Act 1996 – No. 103.

Estate Agents Act 1980 – No. 102.

Friendly Societies (Victoria) Act 1996 – No. 101.

Subordinate Legislation Act 1994 —

Minister's exception certificates under section 8(4) in respect of Statutory Rules Nos. 65 and 66/1997.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 102/1997.

Tomato Industry Negotiating Committee — Report, 1996-97.

Victorian Plantations Corporation — Report, 1996-97.

WorkCover Authority — Report, 1996-97.

Zoological Parks and Gardens Board — Report, 1996-97.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

**15 VETERINARY PRACTICE BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until there has been appropriate consultation with veterinary surgeons, the farming sector and the community as to who can perform acts of veterinary surgery or medicine and as to what provisions should regulate the ownership of veterinary practices".

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 32

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles

NOES, 9

The Hon. Tayfun Eren (*Teller*)  
M.M. Gould  
C.J. Hogg  
J. McLean  
D.A. Nardella  
S.M. Nguyen  
P. Power  
B.T. Pullen  
D.T. Walpole (*Teller*)



N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney (*Teller*)  
C.A. Strong  
Dr. R.J.H. Wells  
Sue deC Wilding (*Teller*)

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 and 4, be postponed until later this day.

**17 MELBOURNE AND OLYMPIC PARKS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**18 ASSOCIATIONS INCORPORATION (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**19 CONSTRUCTION INDUSTRY LONG SERVICE LEAVE BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable T.C. Theophanous moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until superannuation, redeployment and redundancy matters for existing public sector CoINVEST staff are resolved".

The Honourable G.B. Ashman moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

**20 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**21 CONSTRUCTION INDUSTRY LONG SERVICE LEAVE BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time and on the reasoned amendment (*for text see item 19*)

Debate resumed.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 32	NOES, 9
The Hon. L. Asher	The Hon. M.M. Gould
G.B. Ashman	C.J. Hogg
B.N. Atkinson	J. McLean
W.R. Baxter	D.A. Nardella ( <i>Teller</i> )
R.A. Best	S.M. Nguyen
M.A. Birrell	P. Power ( <i>Teller</i> )
B.W. Bishop	B.T. Pullen
B.C. Boardman	T.C. Theophanous
R.H. Bowden	D.T. Walpole
A.R. Brideson	
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti ( <i>Teller</i> )	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan ( <i>Teller</i> )	
P.A. Katsambanis	
R.I. Knowles	
N.B. Lucas	
M.T. Luckins	
E.J. Powell	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong	
Dr. R.J.H. Wells	
Sue deC Wilding	

And so it was resolved in the affirmative – Amendment negatived.

Question — That this Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

## **22 DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT)**

**BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

## **23 ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

*And the Council having continued to sit until after 12 midnight —*

WEDNESDAY, 15 OCTOBER 1997

Debate continued.

Question — put and resolved in the affirmative.

And then the Council, at 12.15 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 49 — Wednesday, 15 October 1997**

**1** The President took the Chair and read the Prayer.

**2 PETITION — WORKCOVER** — The Honourable T.C. Theophanous presented a Petition bearing 5,099 signatures from certain citizens of Victoria requesting in respect of WorkCover that the Government —

- (a) reject any proposals to further limit access to common law for injuries or illnesses;
- (b) maintain the right of workers to choose their own medical or health practitioner;
- (c) improve access to, and levels of, benefits by restructuring payments to one level after 26 weeks;
- (d) improve access to independent rehabilitation services and return to work opportunities;
- (e) increase average premiums in line with the Australian average rather than reduce rights and entitlements; and
- (f) improve health and safety standards and enforcement in the workplace.

Ordered to lie on the Table.

**3 PAPERS** —

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — BALLAST WATER** — The Honourable B.C. Boardman presented a Report from the Environment and Natural Resources Committee upon Ballast Water and Hull Fouling in Victoria, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Gaming Machine Control Act 1991 — Victorian Casino and Gaming Authority Rules 1997.

Legal Practice Act 1996 — Report of the Legal Ombudsman in the Matter of a Complaint by Ronald V Legge, October 1997.

Victorian Government Purchasing Board — Report, 1996-97 (two papers).

- 4 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 4 inclusive, be postponed until later this day.
- 5 QUALIFICATION OF MEMBER** — The Honourable T.C. Theophanous moved, That, pursuant to Section 300 of *The Constitution Act Amendment Act 1958*, this House refers to the Court of Disputed Returns the question as to whether the Honourable B. N. Atkinson has engaged in activities which contravene the provisions of Section 55 of the *Constitution Act 1975* and whether, as a result, the seat to which he has been elected has become vacant.

Debate ensued.

Question — put.

The Council divided.

AYES, 9

The Hon. M.M. Gould  
C.J. Hogg  
J. McLean  
D.A. Nardella (*Teller*)  
S.M. Nguyen  
P. Power  
B.T. Pullen (*Teller*)  
T.C. Theophanous  
D.T. Walpole

NOES, 32

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis (*Teller*)  
P.R. Davis (*Teller*)  
W. Forwood  
C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell

Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it passed in the negative.

- 6 CRIMES (MENTAL IMPAIRMENT AND UNFITNESS TO BE TRIED) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.  
The Honourable L. Asher made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.  
The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 7 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 to 4 inclusive, be postponed until later this day.
- 8 EDUCATION (WORK EXPERIENCE) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.  
The Honourable M.M. Gould moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 9 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 10 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.  
Question – put and resolved in the affirmative.  
Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 11 COMMONWEALTH POWERS (FAMILY LAW - CHILDREN) (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.  
The Honourable D.A. Nardella moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.

- 12 FINANCIAL INSTITUTIONS LEGISLATION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.  
The Honourable T.C. Theophanous moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 13 ROAD TRANSPORT (DANGEROUS GOODS) (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.  
The Honourable T.C. Theophanous moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 14 FORESTS (DUNSTAN AGREEMENT) (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.  
The Honourable C.J. Hogg (for the Honourable P. Power) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 15 PORT SERVICES (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.  
The Honourable C.J. Hogg (for the Honourable P. Power) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 16 SENTENCING (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.  
The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 17 ELECTRICITY INDUSTRY (FURTHER MISCELLANEOUS AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.  
Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.  
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**18 ADJOURNMENT** – The Honourable M.A. Birrell moved, That the Council, at its rising, adjourn until Tuesday, 28 October 1997.

Question – put and resolved in the affirmative.

The Honourable M.A. Birrell moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.48 p.m., adjourned until Tuesday, 28 October 1997.

A.V. BRAY

*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 50 and 51

### No. 50 – Tuesday, 28 October 1997

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented Messages from His Excellency the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - On 21 October 1997 –
    - Construction Industry Long Service Leave Act*
    - Drugs, Poisons and Controlled Substances (Amendment) Act*
    - Electricity Industry (Further Miscellaneous Amendment) Act*
    - Melbourne and Olympic Parks (Amendment) Act*
  - On 28 October 1997 –
    - Associations Incorporation (Amendment) Act*
    - Veterinary Practice Act.*
- 3 **VOCATIONAL EDUCATION AND TRAINING (TRAINING FRAMEWORK) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Vocational Education and Training Act 1990 and the Adult, Community and Further Education Act 1991 to make further provision for vocational education and training and adult, community and further education, to amend the Accident Compensation Act 1985, the Accident Compensation (WorkCover Insurance) Act 1993 and the Pay-roll Tax Act 1971, to make consequential amendments to other Acts and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **UNIVERSITY ACTS (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Deakin University Act 1974, the La Trobe University Act 1964, the Melbourne University Act 1958, the Monash University Act 1958, the Royal Melbourne Institute of Technology Act 1992, the Swinburne University of Technology Act 1992, the Victoria University of Technology Act 1990 and the Tertiary Education Act 1993 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.



- 5 UNIVERSITY OF BALLARAT (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *University of Ballarat Act 1993 to provide for the merger of The School of Mines and Industries Ballarat Limited and the Wimmera Institute of TAFE with the University of Ballarat and other miscellaneous matters, to make consequential amendments to the Vocational Education and Training Act 1990 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 6 GEELONG PERFORMING ARTS CENTRE TRUST BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Geelong Performing Arts Centre Trust Act 1980 to make further provision for the membership of the Geelong Performing Arts Centre Trust and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 7 DOCKLANDS AUTHORITY (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Docklands Authority Act 1991 and to repeal the Development Areas Act 1973 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 8 URBAN LAND CORPORATION BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to establish the *Urban Land Corporation, to repeal the Urban Land Authority Act 1979 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 9 MELBOURNE SPORTS AND AQUATIC CENTRE (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Melbourne Sports and Aquatic Centre Act 1994 to make further provision for the Melbourne Sports and Aquatic Centre land and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 10 HEALTH SERVICES (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Health Services Act 1988 to replace certain references to nursing homes and hostels, to provide for offences in relation to supported residential services, to extend the period for the commencement of proceedings in respect of certain offences and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**11 DISABILITY SERVICES AND OTHER ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Adoption Act 1984, the Children's Services Act 1996, the Community Services Act 1970, the Disability Services Act 1991 and the Intellectually Disabled Persons' Services Act 1986 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**12 LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Local Government Act 1989, the Building Act 1993 and the Local Government (Amendment) Act 1996, to repeal the Public Authorities Marks Act 1958 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**13 HIRE-PURCHASE (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Hire-Purchase Act 1959 and the Goods Act 1958 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**14 WILDLIFE (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Wildlife Act 1975, the Conservation, Forests and Lands Act 1987 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**15 QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**16 PAPERS** –

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – ANNUAL REPORT**  
– The Honourable W. Forwood presented the 1996-97 Annual Report from the Public Accounts and Estimates Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST**  
– The Honourable P.A. Katsambanis presented Alert Digest No. 9 of 1997 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

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**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Alexandra District Hospital – Minister for Health's report of receipt of the 1996-97 Report.

Anti-Discrimination Tribunal – Report, 1996-97.

- Auditor-General – Report on the Government’s Annual Financial Statement, 1996-97.
- Bacchus Marsh and Melton Memorial Hospital – Report, 1996-97.
- Beaufort and Skipton Health Service – Minister for Health’s report of receipt of the 1996-97 Report.
- Beechworth Hospital – Report, 1996-97.
- Benalla and District Memorial Hospital – Report, 1996-97.
- Boort District Hospital – Report, 1996-97.
- Broiler Industry Negotiation Committee – Report, 1996-97.
- Channels Authority – Report, 1996-97.
- City West Water Limited – Report, 1996-97 (two papers).
- Cobram District Hospital – Minister for Health’s report of receipt of the 1996-97 Report.
- Cohuna District Hospital – Report, 1996-97.
- Construction Industry Long Service Leave Board – Report, 1996-97.
- Crimes Compensation Tribunal – Report, 1996-97.
- Crown Land (Reserves) Act 1978 – Minister’s Order of 14 October 1997 giving approval to granting of lease at Point Leo Foreshore.
- Dairy Industry Authority – Report, 1996-97.
- East Grampians Health Service – Report, 1996-97.
- EcoRecycle Victoria – Report, 1996-97.
- Electoral Commission – Report, 1996-97.
- Emerald Tourist Railway Board – Report, 1996-97.
- Emergency Services Superannuation Scheme – Report, 1996-97.
- Environment Protection Authority – Report, 1996-97.
- Financial Institutions Commission – Report, 1996-97.
- Financial Operations Statement, 1996-97.
- Flora and Fauna Guarantee Act 1988 – Order in Council of 23 September 1997 adding items to Schedule 2 – List of Taxa and Communities of Flora or Fauna which are Threatened; and Revocation of an Order adding items to Schedule 2.
- Forensic Medicine Institute – Report, 1996-97.
- Forests (Dunstan Agreement) Act 1987 – Report of Amending Agreement, 27 March 1997, pursuant to section 6 of the Act.
- Gas and Fuel – Report, 1996-97.
- Gas Transmission Corporation – Report, 1996-97.
- Goulburn Valley Base Hospital – Report, 1996-97 (two papers).
- Greyhound Racing Control Board – Report, 1996-97.
- Hospitals Superannuation Board – Report, 1996-97.
- Inglewood and Districts Health Service – Report, 1996-97.
- Intellectual Disability Review Panel – Report, 1996-97.
- Interpretation of Legislation Act 1984 –  
Notice pursuant to section 32(3) in relation to Statutory Rule No. 98/1997.  
Notice pursuant to section 32(4) in relation to State Environment Protection Policy (Waters of Victoria).
- Kerang and District Hospital – Report, 1996-97.
- Kyabram and District Memorial Community Hospital – Report, 1996-97.

- Legal Aid – Report, 1996-97.
- Loy Yang B Power Station Pty Ltd – Report, 1996-97.
- Maldon Hospital – Report, 1996-97.
- Manangatang and District Hospital – Report, 1996-97.
- Mansfield District Hospital – Minister for Health’s report of receipt of the 1996-97 Report.
- Maryborough District Health Service – Report, 1996-97.
- Meat Authority – Report, 1996-97.
- Melbourne Market Authority – Report, 1996-97 (two papers).
- Melbourne Parks and Waterways – Report, 1996-97.
- Melbourne Port Corporation – Report, 1 March 1996 to 30 June 1997 (two papers).
- Members of Parliament (Register of Interests) Act 1978 – Summary of Returns June 1997 and Summary of Variations notified between 22 May and 30 September 1997.
- Metropolitan Fire Brigades Board – Report, 1996-97.
- McIvor Health and Community Services – Report, 1996-97.
- Nathalia District Hospital – Minister for Health’s report of receipt of the 1996-97 Report.
- National Parks Act 1975 – Minister’s Notices of consent to the renewal of Exploration Licences Nos. 3281 and 3376 to Chiltern Box-Ironbark National Park (two papers).
- Numurkah and District War Memorial Hospital – Minister for Health’s report of receipt of the 1996-97 Report.
- Overseas Projects Corporation of Victoria Limited – Report, 1996-97.
- Parliamentary Committees Act 1968 – Minister’s response to recommendations in Public Accounts and Estimates Committee’s Report upon the 1996-97 Budget Estimates and 1995-96 Budget Outcomes.
- Parliamentary Contributory Superannuation Fund – Report, 1996-97.
- Patriotic Funds Council – Report, 1996.
- Planning and Environment Act 1987 –
- Approved Amendments Nos. 105 and 106 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (two papers).
  - Notices of Approval of the following amendments to planning schemes:
    - Boroondara Planning Scheme – Amendment L36.
    - Flinders Planning Scheme – Amendment L160.
    - Geelong – Greater Geelong Planning Scheme – Amendments R178 and R180 Part 1.
    - Melbourne Planning Scheme – Amendments L284 and L286.
    - Moreland Planning Scheme – Amendment L40.
    - Pakenham Planning Scheme – Amendment L140.
    - Port of Melbourne Planning Scheme – Amendment L26.
    - Port Phillip Planning Scheme – Amendment L40.
    - Surf Coast Planning Scheme – Amendment R29 Part 2.
    - Swan Hill (City) Planning Scheme – Amendment L24.
    - Whitehorse Planning Scheme – Amendment L26.
- Police Review Commission – Report, 1996-97.

- Power Net Victoria – Report, 1996-97.
- Premier and Cabinet Department – Report, 1996-97.
- Project Development and Construction Management Act 1994 – Nomination Orders of 29 September 1997 and 7 October 1997 and an Application Order of 7 October 1997 relating to Federation Square (three papers).
- Public Service Commissioner’s Office – Report, 1996-97 (two papers).
- Queen Victoria Women’s Centre Trust – Report, 1996-97.
- Quiet Life Limited – Report, 1996-97.
- Renewable Energy Authority – Report, 1996-97.
- Rural Finance Corporation – Report, 1996-97.
- St. Arnaud District Hospital – Minister for Health’s report of receipt of the 1996-97 Report.
- Stamps Act 1958 – Treasurer’s report of 9 October 1997 of approved exemptions and partial exemptions and refunds made on corporate reconstructions for 1996-97.
- State Trustees Limited – Report, 1996-97.
- Statutory Rules under the following Acts of Parliament:
- Intellectually Disabled Persons’ Services Act 1986 – No. 106.
- Tobacco Act 1987 – No. 105.
- Subordinate Legislation Act 1994 –
- Minister’s exception certificate under section 8(4) in respect of Statutory Rule No. 99/1997.
- Ministers’ exemption certificates under section 9(6) in respect of Statutory Rules No. 135/1996 and Nos. 98 and 105/1997.
- Swan Hill District Hospital – Report, 1996-97.
- Tallangatta Hospital – Minister for Health’s report of receipt of the 1996-97 Report.
- Transport Accident Commission – Report, 1996-97.
- Tricontinental Holdings Limited – Report, 1996.
- Urban Land Authority – Report, 1996-97.
- Victorian Managed Insurance Authority – Report, 1 October 1996 to 30 June 1997.
- Wangaratta District Base Hospital – Report, 1996-97.
- Western Highlands Health Service – Report, 1996-97.
- Wodonga District Hospital – Report, 1996-97.
- Wycheproof and District Health Service – Report, 1996-97.
- Yarrawonga District Hospital – Minister for Health’s report of receipt of the 1996-97 Report.
- Yea and District Memorial Hospital – Minister for Health’s report of receipt of the 1996-97 Report.
- Young Farmers’ Finance Council – Report, 1996-97.

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**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 14 May 1996:

- Gaming Acts (Further Amendment) Act 1997 – Section 9 – 1 November 1997  
(*Gazette No. G42, 23 October 1997*).

Mineral Resources Development Act 1990 – Section 126(5) – 1 November 1997 (*Gazette No. G42, 23 October 1997*).

**17 MINISTERIAL STATEMENT – FINANCIAL OPERATIONS STATEMENT –**

The Honourable R.M. Hallam made a Ministerial Statement in relation to the tabling of the Financial Operations Statement, 1996-97.

The Honourable T.C. Theophanous moved, That the Financial Operations Statement, 1996-97 and related Ministerial Statement be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

**18 CRIMES (MENTAL IMPAIRMENT AND UNFITNESS TO BE TRIED) BILL –**

The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable W. Forwood having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

**19 COMMONWEALTH POWERS (FAMILY LAW-CHILDREN) BILL –** The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**20 FINANCIAL INSTITUTIONS LEGISLATION (AMENDMENT) BILL –** The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**21 BUSINESS POSTPONED –** Ordered – That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

**22 EDUCATION (WORK EXPERIENCE) BILL –** The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**23 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**24 FORESTS (DUNSTAN AGREEMENT) (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**25 ROAD TRANSPORT (DANGEROUS GOODS) (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**26 TRANSPORT ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Transport Act 1983 and the Public Transport Competition Act 1995, to repeal the South Australian and Victorian Border Railways Act 1930, the King-street Bridge Act 1957 and the Railways (Standardization Agreement) Act 1958 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.M. Hallam (for the Honourable G.R. Craige), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**27 MENTAL HEALTH (VICTORIAN INSTITUTE OF FORENSIC MENTAL HEALTH) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish the Victorian Institute of Forensic Mental Health, to amend the Health Services Act 1988 and the Mental Health Act 1986 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.M. Hallam (for the Honourable R.I. Knowles), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**28 ADJOURNMENT** – The Honourable R.M. Hallam moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.10 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## No. 51 – Wednesday, 29 October 1997

1 The President took the Chair and read the Prayer.

**2 PETITION – WORKCOVER** – The Honourable R.S. de Fegely presented a Petition bearing 170 signatures from certain citizens of Victoria requesting in respect of WorkCover that the Government –

- (a) reject any proposals to further limit access to common law for injuries or illnesses;
- (b) maintain the right of workers to choose their own medical or health practitioner;
- (c) improve access to, and levels of benefits, by restructuring payments to one level after 26 weeks;
- (d) improve access to independent rehabilitation services and return to work opportunities;
- (e) increase average premiums in line with the Australian average rather than reduce rights and entitlements; and
- (f) improve health and safety standards and enforcement in the workplace.

Ordered to lie on the Table.

**3 PAPERS –**

**PUBLIC SECTOR CAPITAL WORKS** – The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the 1997-98 Public Sector Capital Works Program (Budget Information Paper No. 1).

Question – put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

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**NATIONAL ROAD TRANSPORT COMMISSION** – The Honourable G.R. Craige moved, by leave, That there be laid before this House a copy of the Report of the National Road Transport Commission for the year 1996-97.

Question – put and resolved in the affirmative.

The said report was thereupon presented by the Honourable G.R. Craige and ordered to lie on the Table.

\* \* \* \* \*

**PARLIAMENTARY DEPARTMENTS** – The Honourable P.R. Hall moved, by leave, That there be laid before this House a copy of the report of –

- (a) the Clerk on the operations of the Department of the Legislative Council for the year 1996-97;
- (b) the Librarian on the operations of the Department of the Parliamentary Library for the year 1996-97;
- (c) the Chief Reporter on the operations of the Department of Victorian Parliamentary Debates for the year 1996-97; and
- (d) the Secretary on the operations of the Department of Parliamentary Services for the year 1996-97.

Question – put and resolved in the affirmative.

The said reports were thereupon presented by the Honourable P.R. Hall and ordered to lie on the Table.

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**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Bendigo Health Care Group – Report, 1996-97.

Cinemia Corporation – Report, 1996-97.

Donald District Hospital – Report, 1996-97.



- Echuca Regional Health — Report, 1996-97.  
 Kyneton District Health Service — Report, 1996-97.  
 Liquor Licensing Commission — Report, 1996-97.  
 Mallee Track Health and Community Service — Report, 1 January 1997 to 30 June 1997 [incorporating the Ouyen and District Hospital Report, 1 July 1996 to 31 December 1996].  
 Mildura Base Hospital — Report, 1996-97 (two papers).  
 Mt. Alexander Hospital — Report, 1996-97.  
 Planning and Environment Act 1987 —  
 Notices of Approval of the following amendments to planning schemes:  
 Bairnsdale (Shire) Planning Scheme — Amendment L62.  
 Bendigo — Greater Bendigo Planning Scheme — Amendment L51.  
 Darebin Planning Scheme — Amendment L42.  
 Melbourne Planning Scheme — Amendment L287.  
 Melton Planning Scheme — Amendment L75 Part 1.  
 Phillip Island Planning Scheme — Amendment L72.  
 Ripon Planning Scheme — Amendment L15.  
 Victoria — State Section Planning Schemes — Amendment S68.  
 Victoria Planning Provisions — Amendment V3.  
 Robinvale District Hospital and Health Services — Report, 1996-97.  
 Rochester and Elmore District Health Service — Report, 1996-97.  
 Tourism Victoria — Report, 1996-97.  
 Treasury Corporation — Report, 1996-97.  
 Victorian Power Exchange — Report, 1996-97.

- 4 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 4 inclusive, be postponed until later this day.
- 5 WORKCOVER** — The Honourable T.C. Theophanous moved, That this House condemns the Minister for Finance for his mismanagement of the WorkCover system, which has led to —
- (a) a blow-out in scheme administration costs to \$183 million in 1996-97;
  - (b) poor claims management resulting in increased medical and legal costs in 1996-97 to \$98 million; and
  - (c) a failed rehabilitation and accident prevention strategy, as reflected in the massive increase in the number of serious and long-term injury claims,

and censures the Minister for failing to address the inefficiency and mismanagement of the system and instead seeking to — (i) reduce workers' benefits by abolishing common law, reducing weekly entitlements and cutting lump-sum payments for most workers; (ii) increase employer premiums by approximately \$80 million with no corresponding benefits to injured workers or in rehabilitation and prevention programs; and (iii) use Victorian WorkCover Authority funds to promote the Government's political line, to attack legitimate groups in the community and to peddle misinformation about the effect of the proposed legislative changes.

Debate ensued.

Question — put.

The Council divided.

AYES, 9

The Hon. Tayfun Eren  
 M.M. Gould  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella (*Teller*)  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen (*Teller*)  
 T.C. Theophanous

NOES, 31

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 B.W. Bishop  
 B.C. Boardman (*Teller*)  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells (*Teller*)  
 Sue deC Wilding

And so it passed in the negative.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Government Business, and Order of the Day, Government Business, No. 1, be postponed until later this day.

**7 UNIVERSITY ACTS (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 8 VOCATIONAL EDUCATION AND TRAINING (TRAINING FRAMEWORK) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.  
The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 9 UNIVERSITY OF BALLARAT (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.  
The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 10 QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 11 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 4 to 7 inclusive, be postponed until later this day.
- 12 HEALTH SERVICES (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.  
The Honourable M.M. Gould moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 13 DISABILITY SERVICES AND OTHER ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.  
The Honourable M.M. Gould moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 14 GEELONG PERFORMING ARTS CENTRE TRUST BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.  
The Honourable M.M. Gould moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 15 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 10 and 11, be postponed until later this day.
- 16 WILDLIFE (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 17 DOCKLANDS AUTHORITY (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 18 URBAN LAND CORPORATION BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 19 MELBOURNE SPORTS AND AQUATIC CENTRE (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 20 HIRE-PURCHASE (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 21 LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 22 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 13 and 14, be postponed until later this day.

- 23 PORT SERVICES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**24 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 11 November 1997.

Question – put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.25 p.m., adjourned until Tuesday, 11 November 1997.

A.V. BRAY  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 52, 53 and 54

### No. 52 – Tuesday, 11 November 1997

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, on 5 November 1997, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - Commonwealth Powers (Family Law-Children) (Amendment) Act*
  - Education (Work Experience) Act*
  - Financial Institutions Legislation (Amendment) Act*
  - Forests (Dunstan Agreement) (Amendment) Act*
  - Port Services (Amendment) Act*
  - Road Transport (Dangerous Goods) (Amendment) Act.*
- 3 **WILLS BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to re-state with amendments the law relating to wills in Victoria, to repeal the Wills Act 1958 and to amend the Administration and Probate Act 1958* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **LAW AND JUSTICE LEGISLATION (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Bail Act 1977, the Consumer Credit (Victoria) Act 1995, the Country Fire Authority Act 1958, the Credit (Administration) Act 1984, the Credit Act 1984, the Equal Opportunity Act 1995, the Firearms Act 1996, the Instruments Act 1958, the Interpretation of Legislation Act 1984, the Magistrates' Court Act 1989, the Supreme Court Act 1986 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **STATE TAXATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Debts Tax Act 1990, the Financial Institutions Duty Act 1982, the Land Tax Act 1958, the Pay-roll Tax Act 1971, the Stamps Act 1958 and the Taxation Administration Act 1997 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 6 CRIMES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Crimes Act 1958, the Evidence Act 1958 and the Magistrates' Court Act 1989 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 7 QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**8 PETITIONS —**

**VICTORIAN BUILDING INDUSTRY** — The Honourable G.B. Ashman presented a Petition bearing 11 signatures from certain citizens of Victoria praying that —

- (a) the issues raised by the Economic Development Committee inquiry into the building industry in Victoria be implemented urgently;
- (b) justice for all be recognized as a basic tenet of any healthy democracy and blatant transgressions of this nature must be acted upon; and
- (c) the Parliament addresses the problem of private and public liquidators refusing to pursue monies rightfully owing to the company in liquidation without advance payment for the legal costs.

Ordered to lie on the Table.

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**WORKCOVER** — The Honourable E.J. Powell presented a Petition bearing 90 signatures from certain citizens of Victoria requesting in respect of WorkCover that the Government —

- (a) reject any proposals to further limit access to common law for injuries or illnesses;
- (b) maintain the right of workers to choose their own medical or health practitioner;
- (c) improve access to, and levels of benefits, by restructuring payments to one level after 26 weeks;
- (d) improve access to independent rehabilitation services and return to work opportunities;
- (e) increase average premiums in line with the Australian average rather than reduce rights and entitlements; and
- (f) improve health and safety standards and enforcement in the workplace.

Ordered to lie on the Table.

**9 PAPERS —**

**LAW REFORM COMMITTEE — REGULATORY EFFICIENCY LEGISLATION —**

The Honourable C.A. Furletti presented a Report from the Law Reform Committee upon Regulatory Efficiency Legislation, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST —**

The Honourable P.A. Katsambanis presented Alert Digest No. 10 of 1997 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

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**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Adult, Community and Further Education Board – Report, 1996-97.

Adult Parole Board – Report, 1996-97.

Agriculture Victoria Services Pty Ltd – Report, 1996-97.

Alexandra and District Ambulance Service – Minister for Health's report of receipt of the 1996-97 report.

Alpine Health Group – Minister for Health's report of failure to submit 1996-97 report to him within the prescribed period.

Ambulance Officers' Training Centre – Minister for Health's report of receipt of the 1996-97 report.

Ambulance Service Victoria –

Metropolitan Region – Report, 1996-97.

North Eastern Region – Report, 1996-97.

North Western Region – Report, 1996-97.

South Western Region – Report, 1996-97.

Western Region – Report, 1996-97.

Architects Registration Board – Report, 1996-97.

Auditor-General –

Report on Metropolitan Ambulance Service – *Fulfilling a vital community need*, November 1997.

Report on Victorian Rural Ambulance Services – *Fulfilling a vital community need*, November 1997.

Barwon Region Water Authority – Report, 1996-97.

Board of Studies – Report, 1996-97.

Bright District Hospital and Health Services – Minister for Health's report of failure to submit 1996-97 report to him within the prescribed period.

Building Control Commission – Report, 1996-97.

Casino and Gaming Authority – Report, 1996-97.

Casterton Memorial Hospital – Report, 1996-97.

Central Gippsland Region Water Authority – Report, 1996-97.

Central Highlands Region Water Authority – Report, 1996-97.

Chief Electrical Inspector's Office – Report, 1996-97.

Colac Community Health Services – Report, 1 January 1997 to 30 June 1997.

Coleraine District Hospital – Minister for Health's report of receipt of the 1996-97 report.

Coliban Region Water Authority – Report, 1996-97.

Country Fire Authority – Report, 1996-97.

Crown Land (Reserves) Act 1978 – Minister's Order of 24 October 1997 giving approval to granting of a lease at Albert Park Reserve.

Dental Health Services – Report, 1996-97.

Director of Public Prosecutions Office – Report, 1996-97.

Docklands Authority – Report, 1996-97.

East Gippsland Region Water Authority – Report, 1996-97.

Education Department – Report, 1996-97.

First Mildura Irrigation Trust – Report, 1996-97.

Funds Management Corporation – Report, 1996-97.

Geelong Hospital – Report, 1996-97 (two papers).

Geelong Performing Arts Centre Trust – Report, 1996-97.

Generation Victoria – Report, 1996-97.



- Gippsland and Southern Rural Water Authority – Report, 1996-97 (two papers).
- Goulburn-Murray Rural Water Authority – Report, 1996-97.
- Goulburn Valley Region Water Authority – Report, 1996-97.
- Grace McKellar Centre – Report, 1996-97.
- Grampians Region Water Authority – Report, 1996-97.
- Hamilton Base Hospital – Report, 1 December 1996 to 30 June 1997.
- Healthit Limited – Report, 1996-97.
- Heritage Council – Report, 1996-97.
- Hesse Rural Health Service – Report, 1996-97.
- Heywood and District Memorial Hospital – Report, 1996-97.
- Human Services Department – Report, 1996-97.
- Infertility (Medical Procedures) Act 1984 – Report on IVF Central Register, 1996-97.
- Infrastructure Department – Report, 1996-97.
- Inner and Eastern Health Care Network – Report, 1996-97.
- Justice Department – Report, 1996-97, together with the following Appendices:
- Appendix A: Equal Opportunity Commission – Report, 1996-97.
  - Appendix B: Guardianship and Administration Board – Report, 1996-97; and
  - Appendix C: Office of the Public Advocate – Report, 1996-97.
- Kiewa Murray Region Water Authority – Report, 1996-97.
- Kilmore and District Hospital – Report, 1996-97.
- Legal Ombudsman – Report, 1 January 1997 to 30 June 1997.
- Legal Practice Board – Report, 1 January 1997 to 30 June 1997.
- Library Board – Report, 1996-97.
- Local Authorities Superannuation Board – Report, 1996-97.
- Lorne Community Hospital – Minister for Health's report of receipt of the 1996-97 report.
- Lower Murray Region Water Authority – Report, 1996-97.
- Marine Board – Report, 1996-97.
- Melbourne City Link Authority – Report, 1996-97.
- Melbourne Convention and Exhibition Trust – Report, 1996-97.
- Melbourne Water Corporation – Report, 1996-97.
- Members of Parliament (Register of Interests) Act 1978 – Cumulative Summary of Returns, September 1997.
- Mental Health Review Board and Psychosurgery Review Board – Report, 1996-97.
- Mid-Goulburn Regional Water Board – Report, 1996-97.
- Murray-Darling Basin Commission – Report, 1996-97.
- Museums Board – Report, 1996-97.
- Myrtleford and District War Memorial Hospital – Minister for Health's report of failure to submit 1996-97 report to him within the prescribed period.
- National Gallery Council – Report, 1996-97.
- National Parks Advisory Council – Report, 1996-97.
- Natural Resources and Environment Department – Report, 1996-97 (two papers).
- North Eastern Health Care Network – Report, 1996-97 (two papers).
- Nurses Board – Minister for Health's report of receipt of the 1996-97 report.
- Otway Health and Community Service – Minister for Health's report of receipt of the 1996-97 report.
- Otway Region Water Authority – Report, 1996-97.

- Ovens Region Water Authority – Report, 1996-97.
- Parliament House Completion Authority – Report, 25 June 1996 to 22 April 1997.
- Penshurst and District Memorial Hospital – Minister for Health’s report of receipt of the 1996-97 report.
- Peninsula Health Care Network – Report, 1996-97.
- Pharmacy Board – Report, 1996-97.
- Planning and Environment Act 1987 –
- Notices of Approval of the following amendments to planning schemes:
    - Alexandra Planning Scheme – Amendment SL5.
    - Alpine Resorts Planning Scheme.
    - Bendigo – Greater Bendigo Planning Scheme – Amendments L61, L63 and L65.
    - Bright Planning Scheme – Amendment SL5.
    - Cranbourne Planning Scheme – Amendment L213.
    - Delatite Planning Scheme – Amendment SL5.
    - Gannawarra Planning Scheme – Amendment L2.
    - Hume Planning Scheme – Amendment L30.
    - Kingston Planning Scheme – Amendment L29.
    - Knox Planning Scheme – Amendment L142.
    - Melbourne Planning Scheme – Amendments L285 and RL180.
    - Melton Planning Scheme – Amendment L85.
    - Metropolitan Region Planning Schemes – Amendment RL180.
    - Narracan Planning Scheme – Amendment SL5.
    - Port Phillip Planning Scheme – Amendment L47.
    - Victoria Planning Provisions – Amendment V4.
    - Warrnambool Planning Scheme – Amendment L24.
    - Whitehorse Planning Scheme – Amendments L8, L9 and L15.
    - Whittlesea Planning Scheme – Amendment L142.
    - Yarra Planning Scheme – Amendment RL180.
    - Yarra Ranges Planning Scheme – Amendment L75.
- Plumbers Gasfitters and Drainers Registration Board – Report, 1 July 1996 to 23 March 1997.
- Police – Chief Commissioner’s Office – Report, 1996-97.
- Port Fairy Hospital – Report, 1996-97.
- Portland and District Hospital – Report, 1996-97 (two papers).
- Portland Coast Region Water Authority – Report, 1996-97.
- Port of Geelong Authority – Report, 1996-97.
- Port of Melbourne Authority – Report, 1996-97.
- Port of Portland Authority – Report, 1996-97.
- Public Transport Corporation – Report, 1996-97.
- Queen Elizabeth Centre – Report, 1996-97.
- Regulator-General’s Office – Report, 1996-97.
- Roads Corporation – Report, 1996-97.
- Seymour District Memorial Hospital – Report, 1996-97.
- Southern Health Care Network – Report, 1996-97.
- Southern Hydro Limited – Report, 1996-97.
- South Gippsland Region Water Authority – Report, 1996-97.
- South West Water Authority – Report, 1996-97.
- State Development Department – Report, 1996-97.
- State Training Board – Report, 1996-97.
- Statutory Rules under the following Acts of Parliament:
  - Administration and Probate Act 1958 – No. 117.
  - County Court Act 1958 – Nos. 113 and 114.

Environment Protection Act 1970 – No. 120.  
 Freedom of Information Act 1982 – No. 107.  
 Gaming Machine Control Act 1991 – Nos. 109 and 121.  
 Health Act 1958 – Nos. 110 and 119.  
 Lotteries Gaming and Betting Act 1966 – No. 108.  
 Public Sector Management Act 1992 – No. 112.  
 Psychologists Registration Act 1987 – No. 111.  
 Subordinate Legislation Act 1994 – No. 115.  
 Supreme Court Act 1986 – Nos. 116 and 118.

Subordinate Legislation Act 1994 –

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 111 and 113 to 118/1997.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 107, 108, 110 to 112 and 119/1997.

Sunraysia Rural Water Authority – Report, 1996-97.

Superannuation Board – Report, 1996-97.

Tawonga and District General Hospital – Minister for Health's report of failure to submit 1996-97 report to him within the prescribed period.

Terang and Mortlake Health Service – Minister for Health's report of receipt of the 1996-97 report.

Timboon and District Hospital – Minister for Health's report of receipt of the 1996-97 report.

Treasury and Finance Department – Report, 1996-97.

Upper Murray Health and Community Services – Minister for Health's report of receipt of the 1996-97 report.

Vicfleet Pty Ltd – Financial statements, 1996-97.

Warrnambool and District Base Hospital – Report, 1996-97.

Western Region Water Authority – Report, 1996-97.

Westernport Region Water Authority – Report, 1996-97 (two papers).

Wimmera-Mallee Rural Water Authority – Report, 1996-97.

Women's and Children's Health Care Network – Report, 1996-97.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until later this day.

**11 TRANSPORT ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable G.R. Craige made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**12 MENTAL HEALTH (VICTORIAN INSTITUTE OF FORENSIC MENTAL HEALTH) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam (for the Honourable R.I. Knowles) moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**13 SENTENCING (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative – Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 INTRODUCTION AGENTS BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative – Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

**15 VOCATIONAL EDUCATION AND TRAINING (TRAINING FRAMEWORK) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed

Question – put.

The Council divided.

AYES, 31

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop (*Teller*)  
B.C. Boardman  
R.H. Bowden  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
P.R. Hall  
R.M. Hallam

NOES, 8

The Hon. M.M. Gould  
C.J. Hogg (*Teller*)  
J. McLean (*Teller*)  
D.A. Nardella  
S.M. Nguyen  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole

W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross (*Teller*)  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 CRIMES (MENTAL IMPAIRMENT AND UNFITNESS TO BE TRIED) BILL –**

The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.

**17 PODIATRISTS REGISTRATION BILL –** The President announced the receipt of a Message from the Assembly transmitting a Bill *to make provision for the registration of podiatrists, the investigation into the professional conduct or fitness to practise of registered podiatrists, to regulate the advertising of podiatry services, to establish the Podiatrists Registration Board of Victoria and the Podiatrists Registration Board Fund, to repeal the Chiropodists Act 1968 and to make consequential amendments to other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**18 ADJOURNMENT –** The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.54 p.m., adjourned until tomorrow

A.V. BRAY  
*Clerk of the Legislative Council*

**No. 53 – Wednesday, 12 November 1997**

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE –** The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Bethlehem Hospital Incorporated – Report, 1996-97 (two papers).

Western Health Care Network – Report, 1996-97.

**3 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.

**4 ABORIGINAL LAND RIGHTS** — The Honourable B.T. Pullen moved, That this House —

- (a) records its support for the progress made towards the achievement of Aboriginal land rights by the decisions of the Australian High Court in Mabo and Wik;
- (b) deploras the attempts by some holders of grazing leases and others to extinguish native title and circumvent the considered judgements of the High Court in those cases; and
- (c) condemns the efforts of those holders of grazing leases who are seeking to advance their leases towards the status of freehold land at the expense of the Australian people.

Debate ensued.

The Honourable W. Forwood moved, as an amendment, That all the words and expressions after "this House —" be omitted with the view of inserting in place thereof:

- "(a) notes the recognition of native title rights by the High Court of Australia; and
- (b) applauds the attempts of the Federal Government to achieve a fair and equitable resolution for all by establishing a proper legislative framework dealing with native title."

Debate ensued.

Question — That the words and expressions proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 8

The Hon. M.M. Gould  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella (*Teller*)  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen (*Teller*)  
 D.T. Walpole

NOES, 31

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood (*Teller*)  
 C.A. Furletti (*Teller*)  
 R.M. Hallam  
 W.A.N. Hartigan

P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it passed in the negative.

Question – That the words and expressions proposed to be inserted be so inserted  
 – put.

The Council divided.

AYES, 31

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best (*Teller*)  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong (*Teller*)  
 Dr. R.J.H. Wells  
 Sue deC Wilding

NOES, 8

The Hon. M.M. Gould  
 C.J. Hogg  
 J. McLean (*Teller*)  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen  
 D.T. Walpole (*Teller*)

And so it was resolved in the affirmative.

Question — That this House —

- (a) notes the recognition of native title rights by the High Court of Australia; and
- (b) applauds the attempts of the Federal Government to achieve a fair and equitable resolution for all by establishing a proper legislative framework dealing with native title —

put and resolved in the affirmative.

**5 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**6 WILLS BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**7 LAW AND JUSTICE LEGISLATION (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

**9 LAW AND JUSTICE LEGISLATION (FURTHER AMENDMENT) BILL** — The second reading speech continued.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**10 STATE TAXATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**11 CRIMES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable L. Asher made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.



**12 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.

**13 UNIVERSITY ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable G.B. Ashman having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 PLANNING AND ENVIRONMENT (AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Planning and Environment Act 1987*, the *Project Development and Construction Management Act 1994* and the *Land Acquisition and Compensation Act 1986* and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**15 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 7, be postponed until later this day.

**16 GEELONG PERFORMING ARTS CENTRE TRUST (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**17 DOCKLANDS AUTHORITY (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**18 URBAN LAND CORPORATION BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until Members of Parliament and the public have had adequate time to consider whether –

- (a) the charter of the corporation needs to be guaranteed by legislation;
- (b) the power of the corporation should be independent of the Minister;
- (c) the corporation should play a role in the market place to ensure that housing prices are maintained at affordable levels; and

- (d) the dividends of the corporation should be reinvested in the corporation instead of being channelled into the Consolidated Fund".

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 30

The Hon. L. Asher  
 G.B. Ashman  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 A.R. Brideson  
 I.J. Cover  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely (*Teller*)  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas (*Teller*)  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

NOES, 8

The Hon. Tayfun Eren (*Teller*)  
 M.M. Gould  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power (*Teller*)  
 B.T. Pullen

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**19 MELBOURNE SPORTS AND AQUATIC CENTRE (AMENDMENT) BILL –**  
 The Order of the Day was read for the resumption of the debate on the question,

That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**20 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.31 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 54 – Thursday, 13 November 1997**

**1** The President took the Chair and read the Prayer.

**2 PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Ambulance Service Victoria – South Eastern Region – Report, 1996-97.

Health Promotion Foundation – Report, 1996-97.

Mental Health Act 1986 – Report of Community Visitors, 1996-97.

Optometrists Registration Board – Minister for Health's report of receipt of the 1996-97 report.

Tweddle Child and Family Health Centre – Minister for Health's report of receipt of the 1996-97 report.

Yarra Bend Park Trust – Minister for Conservation and Land Management's report of receipt of the 1996-97 report.

**3 BUSINESS POSTPONED** – Ordered – That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

**4 UNIVERSITY OF BALLARAT (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**5 HEALTH SERVICES (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 6 DISABILITY SERVICES AND OTHER ACTS (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —*

- 7 QUESTIONS** — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

- 8 DISABILITY SERVICES AND OTHER ACTS (AMENDMENT) BILL** — Debate continued on the question, That this Bill be now read a second time.

Question — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 UNCLAIMED MONEYS (AMENDMENT) BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Unclaimed Moneys Act 1962 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 10 VOCATIONAL EDUCATION AND TRAINING (TRAINING FRAMEWORK) BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a communication from the Clerk of the Parliaments (pursuant to Joint Standing Order No. 21) calling attention to a clerical error in the Bill and acquainting the Council that they have agreed that such error be corrected as follows:

In clause 33 —

Omit

*“94B. After section 94A of the Principal Act insert — Review of decisions by training agents’*

and insert

*‘After section 94A of the Principal Act insert —*

*“94B. Review of decisions by training agents’ —*

and desiring the concurrence of the Council therein.

Ordered — That the Message be now taken into consideration.

The Honourable R.I. Knowles moved, That the Council concur with the Assembly in the correction of the clerical error discovered in the Bill.

Question — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them accordingly.

- 11 COGNATE DEBATE** — The Honourable R.M. Hallam moved, by leave, That this House authorizes and requires the Honourable the President to permit the debate on Notices of Motion, Government Business, Nos. 1 and 2, to be taken concurrently.

Question — put and resolved in the affirmative.

**12 UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN** – Pursuant to the Order of the Council this day, the Honourable R.M. Hallam moved –

That pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendments Nos. 101, 103, 104 and 107 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved,

and further moved –

That pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendments Nos. 105 and 106 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.

Debate ensued.

The Honourable D.A. Nardella moved, as an amendment to the first Motion, That the expression “,104” be omitted.

Question – That the expression proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 29

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson (*Teller*)  
 I.J. Cover  
 D.M. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan (*Teller*)  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Sue deC Wilding

NOES, 7

The Hon. Tayfun Eren  
 J. McLean  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power (*Teller*)  
 B.T. Pullen  
 D.T. Walpole (*Teller*)

And so it was resolved in the affirmative – Amendment negatived.

Question – That pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendments Nos. 101, 103, 104 and 107 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved – put and resolved in the affirmative.

Question – That pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendments Nos. 105 and 106 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved – put and resolved in the affirmative.

**13 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 5.59 p.m., adjourned until Tuesday next.

A.V. BRAY

*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 55, 56 and 57

### No. 55 – Tuesday, 18 November 1997

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from Her Excellency the Lieutenant-Governor as the Governor's Deputy informing the Council that she had, this day, given the Royal Assent to the undermentioned Acts presented to her by the Clerk of the Parliaments:  
*Crimes (Mental Impairment and Unfitness to be Tried) Act*  
*Docklands Authority (Amendment) Act*  
*Geelong Performing Arts Centre Trust (Amendment) Act*  
*Melbourne Sports and Aquatic Centre (Amendment) Act*  
*Sentencing (Amendment) Act*  
*University Acts (Further Amendment) Act*  
*Urban Land Corporation Act.*
- 3 **EDUCATION (PRESCHOOLS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Education Act 1958 with respect to the provision of preschool programs and to make related amendments to Part XIA of the Health Act 1958 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **ALPINE RESORTS (MANAGEMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make provision for the establishment of an Alpine Resorts Co-ordinating Council and six Alpine Resort Management Boards, to make provision for the management of alpine resorts, to amend the Alpine Resorts Act 1983, to make related amendments to other Acts and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **LEGAL PRACTICE (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Legal Practice Act 1996 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.



- 6 GAMING ACTS (MISCELLANEOUS AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Gaming Machine Control Act 1991, the Gaming and Betting Act 1994 and the Gaming No. 2 Act 1997, to repeal the Banking (Premium Accounts) Act 1992 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 7 FOOD (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Food Act 1984, the Meat Industry Act 1993 and the Dairy Industry Act 1992 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 8 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**9 PAPERS –**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST –**

The Honourable P.A. Katsambanis presented Alert Digest No. 11 of 1997 from the Scrutiny of Acts and Regulations Committee, together with an Appendix and an Extract from the Proceedings of the Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Avoca River Management Authority – Minister for Agriculture and Resources' report of 12 November 1997 of failure to submit 1996-97 report to him within the prescribed period and the reasons therefor.

Broken River Management Board – Minister for Agriculture and Resources' report of 12 November 1997 of receipt of the 1996-97 report.

Bullock Creek Improvement Trust – Minister for Agriculture and Resources' report of 12 November 1997 of failure to submit 1996-97 report to him within the prescribed period and the reasons therefor.

Corner Inlet Waterways Authority – Minister for Agriculture and Resources' report of 12 November 1997 of failure to submit 1996-97 report to him within the prescribed period and the reasons therefor.

Crown Land (Reserves) Act 1978 – Minister's Order of 6 November 1997 giving approval to granting of a lease at Heide Park and Art Gallery Reserve.

East Gippsland River Management Board – Minister for Agriculture and Resources' report of 12 November 1997 of receipt of the 1996-97 report.

Environment Conservation Council Act 1997 – Minister for Conservation and Land Management's notice of amendment of request for the Environment Conservation Council to investigate Victoria's marine, coastal and estuarine areas.

Glenelg River Improvement Trust – Minister for Agriculture and Resources' report of 12 November 1997 of failure to submit 1996-97 report to him within the prescribed period and the reasons therefor.

Grants Commission – Report, year ended 31 August 1997.

Institute of Marine Sciences – Report, 1996-97.

- Intellectually Disabled Persons' Services Act 1986 – Report of Community Visitors, 1996-97.
- Lake Wellington Rivers Authority – Minister for Agriculture and Resources' report of 12 November 1997 of failure to submit 1996-97 report to him within the prescribed period and the reasons therefor.
- Lower Goulburn Waterway Management Authority – Minister for Agriculture and Resources' report of 12 November 1997 of receipt of the 1996-97 report.
- Mitchell River Management Board – Minister for Agriculture and Resources' report of 12 November 1997 of receipt of the 1996-97 report.
- Murray Valley Citrus Marketing Board – Report, 1996-97.
- National Environment Protection Council – Report, 1996-97.
- North East Waterways – Minister for Agriculture and Resources' report of 12 November 1997 of receipt of the 1996-97 report.
- Pental Island River Improvement Trust – Minister for Agriculture and Resources' report of 12 November 1997 of failure to submit 1996-97 report to him within the prescribed period and the reasons therefor.
- Planning and Environment Act 1987 –  
Approved Amendment No. 108 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan.
- Notices of Approval of the following amendments to planning schemes:
- Bairnsdale (Shire) Planning Scheme – Amendment L59.
  - Bendigo – Greater Bendigo Planning Scheme – Amendment L69.
  - Darebin Planning Scheme – Amendment L32.
  - Delatite Planning Scheme – Amendment L11.
  - Frankston Planning Scheme – Amendment L103.
  - Geelong – Greater Geelong Planning Scheme – Amendment R203.
  - Melbourne Planning Scheme – Amendment L244.
  - Mildura (Shire) Planning Scheme – Amendment L57.
  - Moonee Valley Planning Scheme – Amendment L31.
  - Pakenham Planning Scheme – Amendment L143.
  - Stonnington Planning Scheme – Amendment L21.
  - Werribee Planning Scheme – Amendment L123.
  - Whitehorse Planning Scheme – Amendment L3.
  - Yarra Planning Scheme – Amendment L52.
- Police Board – Report, 1996-97.
- Snowy River Improvement Trust – Minister for Agriculture and Resources' report of 12 November 1997 of failure to submit 1996-97 report to him within the prescribed period and the reasons therefor.
- Tambo Nicholson River Management Board – Minister for Agriculture and Resources' report of 12 November 1997 of receipt of the 1996-97 report.
- Tarwin Bass Waterways Authority – Minister for Agriculture and Resources' report of 12 November 1997 of failure to submit 1996-97 report to him within the prescribed period and the reasons therefor.
- Upper Goulburn Waterways Authority – Minister for Agriculture and Resources' report of 12 November 1997 of receipt of the 1996-97 report.
- Upper North East River Management Authority – Minister for Agriculture and Resources' report of 12 November 1997 of receipt of the 1996-97 report.
- Victorian Coastal and Bay Management Council – Report, 1996-97.
- Victorian Relief Committee – Report, 1996-97.

Water Training Centre – Minister for Agriculture and Resources' report of 17 November 1997 of receipt of the 1996-97 report.

- 10 PODIATRISTS REGISTRATION BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 11 PLANNING AND ENVIRONMENT (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable P. Power) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 12 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

- 13 LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until such time as the rights of ratepayers and residents are protected and democracy, transparency and accountability in local government decision making is guaranteed following direct consultation with all municipalities concerning changes to boundaries, electoral structure, entitlement to enrol, conduct of polls and mayoral and councillor allowances".

Debate ensued.

The Honourable E.J. Powell moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

- 14 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 15 LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time and on the reasoned amendment (*for text see item 13*) –

Debate resumed.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 31	NOES, 8
The Hon. L. Asher	The Hon. Tayfun Eren ( <i>Teller</i> )
G.B. Ashman	M.M. Gould
B.N. Atkinson ( <i>Teller</i> )	C.J. Hogg
W.R. Baxter	D.A. Nardella
R.A. Best	P. Power
M.A. Birrell	B.T. Pullen ( <i>Teller</i> )
B.W. Bishop	T.C. Theophanous
R.H. Bowden	D.T. Walpole
A.R. Brideson	
I.J. Cover	
G.R. Craige	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
P.A. Katsambanis	
R.I. Knowles	
N.B. Lucas	
M.T. Luckins	
E.J. Powell ( <i>Teller</i> )	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC Wilding	

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 INTRODUCTION AGENTS BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.

**17 ST ANDREW'S FOUNDATION BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the transfer of certain charitable donations and bequests to the trustees of The St Andrew's Foundation and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**18 GAS SAFETY BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the safe conveyance, sale, supply, measurement, control and use of gas, to amend the Gas Industry Act 1994 and other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**19 RESIDENTIAL TENANCIES BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to re-enact with amendments the law relating to residential tenancies, rooming houses and caravan parks, to provide for a Residential Tenancies Tribunal and a Residential Tenancies Bond Authority, to repeal the Residential Tenancies Act 1980, the Caravan Parks and Movable Dwellings Act 1988 and the Rooming Houses Act 1990 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**20 GAS INDUSTRY (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Gas Industry Act 1994 and certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**21 HEALTH SERVICES (ST ANDREW'S HOSPITAL) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to repeal the St Andrew's Hospital Act 1978 and the St Andrew's Hospital (Guarantee) Act 1978, to amend the Health Services Act 1988 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**22 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

*And the Council having continued to sit until after 12 midnight –*

WEDNESDAY, 19 NOVEMBER 1997

Debate continued.

Question – put and resolved in the affirmative.

And then the Council, at 12.12 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY  
Clerk of the Legislative Council

## No. 56 – Wednesday, 19 November 1997

1 The President took the Chair and read the Prayer.

2 **PAPERS –**

**SUICIDE PREVENTION** – The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Report of the Victorian Task Force on Suicide Prevention, together with the Victorian Government Response thereto.

Question – put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.

The Honourable M.M. Gould moved, That the papers be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

\* \* \* \* \*

**ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN** – The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Victorian Government Response to the Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families.

Question – put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.

The Honourable M.M. Gould moved, That the paper be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Advanced Dental Technicians Qualifications Board – Minister for Health's report of 18 November 1997 of receipt of the 1996-97 report.

Bairnsdale Regional Health Service – Report, 1996-97.

Central Wellington Health Service – Report, 1996-97.

Corangamite Regional Hospital Services – Report, 1996-97.

Dental Technicians Licensing Committee – Minister for Health's report of 18 November 1997 of receipt of the 1996-97 report.

Far East Gippsland Health and Support Service – Minister for Health's report of 21 October 1997 of receipt of the 1996-97 report.

Gippsland Southern Health Service – Report, 1996-97.

Health Services Act 1988 – Report of Community Visitors, 1996-97.

Latrobe Regional Hospital – Report, 1996-97 (two papers).

Maffra District Hospital – Minister for Health's report of 21 October 1997 of receipt of the 1996-97 report.

Omeo District Hospital – Minister for Health’s report of 18 November 1997 of receipt of the 1996-97 report.

Radiation Advisory Committee – Report, year ended 30 September 1997.

South Gippsland Hospital – Minister for Health’s report of 29 October 1997 of receipt of the 1996-97 report.

West Gippsland Healthcare Group – Report, 1996-97.

Wonthaggi and District Hospital – Report, 1996-97.

Yarram and District Health Service – Minister for Health’s report of receipt of the 1996-97 Report.

**5 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.

**6 GOVERNMENT POLICIES** – The Honourable T.C. Theophanous moved, That this House –

- (a) notes that recent surveys of voter intention in Victoria and in Mitcham indicate that Victorians consider the Kennett Government governs in an arrogant and uncaring manner; and
- (b) condemns the Government for contemptuously pushing ahead with changes to the Auditor-General’s Office and to WorkCover rather than addressing the legitimate concerns of a majority of Victorians about declining standards and services in health and education, the explosion in gambling, the erosion of local democracy and Victoria’s high unemployment rate.

Debate ensued

Question – put.

The Council divided.

AYES, 9

The Hon. Tayfun Eren  
 M.M. Gould  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella (*Teller*)  
 P. Power (*Teller*)  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole

NOES, 31

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis (*Teller*)

R.I. Knowles  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith (*Teller*)  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it passed in the negative.

- 7 **EDUCATION (PRESCHOOLS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 8 **ALPINE RESORTS (MANAGEMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable P. Power) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 9 **LEGAL PRACTICE (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable L. Asher made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 10 **QUESTIONS** – Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

- 11 **GAMING ACTS (MISCELLANEOUS AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable P. Power) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.



**12 FOOD (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**13 ST ANDREW'S FOUNDATION BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 7, be postponed until later this day.

**15 GAS SAFETY BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**16 GAS INDUSTRY (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**17 HEALTH SERVICES (ST ANDREW'S HOSPITAL) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam (for the Honourable R.I. Knowles) moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**18 UNCLAIMED MONEYS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**19 HIRE-PURCHASE (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 31

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson (*Teller*)  
 W.R. Baxter  
 R.A. Best  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely (*Teller*)  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

NOES, 9

The Hon. Tayfun Eren (*Teller*)  
 M.M. Gould  
 J. McLean  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen (*Teller*)  
 T.C. Theophanous  
 D.T. Walpole

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**20 WILDLIFE (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**21 TRANSPORT ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable G.B. Ashman having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

**22 RAIL CORPORATIONS (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to reform the public transport system in Victoria, to amend the Rail Corporations Act 1996, the Transport Act 1983 and certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**23 WATER ACTS (FURTHER AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Melbourne and Metropolitan Board of Works Act 1958, the Water Act 1989, the Water Industry Act 1994, the Food Act 1984, the Health Act 1958, the Health (Fluoridation) Act 1973 and certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**24 MENTAL HEALTH (VICTORIAN INSTITUTE OF FORENSIC MENTAL HEALTH) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**25 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 16 to 19 inclusive, be postponed until later this day.

**26 PODIATRISTS REGISTRATION BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable G.B. Ashman having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**27 ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.41 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 57 — Thursday, 20 November 1997**

**1** The Deputy President took the Chair and read the Prayer.

**2 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

**3 RESIDENTIAL TENANCIES BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**4 RAIL CORPORATIONS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable P. Power) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**5 WATER ACTS (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable R.M. Hallam made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable D.A. Nardella (for the Honourable P. Power) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 6 WILLS BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 7 LAW AND JUSTICE LEGISLATION (FURTHER AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 8 STATE TAXATION (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

- 9 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 10 STATE TAXATION (AMENDMENT) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 CRIMES (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable D.A. Nardella moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted to –

- (a) enable the House to consider as separate measures – (i) division 1 of part 2 of the Bill; and (ii) the clauses dealing with the new forensic sample regime in part 4;
- (b) include proper mechanisms to annually monitor and report to Parliament on the impact of the provisions on a victim's court experience;
- (c) allow for initiatives to preclude the serving of a subpoena for victim's counselling notes and files; and
- (d) allow appropriate consultation procedures on the impact of people's rights as a result of increasing police powers".

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

	AYES, 32		NOES, 9
The Hon.	L. Asher	The Hon.	Tayfun Eren
	G.B. Ashman		M.M. Gould
	B.N. Atkinson		C.J. Hogg
	W.R. Baxter		J. McLean ( <i>Teller</i> )
	R.A. Best		D.A. Nardella
	B.W. Bishop ( <i>Teller</i> )		P. Power
	B.C. Boardman		B.T. Pullen ( <i>Teller</i> )
	R.H. Bowden		T.C. Theophanous
	A.R. Brideson		D.T. Walpole
	I.J. Cover		
	G.R. Craige		
	D.M. Davis ( <i>Teller</i> )		
	P.R. Davis		
	R.S. de Fegely		
	W. Forwood		
	C.A. Furletti		
	P.R. Hall		
	R.M. Hallam		
	W.A.N. Hartigan		
	P.A. Katsambanis		
	R.I. Knowles		
	N.B. Lucas		
	M.T. Luckins		
	E.J. Powell		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney		
	C.A. Strong		
	Rosemary Varty		
	Dr. R.J.H. Wells		
	Sue deC Wilding		

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 ST ANDREW'S FOUNDATION BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

*And the President having ruled the Bill to be a Private Bill* –

The Honourable L. Asher moved, That this Bill be dealt with as a Public Bill.

Question – put and resolved in the affirmative.

Debate resumed.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 HEALTH SERVICES (ST ANDREW'S HOSPITAL) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 EDUCATION (PRESCHOOLS) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable M.M. Gould moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until Members of this House and the public have had an opportunity to scrutinise proposed guidelines relating to preschool programs and, in particular, guidelines controlling the practice of potential commercial preschool entrepreneurs".

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 31

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely

NOES, 8

The Hon. Tayfun Eren (*Teller*)  
M.M. Gould  
C.J. Hogg  
J. McLean  
D.A. Nardella  
P. Power  
B.T. Pullen  
D.T. Walpole (*Teller*)

W. Forwood  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney (*Teller*)  
C.A. Strong  
Rosemary Varty (*Teller*)  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 2 December 1997.

Question – put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.55 p.m., adjourned until Tuesday, 2 December 1997.

A.V. BRAY  
*Clerk of the Legislative Council*





# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 58, 59 and 60

### No. 58 – Tuesday, 2 December 1997

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented Messages from His Excellency the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - On 25 November 1997 –
    - Disability Services and Other Acts (Amendment) Act*
    - Health Services (Amendment) Act*
    - Hire-Purchase (Further Amendment) Act*
    - Introduction Agents Act*
    - Local Government (Miscellaneous Amendment) Act*
    - Mental Health (Victorian Institute of Forensic Mental Health) Act*
    - Podiatrists Registration Act*
    - University of Ballarat (Amendment) Act*
    - Vocational Education and Training (Training Framework) Act*
  - On 2 December 1997 –
    - Crimes (Amendment) Act*
    - Education (Preschools) Act*
    - Health Services (St Andrew's Hospital) Act*
    - Law and Justice Legislation (Further Amendment) Act*
    - St Andrew's Foundation Act*
    - State Taxation (Amendment) Act*
    - Wildlife (Amendment) Act*
    - Wills Act.*
- 3 **AUDIT (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Audit Act 1994 and certain other Acts and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 5 **PETITIONS** –
  - AUDITOR-GENERAL** – The Honourable B.T. Pullen presented a Petition bearing 111 signatures from certain citizens of Victoria requesting that the

Auditor-General have the sole power to carry out the external audit on all agencies which are owned by, controlled by or substantially responsible to government, and that the State Government immediately abandon its attempts to reduce his powers.

Ordered to lie on the Table.

\* \* \* \* \*

**WORKCOVER** — The Honourable P.R. Hall presented a Petition bearing 5 signatures from certain citizens of Victoria requesting in respect of WorkCover that the Government —

- (a) reject any proposals to further limit access to common law for injuries or illnesses;
- (b) maintain the right of workers to choose their own medical or health practitioner;
- (c) improve access to, and levels of benefits, by restructuring payments to one level after 26 weeks;
- (d) improve access to independent rehabilitation services and return to work opportunities;
- (e) increase average premiums in line with the Australian average rather than reduce rights and entitlements; and
- (f) improve health and safety standards and enforcement in the workplace.

Ordered to lie on the Table.

\* \* \* \* \*

**PUBLIC TRANSPORT** — The Honourable B.T. Pullen presented a Petition bearing 6 signatures from certain citizens of Victoria praying that the State Government immediately abandon its plans to privatise Melbourne's train and tram service, ensure that it is retained in public hands and improve its operations.

Ordered to lie on the Table.

## 6 PAPERS —

**BLF CUSTODIAN** — The Honourable M.A. Birrell moved, by leave, That there be laid before this House a copy of Report No. 37 dated 30 November 1997 given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.A. Birrell and ordered to lie on the Table.

\* \* \* \* \*

**DRUGS AND CRIME PREVENTION COMMITTEE — DRUG REFORM STRATEGY** — The Honourable A.R. Brideson presented an Interim Report from the Drugs and Crime Prevention Committee upon the Victorian Government's Drug Reform Strategy, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — POSITIVE AGEING** — The Honourable C.J. Hogg presented a Report from the Family and Community Development Committee upon Planning for Positive Ageing, together with Minutes of Evidence.

Ordered to lie on the Table and the report to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST –**

The Honourable P.A. Katsambanis presented Alert Digest No. 12 of 1997 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE –** The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Albury-Wodonga Development (Victoria) Corporation – Report, 1996-97.

Arts Centre Trust – Report, 1996-97.

Auditor-General – Report on Schools of the Future – *Valuing accountability*, December 1997.

Australian Barley Board – Reports, 1995-96 and 1996-97 (four papers).

Caritas Christi Hospice Limited – Report, 1996-97.

Coastal Management Act 1995 – Endorsed Victorian Coastal Strategy, 1997.

Dried Fruits Board – Minister for Agriculture and Resources' report of 25 November 1997 of receipt of the 1996-97 report.

Dunmunkle Health Services – Minister for Health's report of receipt of the 1996-97 report.

Fair Trading – Report of Secretary to the Department of Justice, 1996-97.

Harness Racing Board –

Minister's report of 1 December 1997 of failure to submit 1996-97 report to him within the prescribed period and the reasons therefor.

Report, 1996-97.

Housing Guarantee Fund Limited – Report, 1996-97.

Melbourne City Link Act 1995 – Orders in Council of 11 and 18 November 1997 varying the project area of land pursuant to section 8(4) of the Act (three papers).

Mercy Public Hospitals Incorporated – Report, 1996-97 (three papers).

Ombudsman's Office – Report, 1996-97.

Physiotherapists Registration Board – Report, 1996-97.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Bayside Planning Scheme – Amendment SL9.

Berwick Planning Scheme – Amendment L131.

Brimbank Planning Scheme – Amendment L38.

Chiltern Planning Scheme – Amendment L30.

Cranbourne Planning Scheme – Amendments L205 and L207.

Flinders Planning Scheme – Amendment L163.

Frankston Planning Scheme – Amendment L94.

Hastings Planning Scheme – Amendment L115.

Melton Planning Scheme – Amendment L87.

Milawa Planning Scheme – Amendment L20.

Moreland Planning Scheme – Amendment L49.

Pakenham Planning Scheme – Amendment L156.

Port of Melbourne Planning Scheme – Amendment L27.

Sherbrooke Planning Scheme – Amendments L130 and L132.

Victoria – State Section Planning Schemes – Amendment SL9.

- Whittlesea Planning Scheme – Amendment L153.  
 Planning and Environment Act 1987 – *continued*  
 Yarra Ranges Planning Scheme – Amendments L66, L79 and L80.  
 Statutory Rules under the following Acts of Parliament:  
 Agricultural and Veterinary Chemicals (Control of Use) Act 1992 – No. 123.  
 Education Act 1958 – No. 122.  
 Livestock Disease Control Act 1994 – No. 125.  
 Sentencing Act 1991 – No. 126.  
 Veterinary Surgeons Act 1958 – No. 124.  
 Subordinate Legislation Act 1994 –  
 Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 124 and 126/1997.  
 Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 123 and 125/1997.  
 Subordinate Legislation Guidelines, 1 December 1997, pursuant to section 26 of the Act.  
 Stawell District Hospital – Report, 1996-97.  
 Tattersall's – Financial statements, 1996-97.  
 Trust for Nature – Minister for Conservation and Land Management's report of 20 November 1997 of receipt of the 1996-97 report.  
 Veterinary Board – Minister for Agriculture and Resources' report of 19 November 1997 of receipt of the 1996 report.  
 Warracknabeal District Hospital – Minister for Health's report of receipt of the 1996-97 report.  
 Wimmera Health Care Group – Report, 1996-97.

\* \* \* \* \*

**PROCLAMATIONS** – Proclamations of His Excellency the Governor and Her Excellency the Lieutenant-Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council of 14 May 1996:

- Construction Industry Long Service Leave Act 1997 – Remaining provisions – 1 December 1997 (*Gazette No. G46, 20 November 1997*).  
 Electricity Industry (Miscellaneous Amendment) Act 1997 – Sections 20(1), 20(2) and 21(3)(a) – 27 November 1997 (*Gazette No. G47, 27 November 1997*).  
 Sentencing and Other Acts (Amendment) Act 1997 – Sections 9, 13(2) to (4), 15, 19(2) and (3), 21, 26, 59 and 67 – 20 November 1997 (*Gazette No. G46, 20 November 1997*).

- 7 UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN** – The Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendment No. 108 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.

Debate ensued.

Question – put.

The Council divided.

AYES, 30

NOES, 9

The Hon. G.B. Ashman (*Teller*)  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong (*Teller*)  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

The Hon. Tayfun Eren  
 M.M. Gould  
 C.J. Hogg  
 J. McLean (*Teller*)  
 S.M. Nguyen (*Teller*)  
 P. Power  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole

And so it was resolved in the affirmative.

- 8 **ALPINE RESORTS (MANAGEMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 32

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best (*Teller*)  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman

NOES, 9

The Hon. Tayfun Eren  
 M.M. Gould  
 C.J. Hogg  
 J. McLean (*Teller*)  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen (*Teller*)

R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding (*Teller*)

D.T. Walpole

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 LEGAL PRACTICE (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

- 10 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**11 GAMING ACTS (MISCELLANEOUS AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 32

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson (*Teller*)  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross (*Teller*)  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

NOES, 10

The Hon. Tayfun Eren  
 M.M. Gould  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella  
 S.M. Nguyen (*Teller*)  
 P. Power  
 B.T. Pullen (*Teller*)  
 T.C. Theophanous  
 D.T. Walpole

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 FOOD (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second



time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time.

The Honourable R.I. Knowles moved, by leave, That the Bill be now read a third time.

*And the Council having continued to sit until after 12 midnight —*

WEDNESDAY, 3 DECEMBER 1997

Question — put and resolved in the affirmative.

Bill read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.

**14 GAS SAFETY BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time — Debate resumed.

The Honourable R.I. Knowles moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 7, be postponed until the next day of meeting.

**16 UNCLAIMED MONEYS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**17 ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 12.46 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 59 — Wednesday, 3 December 1997**

**1** The President took the Chair and read the Prayer.

**2 PAPERS** —

**HEALTH SERVICES COMMISSIONER** — The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Report of the Health Services Commissioner for the year 1996-97.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.

\* \* \* \* \*

**ABORIGINAL DEATHS IN CUSTODY** – The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Victorian Government 1996-97 Implementation Report upon the Recommendations arising from the Royal Commission into Aboriginal Deaths in Custody.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.

\* \* \* \* \*

**AUDITOR-GENERAL'S REPORTS** – The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Response by the Minister for Finance to the Auditor-General's Reports Tabled during 1996-97.

Question – put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

\* \* \* \* \*

**PROSTITUTION CONTROL** – The Honourable R.I. Knowles (for the Honourable L. Asher) moved, by leave, That there be laid before this House a copy of the Final Report of the Prostitution Control Act 1994 Advisory Committee.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – 1997-98 BUDGET ESTIMATES** – The Honourable W. Forwood presented a Report from the Public Accounts and Estimates Committee upon the 1997-98 Budget Estimates, together with a Minority Report, an Extract from the Proceedings of the Committee, Appendices and Minutes of Evidence.

Ordered to lie on the Table and the Report, Minority Report, Extract from the Proceedings of the Committee and Appendices to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Glenelg Region Water Authority –

Minister for Agriculture and Resources' report of 1 December 1997 of failure to submit 1996-97 report to him within the prescribed period and the reasons therefor.

Report, 1996-97.

Legal Profession Practice Act 1958 – Report of Lay Observer to the Solicitors' Board and Barristers' Disciplinary Tribunal, 1996.

Ombudsman – Report on the Maryborough Police Investigation, November 1997.

Public Record Office – Report, 1996-97.

Statutory Rules under the following Acts of Parliament:

County Court Act 1958 – Nos. 127 to 130.

Magistrates' Court Act 1989 – No. 131.

Subordinate Legislation Act 1994 – Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 127 to 129 and 131/1997.

- 3 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.
- 4 GAMING INDUSTRY** — The Honourable D.A. Nardella moved, That this House condemns the Government for its lack of appropriate regulation of the gaming industry, including —
- (a) its continual promotion of the industry generally, and the Casino in particular;
  - (b) the closeness of the relationship between the Premier and major players in the industry;
  - (c) its failure to enunciate an appropriate policy in relation to the number of gaming machines in Victoria and the effect of the proliferation of machines in particular areas; and
  - (d) its failure to implement an effective program of support for problem gamblers,

and, further, registers its concern over the increasing reliance Victoria's economy has on gambling revenue.

Debate ensued.

Question — put.

The Council divided.

AYES, 8

The Hon. Tayfun Eren  
 M.M. Gould (*Teller*)  
 C.J. Hogg  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power (*Teller*)  
 B.T. Pullen  
 T.C. Theophanous

NOES, 30

The Hon. G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 B.W. Bishop  
 B.C. Boardman (*Teller*)  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis (*Teller*)  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross

K.M. Smith  
 W.I. Smith  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it passed in the negative.

**5 BUSINESS POSTPONED** — Ordered, after debate — That the consideration of Orders of the Day, Government Business, Nos 1 and 2, be postponed until later this day.

**6 RESIDENTIAL TENANCIES BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable D.A. Nardella moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until such time as —

- (a) all groups involved in the Asher consultation have been consulted about the final content of the Bill and are satisfied that tenant rights are protected;
- (b) the Minister has made a public commitment to ensure that those groups of people currently exempt under the Bill, including students and those with an intellectual disability, will be adequately provided for in the future; and
- (c) a review of minimum standards for the conditions of rental accommodation is conducted".

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

**8 SUSPENSION OF STANDING ORDERS — QUESTIONS** — The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question — put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71 A.

**9 RESIDENTIAL TENANCIES BILL** —

*The President having called upon the Honourable D.A. Nardella to continue his speech —*

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until later this day, the Honourable D.A. Nardella having been granted leave to continue his speech.

**10 AUDIT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable T.C. Thephanous moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the debate be adjourned until the next day of meeting.

The Honourable T.C. Theophanous moved, as an amendment, That "the next day of meeting" be omitted with the view of inserting in place thereof "1 September 1998".

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 30

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson (*Teller*)  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 W. Forwood (*Teller*)  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

NOES, 9

The Hon. Tayfun Eren  
 M.M. Gould  
 C.J. Hogg (*Teller*)  
 J. McLean  
 S.M. Nguyen (*Teller*)  
 P. Power  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole

And so it was resolved in the affirmative – Amendment negatived.

Question – That the debate be adjourned until the next day of meeting – put and resolved in the affirmative.

**11 RESIDENTIAL TENANCIES BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time and on the reasoned amendment (*for text see item 6*) –

Debate resumed.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 30	NOES, 8
The Hon. L. Asher G.B. Ashman ( <i>Teller</i> ) B.N. Atkinson W.R. Baxter R.A. Best B.W. Bishop B.C. Boardman R.H. Bowden A.R. Brideson I.J. Cover G.R. Craige D.M. Davis P.R. Davis W. Forwood C.A. Furletti ( <i>Teller</i> ) R.M. Hallam W.A.N. Hartigan P.A. Katsambanis R.I. Knowles N.B. Lucas M.T. Luckins E.J. Powell Dr. J.W.G. Ross K.M. Smith W.I. Smith Graeme Stoney C.A. Strong Rosemary Varty Dr. R.J.H. Wells Sue deC Wilding	The Hon. Tayfun Eren ( <i>Teller</i> ) C.J. Hogg J. McLean S.M. Nguyen P. Power ( <i>Teller</i> ) B.T. Pullen T.C. Theophanous D.T. Walpole

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put.

The Council divided.

AYES, 30	NOES, 8
The Hon. L. Asher G.B. Ashman B.N. Atkinson W.R. Baxter	The Hon. Tayfun Eren C.J. Hogg ( <i>Teller</i> ) J. McLean S.M. Nguyen

R.A. Best	P. Power
B.W. Bishop	B.T. Pullen ( <i>Teller</i> )
B.C. Boardman	T.C. Theophanous
R.H. Bowden	D.T. Walpole
A.R. Brideson	
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
W. Forwood	
C.A. Furletti	
R.M. Hallam	
W.A.N. Hartigan	
P.A. Katsambanis	
R.I. Knowles	
N.B. Lucas	
M.T. Luckins ( <i>Teller</i> )	
E.J. Powell ( <i>Teller</i> )	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC Wilding	

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 LAND (RESERVATIONS AND OTHER MATTERS) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the revocation of reservations and Crown grants over various parcels of land, to repeal the Burrumbeet (Russell Reserve) Land Act 1982, to make consequential amendments to the Australian Grands Prix Act 1994 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable M.A. Birrell), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**13 GAS SAFETY BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

And then the Council, at 6.05 p.m., adjourned until tomorrow.

A.V. BRAY  
Clerk of the Legislative Council

## No. 60 – Thursday, 4 December 1997

- 1 The President took the Chair and read the Prayer.
- 2 **BUSINESS FRANCHISE FEES (SAFETY NET) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Business Franchise (Petroleum Products) Act 1979, the Business Franchise (Tobacco) Act 1974, the Liquor Control Act 1987 and the Tobacco Act 1987 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **EPWORTH HOSPITAL (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Epworth Hospital Act 1980 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **CONFISCATION BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the forfeiture of the proceeds of crime and other property in certain circumstances, to amend the Sentencing Act 1991, to repeal the Crimes (Confiscation of Profits) Act 1986 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **LAND TAX (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Land Tax Act 1958 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent Government Business taking precedence of all other business from 12 noon during the sitting of the Council on Wednesday, 10 December 1997.  
Question – put and resolved in the affirmative.
- 7 **PAPERS** –  
**MILDURA RURAL CITY COUNCIL** – The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report of the Inquiry into Mildura Rural City Council.  
Question – put and resolved in the affirmative.  
The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.



\* \* \* \* \*

**PRESIDING OFFICERS** – The Honourable P.R. Hall moved, by leave, That there be laid before this House a copy of the Report of the Presiding Officers for the period October 1996 to September 1997.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable P.R. Hall and ordered to lie on the Table.

\* \* \* \* \*

**LAW REFORM COMMITTEE – JURY SERVICE IN VICTORIA** – The Honourable C.A. Furletti presented the Final Report, Volumes 2 and 3, from the Law Reform Committee upon Jury Service in Victoria, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General – Report on Victoria's multi-agency approach to emergency services – *A focus on public safety*, December 1997.

Freedom of Information Act 1982 – Report of the Attorney-General on the operation of the Act, 1996-97.

Melbourne City Link Act 1995 – Orders in Council of 25 November 1997 varying the project area of land pursuant to section 8(4) of the Act (two papers).

Members of Parliament (Register of Interests) Act 1978 – Summary of Variations notified between 1 October 1997 and 3 December 1997.

Royal Botanic Gardens Board – Report, 1996-97 (two papers).

**8 LAND (RESERVATIONS AND OTHER MATTERS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**9 BUSINESS FRANCHISE FEES (SAFETY NET) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**10 LAND TAX (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**11 CONFISCATION BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable L. Asher made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**12 GAS INDUSTRY (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until:

- (a) the Parliament has passed legislation – (i) to ensure no Victorian domestic consumer will have to pay a higher tariff for the supply of natural gas than other consumers in Victoria; and (ii) implementing a system of scrutiny by the Parliament concerning the contractual obligations applying to all asset sales, outsourcing and consultancies, similar to the systems in place in New South Wales and South Australia; and
- (b) the Government makes a definitive statement on the cross-ownership provisions which are to be part of its energy policy".

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 30	NOES, 7
The Hon. L. Asher	The Hon. C.J. Hogg ( <i>Teller</i> )
G.B. Ashman	J. McLean
B.N. Atkinson	D.A. Nardella
W.R. Baxter	S.M. Nguyen ( <i>Teller</i> )
R.A. Best ( <i>Teller</i> )	P. Power
B.W. Bishop	B.T. Pullen
B.C. Boardman	D.T. Walpole
R.H. Bowden	
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	

P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney (*Teller*)  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put.

The Council divided.

	AYES, 30		NOES, 7
The Hon.	L. Asher	The Hon.	C.J. Hogg
	G.B. Ashman		J. McLean
	B.N. Atkinson		D.A. Nardella
	W.R. Baxter		S.M. Nguyen
	R.A. Best		P. Power ( <i>Teller</i> )
	B.W. Bishop		B.T. Pullen ( <i>Teller</i> )
	B.C. Boardman		D.T. Walpole
	R.H. Bowden ( <i>Teller</i> )		
	I.J. Cover		
	G.R. Craige		
	D.M. Davis		
	P.R. Davis		
	R.S. de Fegely		
	W. Forwood		
	C.A. Furletti		
	P.R. Hall		
	R.M. Hallam		
	W.A.N. Hartigan		
	P.A. Katsambanis		
	R.I. Knowles		
	N.B. Lucas ( <i>Teller</i> )		
	E.J. Powell		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney		
	C.A. Strong		
	Rosemary Varty		
	Dr. R.J.H. Wells		
	Sue deC Wilding		

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 3 and 4, be postponed until later this day.

**14 WATER ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

**15 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**16 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No.71 A.

**17 WATER ACTS (FURTHER AMENDMENT) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put.

The Council divided.

AYES, 31

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover (*Teller*)  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan (*Teller*)  
P.A. Katsambanis

NOES, 9

The Hon. Tayfun Eren (*Teller*)  
M.M. Gould  
C.J. Hogg  
J. McLean  
D.A. Nardella  
S.M. Nguyen (*Teller*)  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole

N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18 CONSTITUTION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Constitution Act 1975 with respect to the publication, transmission and broadcasting of Parliamentary proceedings and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam (for the Honourable M.A. Birrell), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 19 EDUCATION (STATE SCHOOLS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Education Act 1958 to make further provision relating to State schools and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam (for the Honourable R.I. Knowles), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 20 SNOWY HYDRO CORPORATISATION BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to corporatise the Snowy Mountains Hydro-electric Authority in accordance with arrangements made between the Commonwealth, New South Wales and Victoria, to repeal the Snowy Mountains Hydro-electric Agreements Act 1958 and the Snowy Mountains Engineering Corporation (Victoria) Act 1971 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 21 MESSAGES FROM THE ASSEMBLY** — The President announced the receipt of Messages from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in the following Bills:

Transport Acts (Amendment) Bill  
 Legal Practice (Amendment) Bill.

**22 ACCIDENT COMPENSATION (MISCELLANEOUS AMENDMENT) BILL –**

The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Accident Compensation Act 1985, the Accident Compensation (WorkCover Insurance) Act 1993, the Dangerous Goods Act 1985, the Equipment (Public Safety) Act 1994, the Magistrates' Court Act 1989, the Occupational Health and Safety Act 1985 and the Workers Compensation Act 1958 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**23 BUSINESS OF THE HOUSE –** The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**24 PLANNING AND ENVIRONMENT (AMENDMENT) BILL –** The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**25 RAIL CORPORATIONS (AMENDMENT) BILL –** The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 32

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan

NOES, 9

The Hon. Tayfun Eren  
M.M. Gould  
C.J. Hogg (*Teller*)  
J. McLean (*Teller*)  
D.A. Nardella  
S.M. Nguyen  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole

P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong (*Teller*)  
 Rosemary Varty  
 Dr. R.J.H. Wells (*Teller*)  
 Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.  
 House in Committee.

*And having continued to sit until after 12 midnight —*

FRIDAY, 5 DECEMBER 1997

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**26 AUDIT (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable M. M. Gould (for the Honourable T.C. Theophanous) moved,  
 That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**27 ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next at 10.00 a.m.

Question — put and resolved in the affirmative.

And then the Council, at 1.14 a.m. , adjourned until Tuesday next at 10.00 a.m.

A.V. BRAY  
 Clerk of the Legislative Council

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 61, 62 and 63

### No. 61 – Tuesday, 9 December 1997

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Alpine Resorts (Management) Act*  
*Gaming Acts (Miscellaneous Amendment) Act*  
*Gas Industry (Further Amendment) Act*  
*Unclaimed Moneys (Amendment) Act.*

- 3 **PETITION – MIDDLE PARK INTERSECTION** – The Honourable P.A. Katsambanis presented a Petition bearing 883 signatures from certain citizens of Victoria requesting that the former “T” intersection at the corner of Canterbury Road and Armstrong Street, Middle Park, be reinstated and that modern traffic control and pedestrian safety measures be installed in the vicinity of the intersection.

Ordered to lie on the Table.

- 4 **PAPERS –**  
**MELBOURNE PORT SERVICES** – The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Financial Statements of Melbourne Port Services Pty Ltd for the fifteen months ended 31 May 1997.

Question – put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

\* \* \* \* \*

**LEANNE POWER PTY LTD** – The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Financial Statements of Leanne Power Pty Ltd for the period 13 March 1997 to 10.05 a.m. on 8 May 1997.

Question – put and resolved in the affirmative.

The said report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – REDUNDANT AND UNCLEAR LEGISLATION** – The Honourable M.T. Luckins presented the Third Report from the Scrutiny of Acts and Regulations Committee upon Redundant and Unclear Legislation, together with an Appendix.



Ordered to lie on the Table and to be printed.

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Australian Food Industry Science Centre – Report, 1996-97.

O'Connell Family Centre (Grey Sisters) Incorporated – Minister for Health's report of 5 December 1997 of receipt of the 1996-97 report.

Parliamentary Committees Act 1968 – Minister's response to recommendations in Law Reform Committee's report upon the Liability of the State of Victoria and Health Service Providers.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Melbourne Planning Scheme – Amendments L254, L290, L291 and L293.

Moira Planning Scheme – Amendment L19.

Morwell Planning Scheme – Amendment L48.

Whittlesea Planning Scheme – Amendments L152 and L154.

Statutory Rules under the following Acts of Parliament:

Crimes (Confiscation of Profits) Act 1986 – No. 132.

Lotteries Gaming and Betting Act 1966 – No. 136.

Magistrates' Court Act 1989 – No. 133.

Physiotherapists Act 1978 – No. 135.

Supreme Court Act 1986 – Nos. 137 to 139.

Wildlife Act 1975 – No. 134.

Subordinate Legislation Act 1994 –

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 130, 133 and 137 to 139/1997.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 132/1997.

\* \* \* \* \*

**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the table by the Clerk pursuant to an Order of the Council of 14 May 1996:

Fire Authorities (Amendment) Act 1997 – Sections 3, 5, 6, 10, 11(2) and 13 – 5 December 1997 (*Gazette No. G48, 4 December 1997*).

Law and Justice Legislation (Further Amendment) Act 1997 – Part 7 – 8 December 1997 (*Gazette No. G48, 4 December 1997*).

Port Services (Amendment) Act 1997 – Sections 6(1), 6(2), 7 and 8 – 9 December 1997; remaining provisions (except sections 6(3) and 6(4)) – 10 December 1997 (*Gazette No. G48, 4 December 1997*).

**5 EDUCATION (STATE SCHOOLS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**6 SNOWY HYDRO CORPORATISATION BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 7 CONSTITUTION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 8 EPWORTH HOSPITAL (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell (for the Honourable R.I. Knowles) moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 9 ACCIDENT COMPENSATION (MISCELLANEOUS AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 10 AUDIT (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

- 11 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 12 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 13 AUDIT (AMENDMENT) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put.

The Council divided.

AYES, 32

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson

NOES, 10

The Hon. Tayfun Eren (*Teller*)  
M.M. Gould  
C.J. Hogg

W.R. Baxter	J. McLean
R.A. Best	D.A. Nardella
M.A. Birrell	S.M. Nguyen
B.W. Bishop ( <i>Teller</i> )	P. Power
B.C. Boardman	B.T. Pullen
R.H. Bowden	T.C. Theophanous
A.R. Brideson	D.T. Walpole ( <i>Teller</i> )
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis ( <i>Teller</i> )	
R.S. de Fegely	
W. Forwood	
C.A. Furletti	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
P.A. Katsambanis	
R.I. Knowles	
N.B. Lucas	
M.T. Luckins	
E.J. Powell	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC Wilding	

And so it was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

*And having continued to sit until after 12 midnight –*

WEDNESDAY, 10 DECEMBER 1997

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honourable R.M. Hallam moved, That the Bill be now read a third time.

Question – put.

The Council divided.

AYES, 31	NOES, 7
The Hon. L. Asher	The Hon. Tayfun Eren
G.B. Ashman	M.M. Gould
B.N. Atkinson	C.J. Hogg
W.R. Baxter	J. McLean
R.A. Best	D.A. Nardella ( <i>Teller</i> )

M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith (*Teller*)  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding (*Teller*)

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.44 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY  
*Clerk of the Legislative Council*

## **No. 62 – Wednesday, 10 December 1997**

- 1 The President took the Chair and read the Prayer.
- 2 **PETITIONS – WORKCOVER** – The Honourables M.M. Gould and E.J. Powell each presented a Petition bearing 1,189 and 13 signatures, respectively, from

certain citizens of Victoria requesting in respect of WorkCover that the Government –

- (a) reject any proposals to further limit access to common law for injuries or illnesses;
- (b) maintain the right of workers to choose their own medical or health practitioner;
- (c) improve access to, and levels of benefits, by restructuring payments to one level after 26 weeks;
- (d) improve access to independent rehabilitation services and return to work opportunities;
- (e) increase average premiums in line with the Australian average rather than reduce rights and entitlements; and
- (f) improve health and safety standards and enforcement in the workplace.

Severally ordered to lie on the Table.

**3 PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Environment Conservation Council Act 1997 – Minister for Conservation and Land Management's request for the Environment Conservation Council to investigate Victoria's Box-Ironbark Forests and Woodland areas.

Marine Sciences Institute – Report, 1995-96.

Statutory Rules under the following Acts of Parliament:

Administrative Appeals Tribunal Act 1984 – No. 140.

Country Fire Authority Act 1958 – No. 144.

Land Tax Act 1958 – No. 145.

Printers and Newspapers Act 1958 – No. 141.

Subordinate Legislation Act 1994 – Nos. 142 and 143.

Subordinate Legislation Act 1994 – Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 140 and 145/1997.

**4 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.

**5 TAXI INDUSTRY** – The Honourable P. Power moved, That this House notes the Government has failed to provide drivers in the taxi industry with a safe working environment.

Debate ensued.

*General Business having been interrupted at 12.00 noon pursuant to Sessional Orders the debate stood adjourned in the name of the Honourable C.A. Furletti.*

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 to 3 inclusive, be postponed until later this day.

**7 LAND (RESERVATIONS AND OTHER MATTERS) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until –

- (a) a system of public consultation is put into place to consider all proposals to revoke permanent reservations of Crown lands and to sell Crown land; and
- (b) public consultation has taken place with the Albert Park community about changes to the master plan regarding the land to be granted to MacRobertson Girls High School, the golf course and the future of a passive recreation area designated as the village green picnic area. "

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put and resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**8 EDUCATION (STATE SCHOOLS) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable M.M. Gould moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the outcome of proceedings known as *Stuart Bacon and ors v State of Victoria (Department of Education)* (Number 6991 of 1997) in the Supreme Court of Victoria and the draft regulations proposed under the legislation are Tabled in this House".

Debate ensued.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

**9 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**10 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**11 EDUCATION (STATE SCHOOLS) BILL** – Debate continued on the question, That this Bill be now read a second time and on the reasoned amendment (*for text see item 8*).

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 31	NOES, 8
The Hon. L. Asher	The Hon. Tayfun Eren ( <i>Teller</i> )
G.B. Ashman	M.M. Gould
B.N. Atkinson	C.J. Hogg
W.R. Baxter	J. McLean

R.A. Best	D.A. Nardella
B.W. Bishop	S.M. Nguyen ( <i>Teller</i> )
B.C. Boardman	T.C. Theophanous
R.H. Bowden	D.T. Walpole
A.R. Brideson	
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely ( <i>Teller</i> )	
W. Forwood	
C.A. Furletti	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
P.A. Katsambanis	
N.B. Lucas	
M.T. Luckins	
E.J. Powell ( <i>Teller</i> )	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC Wilding	

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put  
The Council divided.

AYES, 31	NOES, 8
The Hon. L. Asher	The Hon. Tayfun Eren
G.B. Ashman	M.M. Gould
B.N. Atkinson	C.J. Hogg ( <i>Teller</i> )
W.R. Baxter	J. McLean
R.A. Best	D.A. Nardella
B.W. Bishop	S.M. Nguyen
B.C. Boardman	T.C. Theophanous
R.H. Bowden	D.T. Walpole ( <i>Teller</i> )
A.R. Brideson	
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	

C.A. Furletti (*Teller*)  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis (*Teller*)  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 5 to 7 inclusive, be postponed until later this day.

**13 EPWORTH HOSPITAL (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

*And the President having ruled the Bill to be a Private Bill —*

The Honourable R.I. Knowles moved, That this Bill be dealt with as a Public Bill.

Question — put and resolved in the affirmative.

Debate resumed.

Question — That this Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 SNOWY HYDRO CORPORATISATION BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 CONSTITUTION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third



time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 BUSINESS FRANCHISE FEES (SAFETY NET) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**17 LAND TAX (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable T.C. Theophanous moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the amendments promised by the Treasurer in his second reading speech to guarantee the exemption on a principal place of residence and other matters related to small business have been assessed and amendments prepared. "

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put and resolved in the affirmative — Amendment negatived.

Question — That this Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**18 CONFISCATION BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable D.A. Nardella moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the Government ensures that there are appropriate safeguards in the legislation which will —

- (a) preclude innocent persons having their property forfeited by the State; and
- (b) address the issue of the proceeds from substantial corporate crime".

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 31	NOES, 8
The Hon. L. Asher	The Hon. Tayfun Eren
G.B. Ashman	C.J. Hogg
B.N. Atkinson	D.A. Nardella ( <i>Teller</i> )

R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
R.S. de Fegely  
W. Forwood (*Teller*)  
C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins (*Teller*)  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

S.M. Nguyen  
P. Power (*Teller*)  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**19 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.58 p.m., adjourned until tomorrow.

A.V. BRAY  
*Clerk of the Legislative Council*

## No. 63 – Thursday, 11 December 1997

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION – WORKCOVER** – The Honourable T.C. Theophanous presented a Petition bearing 2,865 signatures from certain citizens of Victoria requesting in respect of WorkCover that the Government –
  - (a) reject any proposals to further limit access to common law for injuries or illnesses;
  - (b) maintain the right of workers to choose their own medical or health practitioner;
  - (c) improve access to, and levels of benefits, by restructuring payments to one level after 26 weeks;
  - (d) improve access to independent rehabilitation services and return to work opportunities;
  - (e) increase average premiums in line with the Australian average rather than reduce rights and entitlements; and
  - (f) improve health and safety standards and enforcement in the workplace.

Ordered to lie on the Table.

- 3 **PAPER PURSUANT TO STATUTE** – The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Road Safety Act 1986 – Notice of Standards required for Registration of Motor Vehicles and Trailers, pursuant to sections 10 and 96 of the Act (*Gazette No. S149, 28 November 1997*).

- 4 **ACCIDENT COMPENSATION (MISCELLANEOUS AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders* –

- 5 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 6 **ACCIDENT COMPENSATION (MISCELLANEOUS AMENDMENT) BILL** – Debate continued on the question, That this Bill be now read a second time.

*And the Council having continued to sit until after 12 midnight* –

FRIDAY, 12 DECEMBER 1997

Debate continued.

Question – put.

The Council divided.

AYES, 33

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden

NOES, 10

The Hon. Tayfun Eren (*Teller*)  
M.M. Gould  
C.J. Hogg  
J. McLean  
D.A. Nardella  
S.M. Nguyen  
P. Power  
B.T. Pullen  
T.C. Theophanous

A.R. Brideson	D.T. Walpole ( <i>Teller</i> )
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan ( <i>Teller</i> )	
P.A. Katsambanis	
R.I. Knowles	
N.B. Lucas	
M.T. Luckins	
E.J. Powell	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong ( <i>Teller</i> )	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC Wilding	

And so it was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honourable R.M. Hallam moved, That the Bill be now read a third time.

Question – put.

The Council divided.

AYES, 33	NOES, 10
The Hon. L. Asher	The Hon. Tayfun Eren
G.B. Ashman	M.M. Gould
B.N. Atkinson	C.J. Hogg
W.R. Baxter	J. McLean
R.A. Best	D.A. Nardella ( <i>Teller</i> )
M.A. Birrell	S.M. Nguyen
B.W. Bishop	P. Power
B.C. Boardman ( <i>Teller</i> )	B.T. Pullen ( <i>Teller</i> )
R.H. Bowden	T.C. Theophanous
A.R. Brideson	D.T. Walpole
I.J. Cover	

G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell (*Teller*)  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 7 **ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.52 a.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

A.V. BRAY  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 1 and 2

### No. 1 – Tuesday, 17 February 1998

- 1 The Council met pursuant to the Proclamation of His Excellency the Governor dated 20 January 1998, which Proclamation was read by the Clerk and is as follows:

**PROROGUING PARLIAMENT AND FIXING THE  
TIME FOR HOLDING THE SECOND SESSION OF THE  
FIFTY-THIRD PARLIAMENT OF VICTORIA**

PROCLAMATION

The Parliament of Victoria, being adjourned until the day and hour fixed by the President of the Legislative Council and the Speaker of the Legislative Assembly, respectively, I, James Gobbo, Governor of the State of Victoria, acting under section 8 of the *Constitution Act 1975* and all other powers vested in me, PROROGUE the Parliament until Tuesday, 17 February 1998, and FIX Tuesday, 17 February 1998 at 2.30 p.m. as the time for the commencement and holding of the next session of Parliament, for the despatch of business, in the Parliament Houses, situated in Spring Street, Melbourne.

The Honourable the Members of the Legislative Council and the Members of the Legislative Assembly are required to give their attendance at that time and place.

Given under my Hand and the Seal of Victoria,  
on 20 January 1998  
JAMES GOBBO  
Governor

(L.S.)

By His Excellency's Command  
J.G. KENNETT  
Premier

- 2 **APPROACH OF HIS EXCELLENCY THE GOVERNOR** – The approach of His Excellency the Governor was announced by the Usher of the Black Rod.

A fanfare was sounded.

His Excellency came into the Council Chamber, and the Usher of the Black Rod was commanded to desire the immediate attendance of the Legislative Assembly who, having come with their Speaker, His Excellency was pleased to speak as follows:

MR PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL;  
MR SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY;

I have called you together today as we reach the midpoint of this term of Parliament in order to focus our attention and that of all Victorians on our objectives over the short time remaining of the 20th century. The separation of the 53rd Parliament into two sessions presents us now with the opportunity to review our progress and achievements since the initial election of my Government in 1992. This is also a fitting time to take a fresh look at our direction ahead.

The Government's priority will be to ensure the goals of its first phase of development are met by 2001. It will design a blueprint for Victoria's advance into the 21st century for presentation in the year 2000.

My Government has rebuilt Victoria's inheritance in the past five and a half years. Given the State's dramatically improved performance today, the agenda for this Session of the Parliament will see a marked change in emphasis.

I am pleased to inform all Victorians my Government will apply expanded criteria to the budget process, legislation brought before the Parliament and initiatives of the Government. Each new measure and each expenditure proposal will be required to undergo the test of social advantage. This signals the next important step forward for Victoria. Budget programs, legislation and initiatives will be tested against four measures - in what way they might improve outcomes in education, increase job opportunities, encourage safe, healthy lifestyles and build confident and cohesive communities.

All my Government's endeavours have been building up to this point. The social advance of Victorians will be the central criterion in determining our State's future direction. The Government will focus on consolidating Victoria as the kind of place that we are able to look on with pride as providing the ideal home, lifestyle and workplace of the 21st century.

The Government's approach will lead Victorians as they strive in their own lives and local communities, admittedly at times with great difficulty, to improve their position and the general environs of their lifestyle, and so to balance their own interests with those of an increasingly demanding world. We need therefore to examine what we need to do as a partnership of Victorians to strengthen the freedom and independence we enjoy, create a more vibrant sense of community, and mould a cohesive, caring society. We need to work at ways to ameliorate the uncertainty that some feel in an era of such runaway change. These will be the essential factors that determine the nature and strength of modern Victoria, and make a defining difference in the day to day lives of Victorians.

This next step will position Victoria for the lifestyle and opportunities of the 21st century. It is a task made easier and for which we are much better prepared as a result of the changes that have been implemented and achievements that have been made since 1992. My Government will not waver from the fundamental principles that have brought us to this point - to provide strong, but fair, leadership, to plan for the long term, to maintain a consistent policy approach, to work as a partnership with Victorians, and to open Victoria to a global environment.

The Government believes it has a duty to pursue low risk policies with taxpayers' money, and will accordingly continue applying sound economic and financial management. The resultant strong Budget facilitates quality services, a reducing tax burden, growing investment in infrastructure, and low and reducing debt and liabilities. Victoria is leading Australia and, in some cases, the world in economic reforms, and is pursuing a highly successful, proactive industry policy. The Government will continue this policy mix, which has been the source of much progress since 1992.

The State is in a healthy trading position. Debt has been reduced from \$30.6 billion, or around 30% of Gross State Product, in 1992 to \$11.3 billion today, down to 8.6% of Gross State Product.

Annual budgets are now run at a surplus as a matter of practice. No longer do we borrow from our children to pay our way today.

Victoria's international credit rating, downgraded four notches between 1990 and 1992 under the previous Government, has been clawed back to just one step from triple-A.

The reform of the major services - education, health, social care and public transport - has been given equal attention to ensure services are high quality, readily accessible, meet the needs of Victorians and perform efficiently. Victoria is leading Australia in service levels in each of these fields, as well as in structuring the key services in such a way that they will be able to evolve and adapt in pace with our changing needs. Despite the improvement, my Government acknowledges still more needs to be done in the years ahead.

Extensive reform of justice and the safety of Victorians in their homes and communities have been two important priorities. Tougher sentences have been introduced to ensure those convicted of crimes incur penalties in line with community expectations. Changes in the prison system also give prisoners a better chance at life. The State's old jails have all been closed and replaced in the main by private prisons which are more humane, more secure and committed to the rehabilitation of prisoners. At the same time the access of Victorians to the law has been improved significantly through a major upgrading of facilities and the use of new technology.

A recent Crime Victimization Survey has confirmed the picture emerging from the Australian Bureau of Statistics over this decade that Victoria is the safest state in Australia. A co-operative effort by the Victoria Police, Transport Accident Commission and the community generally has seen the number of Victorians killed on the roads reduced to a record low of 377 last year. The Government, however, regards that as an unacceptable waste of lives, and has intensified its ongoing Safety First strategy with the objective of progressively lowering the number of road deaths in coming years.

Under this administration unprecedented numbers of women have been appointed to senior positions in the public sector, public advisory bodies and the judiciary. The appointments are part of a policy which encourages the recognition of women for their endeavours, promotes career development for women, and assists them in combining their roles in their families and the workplace. As a landmark project, it has converted the former Queen Victoria Hospital to become a home for the women of Victoria.

During the past Session, the Parliament has provided bipartisan support for a series of motions which underline the importance of Victoria's diverse international society and commit Victorians to reconciliation with our indigenous people. It has reaffirmed Victorians as a free, independent people who are able to live together with great understanding and dignity. We are fortunate in Victoria to be a community which rejects intolerance and racism.

The changes which have been put in place and the renewed emphasis on social advantage over the rest of this term illustrates that the Government sees its role as a dynamic process. The objectives that have been met as a result of reforms since 1992 form part of a broader context. They have been driven by a concern to make the most of living in Victoria for all Victorians. My Government will continue providing leadership on decisions to shape the future social, economic and cultural dimensions of the State. It is this which has distinguished it from other governments in Australia.

The Government has been initiating a stream of efficiency improvements, providing new cuts in taxes and charges which come into effect from this year, to lift Victoria's standard of living. The biggest single reduction involves a \$1.3 billion dividend on water costs, which will yield an average 18% cut in household water bills across the State from this year. This incorporates \$450 million in capital works and 500 new jobs in the water industry in country Victoria. Again this year, the Government has frozen public transport fares.

The development of the competitive Victorian electricity market has produced substantial gains in industry efficiency and benefits to customers. Customers who have the ability to choose their



supplier are already gaining substantial price reductions, and these benefits are expected to flow to customers generally - including households - when all customers have the right to choose their supplier from December, 2000.

With greater improvements in efficiency, the Government is introducing a new measure to enable franchise customers to share these benefits ahead of the time at which they are able to join the competitive market.

For the next three years, therefore, winter power bills will be reduced by \$60 for each Victorian household and small business, in addition to the winter concession received by concession card holders. This reduction in the cost of electricity for franchised customers has been made possible by the Government's decision to return to consumers revenue from electricity franchise fees paid by the privatised industry and is expected to amount to a cut of more than \$120 million in power costs each year for households and small businesses.

These measures build on the substantial cost reductions delivered through the pegging of electricity, gas and water charges below the inflation rate for the past three years, lower council rates, a \$106 million a year cut in tax on petrol and diesel from last June, and cuts for businesses in payroll taxes and workers' compensation premiums.

The Government will complete further groundbreaking reforms with the privatisation of all public transport services in the next 12 months. This program will coincide with the full implementation of automated ticketing across all modes of public transport, and is expected to bring additional improvements in services as well as cost savings.

The main, broad objectives for these next two years match the aspirations of Victorians for prosperity, safety, security, good health, and to live in pleasant surroundings and within a tolerant, cohesive society.

The priority is for Victoria to build a dynamic future for its coming generations with education as the basis of a vital economic and social strategy. The State has made enormous advances in education using online technology, providing greater autonomy for school communities, greater emphasis on curriculum and through reforms being implemented this year to the Victorian Certificate of Education. We are leading Australia in providing options for students to undertake vocational education and training.

In order to give young Victorians maximum access to the opportunities of the age of information and knowledge, the Government is taking the necessary steps now to bring about further improvement in classroom standards. Specifically, targets have been established for Victorian students to attain 100% proficiency in literacy by 2005 and to be among the top five in the world in mathematics and science by 2010.

The Government will work with its newly formed Science, Engineering and Technology Task Force to find solutions to two major obstacles - the substantial drop off in the number of secondary students choosing physical and chemical sciences, and the extremely low proportion of primary school teachers who specialise in teaching science.

The second major focus is to generate new jobs. Obviously, as the Government fully recognises, having a job is the crucial determinant in people's standard of living, and it is equally necessary for us to have a strong, growing and resilient economy to maintain growth in jobs. The number of Victorians in employment has recently reached record levels, with Victoria recording the largest fall in unemployment of any State in 1997. This area continues, however, to remain a high priority for the Government. Specific industry and employment policies will be directed towards maintaining high investment and export growth, reducing our taxation levels and generating the highest level of economic growth per head of population in Australia.

The Government will work to ensure all Victorians have the opportunity to share in the prosperity derived from a nationally and internationally competitive economy. Its business development targets will include special focus on natural resources and regional and rural businesses to ensure equitable job growth in country Victoria.

Thirdly, the Government will step up its already successful efforts to provide a safe and healthy lifestyle for Victorians. It will endeavour to reduce even further our comparatively low rate of crime and ensure people are able to live with a greater sense of personal security.

The Government is committed to the ongoing expansion and reform of health services which has seen dramatic improvement in access and more appropriate care for Victorians in the areas of acute, mental health and aged care services.

The distribution of health care facilities is being re-mapped and the application of telemedicine services is being extended in line with marked demographic shifts in Victoria so that facilities and services are closer to where people live. The recent opening of the \$70 million Epping Hospital provides firm evidence of this policy at work. Among other projects, a \$36 million health facility is being built at Broadmeadows, and the Latrobe Hospital will provide state of the art health care and a far wider range of community care services for the people of the Latrobe Valley when it opens later in the year. Even though it is to be a privately developed and owned hospital, it will provide access to public patients on exactly the same basis as any other public hospital in the State.

The Government's concern for the natural and urban environments as an important factor underpinning our quality of life has been highlighted with substantial improvements to existing parks and the creation of new parks and reserves, the development of Victoria's first comprehensive coastal strategy, and major environmental projects in Melbourne. The need to maintain the already high quality of our air, water and land as the population grows and economic activity increases is a fundamental challenge the Government will meet as it moves forward with strategies to improve the State's attractiveness.

As a fourth major objective, the Government will work with the broader Victorian community on a range of fronts to create a more confident and cohesive society. Specific programs range from ensuring we tackle complex problems such as drug and alcohol abuse, homelessness and youth suicide, to issues as basic as fostering consideration for others. Support will be provided to volunteers in whatever field they work, and awareness programs will be run to promote increased courtesy and consideration in the areas that have most impact on people's lives.

The \$100 million *Turning the Tide* on drugs program is being extended and resources are being committed to implement recommendations of the Suicide Prevention Task Force. These programs have been developed as part of a community wide endeavour to tackle two of the major social pitfalls of our age, and provide lifeguards to help young Victorians gain confidence and greater access to opportunities under the banner of the Government's Youth Life Force initiatives. Over four years, the Government is also providing \$100 million to support the legion of people who provide unpaid, round the clock care for people with disabilities, chronic and mental illness, and the elderly.

Key elements of the Victorian communications and multimedia strategy are coming into service, and by the end of this year the Government will be well advanced towards its objective to put all Government services and information online by 2001. The *maxi* electronic service delivery network is operating and its hallmark, touchscreen kiosks are currently being installed around the State. By midyear the VicOne network will be rolled out, providing a broadband link to all Government offices and facilities, including schools, hospitals and police stations.

Universal access to online technology - and access to training in the use of the technology - are the keys to our success. To this end, funding is progressively being approved for more than 100 *Skills.net* centres, which will give more than 40,000 Victorians the opportunity to gain a working knowledge of the Internet. The Government has also funded the recent establishment of Viclink, which has trebled the number of public Internet computers available at Victorian libraries and thus builds significantly on the community network already established by Vicnet.

Community service and access are two elements of a broader strategy to establish Victoria as a major high technology centre within Asia Pacific. The drive for new business in this sector has brought \$1.2 billion in new investment and thousands of new jobs to Victoria and strengthened the State's position as Australia's main research and development centre.

The State's research and development effort will gain additional impetus from the work of the Science, Engineering and Technology Task Force, which has already proved its worth in its first six months and will have the role over the next couple of years of setting the agenda to enhance Victoria's knowledge base. The Government recognises medical research as a strategic advantage to Victoria and it will accordingly have special focus in new policy on research and development.

New technology has special importance in providing information and services, as well as business links and a promotional outlet, for country Victorians. In the space of just a few years it will have removed the barrier of distance for people in the country.

On a major wave of investment in food production and value adding in country centres, the Government has stepped up activity under its Food Victoria initiative, and the State is expected to exceed its objective to treble food exports to \$6 billion a year by 2001. The Partnerships for Growth program, designed to promote rural development and fund new facilities in country areas, has proved an outstanding success in its first year with one new project being approved every second day.

In order to build on the work of these programs and redefine its longer term vision for country Victoria, the Government will develop a new rural policy in consultation with country communities over the course of this year. The policy will be designed to strengthen the economies and social fabric of country communities, and will be supplemented by five specific regional development strategies.

Victoria is undergoing an era of investment at record levels in civic and economic infrastructure. The strength of the State's financial position is reflected in the fact that this rebuilding is being accomplished with no new debt. The Budget works program, together with projects financed by dedicated funds such as Agenda 21, the Community Support Fund and Better Roads Victoria, are adding to confidence, improving the lifestyle of Victorians and creating thousands of new jobs.

Between now and the turn of the century, Victorians can look forward to the completion of the major City Link infrastructure project, a number of additional key civic projects as part of the Agenda 21 program and extensive development of community facilities with money from the Community Support Fund. These projects, including the Museum, Federation Square, Old Customs House and the first stages of Docklands, will help to present a new face for Victoria and equip us with the civic infrastructure to serve the State through the 21st century.

The end of the Government's first planning timeframe will also be marked by a sequence of celebrations the like of which our present generations have never seen. Work is under way on celebrations for the arrival of the Olympics in Australia and the end of the millennium in 2000, and in 2001 the commemoration of Victoria's predominant role in Australia's Federation a century earlier.

These landmarks in history are part of the excitement that's yet to come as our State moves into a new era - one that we trust will bring continuing growth in prosperity and security for Victorians. They are occasions and images which the children of the times will carry with them forever.

The major legislation to be introduced in this Session of Parliament includes:

- Amendments to further improve the quality of education in Victoria through the creation of self-governing schools;

- The repeal of the Retail Tenancies Act and delivery of a reform package for retail businesses which will give new rights to lessees and lessors;
- The sale of the National Rail Corporation, and provision for the establishment of a national track infrastructure body;
- Implementation of the Road Safety Committee report on the effect of drugs other than alcohol on road safety;
- A framework for the formation of catchment management authorities in each of Victoria's catchment and land protection regions; and
- The Budget which, as an initiative of this Government, is now brought down in the first half of the year to enable work to begin on new projects and programs from July 1.

Parliament, as the supreme law giving body of the State, is requested to grant the essential passage of the legislation put before it to provide the necessary leadership and support to Victorians in their quest for future opportunity and ensure we are able to maintain the ideal of living in Victoria.

The preceding Session of the 53rd Parliament of Victoria was opened by my predecessor, the Honourable Richard E. McGarvie, AC, who retired in April last year and to whom I pay tribute for the distinguished manner in which he served the Crown and the State.

It is with deep regret I advise that since the Parliament was last opened, six former members have died: the Honourable William Montgomery Campbell, MLC for East Yarra, Deputy President and Chairman of Committees; the Honourable Andrew Arthur Hughes, MLA for Caulfield; the Honourable Charles James Murphy, MLA for Hawthorn; the Honourable John Joseph Jones, MLC for Ballarat; the Honourable Leslie George Norman, MLA for Glen Iris, and served as Government Whip, Minister Without Portfolio and Leader of the Liberal-Country Party; and the Honourable Kevin Myles Stephen Holland, MLA for Flemington.

I charge Government Ministers and Members of both Houses to continue providing good government in such a way that honours the integrity of the Parliament and our unique democracy in the equal interests of all Victorians.

I now formally open this Parliament and pray that the guidance of Almighty God may attend your deliberations.

17 February 1998

JAMES GOBBO  
Governor of Victoria

A copy of His Excellency the Governor's speech was then delivered to the President, and a copy to the Speaker, and His Excellency withdrew from the Council Chamber.

The Legislative Assembly withdrew.

*[Sitting suspended from 3.07 p.m. until 5.32 p.m.]*

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- 1 The President resumed the Chair and read the Prayer.
  - 2 **PRIVILEGE BILL – HEALTH ACTS (STATUTE LAW REVISION) BILL** – On the motion of the Honourable M.A. Birrell, leave was given to bring in a Bill to make minor amendments to the *Chiropractors Registration Act 1996 and certain other Acts and for other purposes* and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 3 TEMPORARY CHAIRMEN OF COMMITTEES** – The President laid upon the Table the following Warrant nominating Temporary Chairmen of Committees:

LEGISLATIVE COUNCIL  
VICTORIA

Pursuant to the provisions of the Standing Order of the Legislative Council numbered 160, I do hereby nominate –

The Honourable Gerald Barry Ashman  
The Honourable Barry Wilfred Bishop  
The Honourable William Forwood  
The Honourable Jean McLean  
The Honourable Donato Antonio Nardella  
The Honourable Barry Thomas Pullen and  
The Honourable Christopher Arthur Strong –

to act as Temporary Chairmen of Committees whenever requested to do so by the Chairman of Committees or whenever the Chairman of Committees is absent.

Given under my hand this seventeenth day of February, One thousand nine hundred and ninety-eight.

BRUCE CHAMBERLAIN  
President of the Legislative Council

- 4 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 5 PERIODIC DISCHARGE OF ORDERS OF THE DAY, GENERAL BUSINESS** – The Honourable M.A. Birrell moved, by leave, That during the present Session an Order of the Day, General Business, for the consideration of a Ministerial Statement or a paper tabled either –

- (a) by command of His Excellency the Governor;  
(b) pursuant to an Order of the House; or  
(c) pursuant to Statute –

shall be discharged from the Notice Paper without further proceeding after having been listed for five consecutive sitting days, unless a "take note" motion has intervened and is pending resolution.

Question – put and resolved in the affirmative.

- 6 PROCLAMATIONS FIXING OPERATIVE DATES** – The Honourable M.A. Birrell moved, by leave, That during the present Session, this House authorizes and requires the Clerk, to lay on the Table copies of Proclamations of His Excellency the Governor in Council fixing dates for the coming into operation of Acts, as published in the *Government Gazette* from time to time.

Question – put and resolved in the affirmative.

- 7 TEMPORARY RELIEF IN THE CHAIR** – The Honourable M.A. Birrell moved, by leave, That in the case of any absence of the Deputy President during the present Session, the President be authorized to call upon any of the Temporary Chairmen of Committees to temporarily relieve him in the Chair and that, during any absence of the President, the Deputy President be similarly authorized to call upon any of the Temporary Chairmen.

Question – put and resolved in the affirmative.

- 8 PRIVILEGE** – The Honourable M.A. Birrell moved, by leave, That until the end of the Session, Standing Orders Nos. 85, 94 and 126 be suspended insofar as they

relate to the raising of matters of privilege, and that the procedure to be followed in raising matters of privilege shall be as follows:

Upon any matter of privilege arising –

- (a) a Member shall, unless circumstances prevent, give written notice of the alleged breach of privilege or contempt to the President as soon as reasonably practicable after the matter has come to attention;
- (b) if the matter arises from a statement published in a newspaper, book or other publication, the Member shall provide the President with a copy of that newspaper, book or publication;
- (c) the President thereupon will determine as soon as practicable whether the matter merits precedence over other business;
- (d) if in the opinion of the President the matter merits precedence, he will inform the House of his decision, and the Member who raised the matter may forthwith move a motion without notice in relation to the matter;
- (e) if in the opinion of the President the matter does not merit precedence, he will inform the Member in writing accordingly, and may also inform the House of his decision; and
- (f) a decision by the President not to allow precedence shall not prevent a Member from proceeding with the matter by motion after notice.

Question – put and resolved in the affirmative.

**9 BROADCASTING OF PROCEEDINGS** – The Honourable M.A. Birrell moved, by leave, That during the present Session, this House authorizes the broadcasting and re-broadcasting on radio and television stations of recorded excerpts of proceedings in the Legislative Council, subject to the following conditions:

- (a) Audio excerpts of proceedings may be taken for the above purposes only;
- (b) Television video or film of a particular proceeding may be taken provided the President, after consultation with the Party Leaders, has so approved;
- (c) Audio excerpts shall be recorded from the signal transmitted by the House monitoring system only by representatives of accredited media organizations. No alteration to the sound relay equipment is to be undertaken unless approved by the President.
- (d) Excerpts are not to be used for the purposes of satire or ridicule.
- (e) Excerpts shall not be used for the purpose of political party advertising or in election campaigns;
- (f) Fairness in reporting with reasonable balance between both sides of the House is to be achieved by avoiding undue concentration on any one Member;
- (g) Excerpts must be placed in context. Commentators should identify Members at least by name;
- (h) Media personnel are required to obey any instruction given either generally or in a particular case by the President or through him by the Clerk of the Legislative Council, the Usher of the Black Rod or the Housekeeper.
- (i) Any breach of these conditions may result in the immediate suspension of the privileges by the President.

Question – put and resolved in the affirmative.

**10 BUSINESS OF THE HOUSE** – The Honourable M.A. Birrell moved, by leave, That unless otherwise ordered by the House, in each week of the present Session –

- (a) the days and hours of meeting of the Council shall be Tuesday at 2.30 p.m., Wednesday at 10.00 a.m. and Thursday at 10.00 a.m;
- (b) the transaction of Government Business shall take precedence of all other business, except business governed by Standing Orders Nos. 20A, 68A and 86, on any sitting day except Wednesday, and at 2.00 p.m. on Wednesday;
- (c) the transaction of General Business shall take precedence of all other business on Wednesday until 2.00 p.m;
- (d) no new business shall be taken after 10.00 p.m;
- (e) the time appointed for the asking of questions without notice and the giving of answers to questions on notice shall be 2.30 p.m. each day;
- (f) the provisions of this resolution, so far as they are inconsistent with the Standing Orders and practice of the House, shall have effect notwithstanding anything contained in those Standing Orders.

Question – put and resolved in the affirmative.

**11 HOUSE COMMITTEE** – The Honourable M.A. Birrell moved, by leave, That the Honourables R.A. Best, Tayfun Eren, C.J. Hogg, D.T. Walpole and Sue deC Wilding be members of the House Committee.

Question – put and resolved in the affirmative.

**12 LIBRARY COMMITTEE** – The Honourable M.A. Birrell moved, by leave, That the Honourables the President, E.J. Powell, P. Power, B.T. Pullen and C.A. Strong be members of the Joint Committee to manage the Library.

Question – put and resolved in the affirmative.

**13 PRIVILEGES COMMITTEE** – The Honourable M.A. Birrell moved, by leave, That a Select Committee of five Members be appointed to inquire into and report upon complaints of breach of privilege referred to it by the Council, that the Committee have power to send for persons, papers and records, three to be the quorum; and that the Honourables W. R. Baxter, P. R. Davis, W. Forwood, M. M. Gould and T. C. Theophanous be members of that Committee.

Question – put and resolved in the affirmative.

**14 STANDING ORDERS COMMITTEE** – The Honourable M.A. Birrell moved, by leave, That the Honourables the President, G. B. Ashman, R. A. Best, B. W. Bishop, R. S. de Fegley, D. A. Nardella and P. Power be members of the Select Committee on the Standing Orders of the House; three to be the quorum.

Question – put and resolved in the affirmative.

**15 PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Alpine Resorts Commission – Report, year ended 31 October 1997.

Ballarat Health Service – Report, 1996-97 (two papers).

Bairnsdale Regional Waste Management Group – Minister for Conservation and Land Management's report of 14 January 1998 of receipt of the 1996-97 report.

Border Groundwaters Agreement Review Committee – Report, 1996-97.

Building Act 1993 –

Building Code of Australia – Amendment No. 2.

- Minister's exemption certificate under section 9(6) of the *Subordinate Legislation Act 1994* and notice of Amendment No. 2 (*Gazette G2*, 15 January 1998) (three papers).
- Dried Fruits Board – Report, 1995-96.
- Drugs, Poisons and Controlled Substances Act 1981 –  
Standard for the Uniform Scheduling of Drugs and Poisons, No. 12, September 1997, together with Amendment No. 1 and Minister's Notice regarding the amendment, commencement and availability of the Poisons Code (two papers).
- Electoral Commissioner – Statement of functions conferred, 9 December 1997.
- Emu Industry Development Committee – Minister for Agriculture and Resources' report of 15 January 1998 of receipt of the 1996-97 report.
- Environment Protection Act 1970 – Order in Council of 17 December 1997 declaring the State Environment Protection Policy (Groundwaters of Victoria).
- Forests (Bowater-Scott Agreement) Act 1986 – Minister for Conservation and Land Management's report of termination of the Agreement, 25 November 1997, pursuant to section 7 of the Act.
- Interpretation of Legislation Act 1984 – Notice pursuant to section 32(3) in relation to the State Environment Protection Policy (Groundwaters of Victoria).
- Koo wee rup Regional Health Service – Minister for Health's report of 15 December 1997 of receipt of the 1996-97 report.
- Melbourne City Link Act 1995 – Orders in Council of 9 and 16 December 1997 and 28 January 1998 varying the project area of land pursuant to section 8(4) of the Act (four papers).
- Melbourne Sports and Aquatic Centre Trust –  
Minister's report of failure to submit 1996-97 report to him within the prescribed period and the reasons therefor.  
Report, 1996-97.
- Murray Valley Wine Grape Industry Development Committee – Minister for Agriculture and Resources report of 10 February 1998 of receipt of the 1996-97 report.
- Northern Regional Waste Management Group – Minister for Conservation and Land Management's report of 14 January 1998 of receipt of the 1996-97 report.
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
- Avoca Planning Scheme – Amendment L17.
  - Bairnsdale (City) Planning Scheme – Amendment L44.
  - Ballarat Planning Scheme – Amendment L38.
  - Banyule Planning Scheme – Amendment L14.
  - Bass Planning Scheme – Amendments L44 and L47.
  - Bendigo – Greater Bendigo Planning Scheme – Amendment L68.
  - Berwick Planning Scheme – Amendment L133.
  - Boroondara Planning Scheme – Amendments L33, L40 and L41.
  - Bright Planning Scheme – Amendment L45.
  - Brimbank Planning Scheme – Amendment L49.
  - Buln Buln Planning Scheme – Amendment L47.
  - Bungaree Planning Scheme – Amendment L30.
  - Buninyong Planning Scheme – Amendment L61.
  - Colac Otway Planning Scheme – Amendment L15.



Planning and Environment Act 1987 – *continued*

- Cranbourne Planning Scheme – Amendments L154, L179 Part 2, L185 and L214.
  - Dandenong – Greater Dandenong Planning Scheme – Amendment L14.
  - Dimboola Planning Scheme – Amendment L9.
  - Doncaster and Templestowe Planning Scheme – Amendment L124.
  - Flinders Planning Scheme – Amendment L157.
  - Frankston Planning Scheme – Amendments L88, L93 and L104.
  - Geelong – Greater Geelong Planning Scheme – Amendments R165, R183 and R219.
  - Glen Eira Planning Scheme – Amendments L14, L18 and L21.
  - Hobsons Bay Planning Scheme – Amendment L9.
  - Hume Planning Scheme – Amendments L37 and L41.
  - Kingston Planning Scheme – Amendment L34.
  - Knox Planning Scheme – Amendment L155.
  - Macedon Ranges Planning Scheme – Amendment L20.
  - Maribyrnong Planning Scheme – Amendments L16 and L30.
  - Maroondah Planning Scheme – Amendments L13, L14 Part 2 and L21.
  - Melbourne Planning Scheme – Amendments L292, L295 and L310.
  - Melton Planning Scheme – Amendment L89.
  - Metcalf Planning Scheme – Amendment L7.
  - Moe Planning Scheme – Amendment L42.
  - Monash Planning Scheme – Amendments L17, L21, L32 Part 1 and L35.
  - Moonee Valley Planning Scheme – Amendments L19, L30 and L32.
  - Moreland Planning Scheme – Amendments L23, L39 Part 1, L47 and L53.
  - Morwell Planning Scheme – Amendments L61 and L62.
  - Nillumbik Planning Scheme – Amendment L11.
  - Pakenham Planning Scheme – Amendments L150 and L152.
  - Port Phillip Planning Scheme – Amendments L52 and L57 to L60.
  - Rutherglen Planning Scheme – Amendment L13.
  - Sherbrooke Planning Scheme – Amendment L110.
  - Stonnington Planning Scheme – Amendments L23, L25, L26, L31, L36 and L43.
  - Upper Yarra Planning Scheme – Amendment L78.
  - Victoria – State Section Planning Schemes – Amendment S69.
  - Werribee Planning Scheme – Amendments L117 Part 1, L119 and L120.
  - Whitehorse Planning Scheme – Amendments L19, L22, L25 and L30.
  - Whittlesea Planning Scheme – Amendment L158.
  - Wodonga Rural (City) Planning Scheme – Amendment L19.
  - Yarra Planning Scheme – Amendments L53, L58 to L60 and L64.
  - Yarra Ranges Planning Scheme – Amendments L49, L65, L72, L74, L77 and L85.
- Prevention of Cruelty to Animals Act 1986 – AS 4466 – 1997 – Australian Standard for Hygienic Production of Rabbit Meat for Human Consumption.
- State Superannuation Fund – Actuarial Investigation as at 30 June 1997.
- Statutory Rules under the following Acts of Parliament:
- Cancer Act 1958 – No. 165/1997.
  - Consumer Affairs Act 1972 – No. 2/1998.
  - Corrections Act 1986 – No. 155/1997.
  - County Court Act 1958 – No. 174/1997.
  - Dangerous Goods Act 1985 – No. 3/1998.

Statutory Rules under the following Acts of Parliament – *continued*

- Dentists Act 1972 – Nos. 150 and 166/1997.
- Education Act 1958 – No. 162/1997.
- Equipment (Public Safety) Act 1994 – No. 4/1998.
- Financial Institutions Duty Act 1982 – No. 7/1998.
- Firearms Act 1996 – No. 6/1998.
- Gas Industry Act 1994 – Nos. 146 to 148/1997.
- Human Tissue Act 1982 – No. 163/1997.
- Infertility Treatment Act 1995 – No. 164/1997.
- Melbourne and Metropolitan Board of Works Act 1958 – No. 173/1997.
- National Parks Act 1975 – No. 154/1997.
- Occupational Health and Safety Act 1985 – No. 5/1998.
- Pharmacists Act 1974 – No. 167/1997.
- Planning and Environment Act 1987 – No. 151/1997 and No. 8/1998.
- Plant Health and Plant Products Act 1995 – No. 158/1997.
- Prevention of Cruelty to Animals Act 1986 – No. 159/1997.
- Residential Tenancies Act 1980 – No. 160/1997.
- Road Safety Act 1986 – Nos. 153 and 171/1997.
- Second-Hand Dealers and Pawnbrokers Act 1989 – No. 175/1997.
- Small Claims Tribunals Act 1973 – No. 161/1997.
- Subordinate Legislation Act 1994 – Nos. 152 and 168 to 170/1997.
- Taxation Administration Act 1997 – No. 172/1997.
- Tobacco Act 1987 – No. 157/1997.
- Treasury Corporation of Victoria Act 1992 – No. 149/1997.
- Wildlife Act 1975 – No. 156/1997.
- Zoological Parks and Gardens Act 1995 – No. 1/1998.
- Subordinate Legislation Act 1994 –
  - Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 151, 152, 166, 167 and 174/1997.
  - Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 146 to 150, 156 to 158, 162 to 165 and 172/1997 and Nos. 1 and 3 to 8/1998.
- Victorian Institute of Sport –
  - Minister's report of failure to submit 1996-97 report to him within the prescribed period and the reasons therefor.
  - Minister's report of 15 December 1997 of receipt of the 1996-97 report.
- Western Regional Waste Management Group – Minister for Conservation and Land Management's report of 11 February 1998 of receipt of the 1996-97 financial statements.

\* \* \* \*

**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council this day:

- Accident Compensation (Miscellaneous Amendment) Act 1997 – Sections 13, 16(1), 16(3), 17, 18, 39(1), 40, 41, 44, 53 to 58, 64 and 68 – 1 February 1998; sections 23 and 42 – 29 June 1998 (*Gazette No. G3, 22 January 1998*).
- Alpine Resorts (Management) Act 1997 – Sections 3, 9 to 11, 63 to 65, 68 and 73 – 16 December 1997 (*Gazette No. S159, 16 December 1997*).
- Corrections (Amendment) Act 1996 – Sections 11 to 13 – 20 December 1997 (*Gazette No. G50, 18 December 1997*).
- Evidence (Audio Visual and Audio Linking) Act 1997 – Remaining provisions – 22 December 1997 (*Gazette No. G50, 18 December 1997*).

Proclamations – *continued*

- Fisheries Act 1995 – Sections 155(4) and 162 – 18 December 1997 (*Gazette No. G50, 18 December 1997*).
- Food (Amendment) Act 1997 – Sections 9 and 10 – 8 February 1998 (*Gazette No. G5, 5 February 1998*).
- Gaming Acts (Miscellaneous Amendment) Act 1997 – Sections 3, 5, 6, 21 and 24 to 26 – 22 January 1998 (*Gazette No. G3, 22 January 1998*).
- Gas Industry (Further Amendment) Act 1997 – Sections 3, 4, 28 and 31 – 9 December 1997; remaining provisions (except sections 12 and 37(1)) – 11 December 1997 (*Gazette No. S155, 9 December 1997*).
- Health Services (Amendment) Act 1997 – Part 2 – 18 December 1997 (*Gazette No. G50, 18 December 1997*).
- Local Government (Miscellaneous Amendment) Act 1997 – Sections 5(1) and 6 – 12 December 1997; sections 15 and 18 – 31 March 1998 (*Gazette No. G49, 11 December 1997*).
- Police and Corrections (Amendment) Act 1997 – Part 2 – 31 December 1997 (*Gazette No. G50, 18 December 1997*).
- Sentencing (Amendment) Act 1997 – Sections 7 and 8 – 11 December 1997 (*Gazette No. G49, 11 December 1997*).
- Sentencing and Other Acts (Amendment) Act 1997 – Sections 4(a), 8(1) and (2)(a), 12, 23 and 24 – 15 December 1997 (*Gazette No. G49, 11 December 1997*).
- Urban Land Corporation Act 1997 – Remaining provisions – 3 February 1998 (*Gazette No. S5, 3 February 1998*).
- Vocational Education and Training (Training Framework) Act 1997 – Remaining provisions – 1 January 1998 (*Gazette No. G50, 18 December 1997*).
- Water Acts (Further Amendment) Act 1997 – Sections 3, 4, 5(1), 6(1), 6(2), 6(3), 7(1), 7(3), 7(4), 9(1), 12 to 16, 19, 20, 23 to 27, 28(1), 28(2), 29, 30(2) (except paragraph (a)), 33 to 44 and 46 – 1 January 1998; Remaining provisions (except sections 7(2) and 32) – 1 July 1998 (*Gazette No. G51, 24 December 1997*).
- Wildlife (Amendment) Act 1997 – Sections 30 to 38 and 40 – 18 December 1997 (*Gazette No. G50, 18 December 1997*).

**16 SPEECH OF HIS EXCELLENCY THE GOVERNOR** – The Deputy President reported the Speech of His Excellency the Governor on the Opening of Parliament.

The Honourable P.A. Katsambanis moved, That the Council agree to the following Address to His Excellency the Governor in reply to His Excellency's Opening Speech:

MAY IT PLEASE YOUR EXCELLENCY:

We, the Legislative Council of Victoria, in Parliament assembled, wish to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech you have been pleased to address to Parliament.

– which motion was seconded by the Honourable D.M. Davis.

The Honourable B.C. Boardman moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**17 HEALTH ACTS (STATUTE LAW REVISION) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**18 ADJOURNMENT** – The Honourable M.A. Birrell moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 9.46 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## No. 2 – Wednesday, 18 February 1998

**1** The President took the Chair and read the Prayer.

**2 BUSINESS OF THE HOUSE** – The Honourable M.A. Birrell moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**3 PETITION – MIDDLE PARK INTERSECTION** – The Honourable P.A. Katsambanis presented a Petition bearing 393 signatures from certain citizens of Victoria requesting that the median strip at the corner of Canterbury Road and Armstrong Street, Middle Park, remain closed to south bound traffic and that the existing alternate strategies for the further upgrading of the shopping centre be implemented as proposed by the City of Port Phillip Council.

Ordered to lie on the Table.

**4 PORT OF MELBOURNE** – The Honourable P. Power moved, That this House condemns the Minister for Roads and Ports and the Kennett Government for –

(a) failing to maintain the Port of Melbourne as the nation's key transport hub;

(b) allowing the \$200 million OOCL investment to leave the State; and

(c) inflaming the industrial dispute at Webb Dock.

Debate ensued.

Question – put.

The Council divided.

AYES, 9

The Hon. Tayfun Eren (*Teller*)  
M.M. Gould  
C.J. Hogg  
J. McLean

NOES, 32

The Hon. L. Asher  
G.B. Ashman (*Teller*)  
B.N. Atkinson  
W.R. Baxter

D.A. Nardella  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen (*Teller*)  
 T.C. Theophanous

R.A. Best (*Teller*)  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it passed in the negative.

**5 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**6 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** – The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 15*) –

Debate resumed.

The Honourable R.H. Bowden moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**7 ADJOURNMENT** – The Honourable L. Asher moved, That the Council, at its rising, adjourn until Tuesday, 17 March 1998.

Question – put and resolved in the affirmative.

The Honourable L. Asher moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.08 p.m., adjourned until Tuesday, 17 March 1998.

A.V. BRAY  
*Clerk of the Legislative Council*

By Authority. Government Printer for the State of Victoria.

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 3 and 4

### No. 3 – Tuesday, 17 March 1998

- 1 The Acting President took the Chair and read the Prayer.
- 2 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 3 **HEALTH SERVICES (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable R.I. Knowles, leave was given to bring in a Bill *to amend the Health Services Act 1988 and the Health Services (Amendment) Act 1997 to provide for increased penalties for certain offences, to amend Schedule 4 to the Magistrates' Court Act 1989 and for other purposes*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **GAMING No. 2 (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable R.M. Hallam, leave was given to bring in a Bill *to amend the Gaming No. 2 Act 1997 and for other purposes*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **PAPERS** –  
**BLF CUSTODIAN** – The Honourable M.A. Birrell moved, by leave, That there be laid before this House a copy of Report No. 38 dated 28 February 1998 given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.  
Question – put and resolved in the affirmative.  
The said Report was thereupon presented by the Honourable M.A. Birrell and ordered to lie on the Table.

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- WORKCOVER AUTHORITY** – The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report of the WorkCover Authority for the period 1 July 1997 to 31 December 1997.  
Question – put and resolved in the affirmative.  
The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

\* \* \* \* \*

- NATIONAL ELECTRICITY PTY LTD** – The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Financial Statements of National Electricity Pty Ltd for the period 1 July 1997 to 6 November 1997.  
Question – put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

\* \* \* \* \*

**POWER NET VICTORIA** – The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Financial Statements of Power Net Victoria for the period 1 July 1997 to 6 November 1997.

Question – put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

\* \* \* \* \*

**ROAD SAFETY COMMITTEE – MOTORCYCLE SAFETY** – The Honourable D.T. Walpole presented a Report from the Road Safety Committee upon the Review of Motorcycle Safety in Victoria, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST** – The Honourable P.A. Katsambanis presented Alert Digest No. 1 of 1998 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Drugs, Poisons and Controlled Substances Act 1981 –

Standard for the Uniform Scheduling of Drugs and Poisons, No. 12 – Amendment No. 2, March 1998.

Notice regarding the amendment, commencement and availability of the Poisons Code.

Environment Conservation Council – Interim report of the investigation of Victoria's marine, coastal and estuarine areas, February 1998.

Local Authorities Superannuation Board – Report of Actuarial Investigation as at 30 June 1997.

Melbourne City Link Act 1995 – Orders in Council of 10 February 1998 varying the project area of land pursuant to section 8(4) of the Act (four papers).

National Crime Authority – Report, 1996-97 (including comments on the report by the Inter-Governmental Committee) (two papers).

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Boroondara Planning Scheme – Amendments L43, L44 and L46.

Buloke Planning Scheme – Amendment L4.

Doncaster and Templestowe Planning Scheme – Amendments L125 and L128 Parts 1 and 2.

Geelong – Greater Geelong Planning Scheme – Amendments L193, R218 and RL186 Part 2.

Glen Eira Planning Scheme – Amendments L26 and L28.

Hume Planning Scheme – Amendment L43.

Knox Planning Scheme – Amendment L146.

Macedon Ranges Planning Scheme – Amendment L17.

Maribyrnong Planning Scheme – Amendment L31.

Melbourne Planning Scheme – Amendments L28, L289, L311, L313 and L314.



Planning and Environment Act 1987 – *continued*

Metropolitan Region Planning Schemes – Amendment R134.

Port Phillip Planning Scheme – Amendment L61.

Rosedale Planning Scheme – Amendment L47.

Stawell (Shire) Planning Scheme – Amendment L22 Part 1.

Stonnington Planning Scheme – Amendment L30.

Victoria – State Section Planning Schemes – Amendment S71.

Warrnambool Shire Planning Scheme – Amendment L15.

Whittlesea Planning Scheme – Amendments L143, L155 and L157.

Yarra Ranges Planning Scheme – Amendment L82.

Strawberry Industry Development Committee – Minister for Agriculture and Resources' report of 3 March 1998 of receipt of the 1996-97 report.

St. Vincent's Hospital (Melbourne) Limited – Report, 1996-97.

Statutory Rules under the following Acts of Parliament:

Adoption Act 1984 – No. 13.

Health Services Act 1988 – No. 10.

Subordinate Legislation Act 1994 – No. 9.

Supreme Court Act 1986 – No. 14.

Tobacco Act 1997 – Nos. 11 and 12.

Subordinate Legislation Act 1994 –

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 9 and 14/1998.

Minister's exemption certificates under section 9(6) in respect of Statutory Rules Nos. 10 to 12/1998.

\* \* \* \* \*

**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 17 February 1998:

Disability Services and Other Acts (Amendment) Act 1997 – Part 2 – 3 March 1998 (*Gazette No. G8, 26 February 1998*).

Fisheries Act 1995 – Remaining provisions – 1 April 1998 (*Gazette No. G8, 26 February 1998*).

Transport Acts (Amendment) Act 1997 – Division 4 of Part 2 and sections 30, 31(1) to 31(3) and 32 – 17 March 1998 (*Gazette No. G10, 12 March 1998*).

Veterinary Practice Act 1997 – Remaining provisions – 17 March 1998 (*Gazette No. G10, 12 March 1998*).

Wildlife (Amendment) Act 1997 – Remaining provisions – 21 March 1998 (*Gazette No. G10, 12 March 1998*).

**6 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR –**

The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 15*) –

Debate resumed.

The Honourable Graeme Stoney moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**7 TRANS-TASMAN MUTUAL RECOGNITION (VICTORIA) BILL –**

The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to adopt the *Trans-Tasman Mutual Recognition Act 1997 of the Commonwealth and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable M.A. Birrell), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 FINANCIAL MANAGEMENT (AMENDMENT) BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Financial Management Act 1994 with respect to accrual output budgeting and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 TERTIARY EDUCATION (AMENDMENT) BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Tertiary Education Act 1993 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 10 HEALTH SERVICES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 11 TERTIARY EDUCATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 12 GAMING No. 2 (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 13 TRANS-TASMAN MUTUAL RECOGNITION (VICTORIA) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

**14 FINANCIAL MANAGEMENT (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**15 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 9.51 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 4 – Wednesday, 18 March 1998**

**1** The Acting President took the Chair and read the Prayer.

**2 ADJOURNMENT OF BILLS** – The Honourable R.I. Knowles moved, by leave, That –

- (a) unless otherwise ordered, where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 15 May 1998, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1998: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 18 May 1998 may be taken through all stages; and

- (b) this Order shall have effect until 30 June 1998.

Question – put and resolved in the affirmative.

**3 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**4 BUSINESS POSTPONED** – Ordered – That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

**5 CROWN CASINO** – The Honourable T.C. Theophanous moved, That this House condemns the Minister for Gaming, the Honourable R. M. Hallam, MLC, for –

- (a) his role in the failure of Crown Ltd to abide by Australian Stock Exchange disclosure rules; and

- (b) his refusal to rule out waiving the \$50,000 a day penalty that applies if Crown fails to build and complete the second tower,

and calls on the Government to investigate and report to the House on whether –

- (a) the Minister amended the date that he received information which Crown should have disclosed to the Australian Stock Exchange and to shareholders in order to cover up Crown's failure to disclose such information;
- (b) by withholding crucial information from shareholders Crown has also breached the *Casino Control Act 1991* and its casino licence; and
- (c) Victorian taxpayers have been disadvantaged by the Government's close relationship with Crown.

Debate ensued.

Question – put.

The Council divided.

AYES, 9

The Hon. Tayfun Eren  
 C.J. Hogg  
 J. McLean (*Teller*)  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole (*Teller*)

NOES, 31

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson (*Teller*)  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding (*Teller*)

And so it passed in the negative.

6 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

- 7 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 8 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** – The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 15*) –

Debate resumed.

The Honourable W.A.N. Hartigan moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 9 PUBLIC PROSECUTIONS (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Public Prosecutions Act 1994 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 10 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next.

Question – put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.23 p.m., adjourned until Tuesday next.

A.V. BRAY  
Clerk of the Legislative Council

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 5 and 6

### No. 5 – Tuesday, 24 March 1998

- 1 The President took the Chair and read the Prayer.
- 2 **GEOGRAPHIC PLACE NAMES BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make provision for the naming of places and the registration of place names, to amend the Survey Co-ordination Act 1958 and the Local Government Act 1989 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **EDUCATION (TEACHERS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Education Act 1958 to provide for the disqualification from teaching of teachers found guilty of sexual offences involving children and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 5 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.  
Question – put and resolved in the affirmative.  
Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 6 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable R.I. Knowles, leave was given to bring in a Bill *to amend the Drugs, Poisons and Controlled Substances Act 1981 in relation to various matters of licensing, permits, sale and supply and notification and for other purposes*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
- Interpretation of Legislation Act 1984 – Notice pursuant to section 32(4) in relation to Amendment 2, Building Code of Australia 1996.
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
- Alberton Planning Scheme – Amendment L44.
  - Alpine Resorts Planning Scheme – Amendment C1.
  - Delatite Planning Scheme – Amendment L12.
  - Knox Planning Scheme – Amendment L154.
  - Milawa Planning Scheme – Amendment L9 to Chapter 2.
  - Moe Planning Scheme – Amendment L43.
  - Stonnington Planning Scheme – Amendment L32.
  - Traralgon (City) Planning Scheme – Amendment L73.
  - Wonthaggi Planning Scheme – Amendment L27.
- Statutory Rules under the following Acts of Parliament:
- Business Franchise (Tobacco) Act 1974 – Business Franchise (Petroleum Products) Act 1979 – No. 15.
  - Children and Young Persons Act 1989 – No. 18.
  - Conservation, Forests and Lands Act 1987 – No. 21.
  - Magistrates' Court Act 1989 – Nos. 16 and 17.
  - Veterinary Practice Act 1997 – No. 19.
  - Wildlife Act 1975 – No. 20.
- Subordinate Legislation Act 1994 –
- Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 141 to 143/1997 and Nos. 16 to 18/1998.
  - Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 19/1998.
- 8 BUSINESS POSTPONED** – Ordered – That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.
- 9 EDUCATION (TEACHERS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.
- The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
- The Honourable M.M. Gould moved, That the debate be now adjourned.
- Question – That the debate be now adjourned – put and resolved in the affirmative.
- Ordered – That the debate be adjourned until the next day of meeting.
- 10 TRANS-TASMAN (MUTUAL RECOGNITION) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
- Bill read a second time and, by leave, read a third time and passed.
- Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 11 FINANCIAL MANAGEMENT (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –
- Debate resumed.

The Honourable W. Forwood moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

- 12 TERTIARY EDUCATION (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 SUMMARY OFFENCES (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Summary Offences Act 1966 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable L. Asher), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 14 VALUATION OF LAND (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Valuation of Land Act 1960 to provide for municipal councils to make biennial valuations of land and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M. A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 15 DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 16 FINANCIAL MANAGEMENT (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 17 ARTS ACTS (STATUTE LAW REVISION) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make minor amendments to the Libraries Act 1988 and certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam (for the Honourable M.A. Birrell), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 18 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** – The Order of the Day having been read for the resumption of the debate on the



question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 15*) –

Debate resumed.

The Honourable E.J. Powell moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**19 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.12 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## No. 6 – Wednesday, 25 March 1998

1 The President took the Chair and read the Prayer.

2 **BUSINESS OF THE HOUSE** – The Honourable M.A. Birrell moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

3 **PAPER PURSUANT TO STATUTE** – The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Auditor-General – Report on Victoria's Gaming Industry – *An insight into the role of the regulator, March 1998.*

4 **BUSINESS POSTPONED** – Ordered – That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

5 **PUBLIC HOSPITAL SYSTEM** – The Honourable M.M. Gould moved, That this House condemns the Minister for Health, the Honourable R. I. Knowles, MLC, for –

- (a) the Government's proposed imposition of a further 1.5 per cent productivity cut totalling approximately \$30 million on public hospitals in the 1998-99 budget following the Government's failure to adequately resource Victorian public hospitals over the past five years;
- (b) the devastating effect of the financial cut-backs on the Austin and Repatriation Medical Centre which is being starved of funds prior to privatisation; and
- (c) the proposed closure of the Essendon Hospital which, if it were adequately supported by government, could substantially improve access to health services and reduce waiting lists.

Debate ensued.

Question – put.

The Council divided.

AYES, 8

The Hon. Tayfun Eren  
M.M. Gould  
C.J. Hogg  
J. McLean  
S.M. Nguyen (*Teller*)  
B.T. Pullen (*Teller*)  
T.C. Theophanous  
D.T. Walpole

NOES, 31

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell (*Teller*)  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney (*Teller*)  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it passed in the negative.

- 6 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 7 **BUSINESS POSTPONED** – Ordered – That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.
- 8 **GEOGRAPHIC PLACE NAMES BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.  
The Honourable M.M. Gould (for the Honourable P. Power) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.

- 9 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.
- 10 ARTS ACTS (STATUTE LAW REVISION) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.  
The Honourable M.M. Gould moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 11 SUMMARY OFFENCES (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.  
The Honourable D.A. Nardella moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 12 VALUATION OF LAND (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.  
The Honourable D.A. Nardella (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 13 PUBLIC PROSECUTIONS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 14 FIRE AND EMERGENCY SERVICES ACTS (AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Country Fire Authority Act 1958 and the Victoria State Emergency Service Act 1987 and the Fire Authorities (Contributions) Act 1989 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable L. Asher (for the Honourable G.R. Craige), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 15 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** – The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 15*) –  
Debate resumed.  
The Honourable R.S. de Fegely moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.

**16 ADJOURNMENT** – The Honourable L. Asher moved, That the Council, at its rising, adjourn until Tuesday, 7 April 1998.

Question – put and resolved in the affirmative.

The Honourable L. Asher moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.28 p.m., adjourned until Tuesday, 7 April 1998.

A.V. BRAY  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 7 and 8

### No. 7 – Tuesday, 7 April 1998

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, on 31 March 1998, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Financial Management (Amendment) Act*  
*Public Prosecutions (Amendment) Act*  
*Tertiary Education (Amendment) Act*  
*Trans-Tasman Mutual Recognition (Victoria) Act.*
- 3 **RETAIL TENANCIES REFORM BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to reform the law relating to retail tenancies, to repeal the Retail Tenancies Act 1986 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **FIREARMS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Firearms Act 1996 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 6 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.  
Question – put and resolved in the affirmative.  
Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 7 **PETITION – THE BAYS HOSPITAL** – The Honourable R.H. Bowden presented a Petition bearing 673 signatures from certain citizens of Victoria praying that the Government contribute funding to help keep The Bays Hospital Hastings Acute Care Facility open.

Ordered to lie on the Table.

**8 PAPERS –**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST** – The Honourable P.A. Katsambanis presented Alert Digest No. 2 of 1998 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Dental Board – Minister for Health's report of 25 March 1998 of receipt of the report (incorporating the Report of the Specialist Practitioners Qualifications Committee) for the year ended 30 September 1997.

Edenhope and District Memorial Hospital – Minister for Health's report of 27 March 1998 of receipt of the 1996-97 report.

Hamilton Base Hospital – Financial Statements for the period 1 July 1996 to 30 November 1996.

Medical Practitioners Board – Report, year ended 30 September 1997 (incorporating the Report of the Intern Training Accreditation Committee).

Parliamentary Committees Act 1968 – Minister's response to recommendations in Environment and Natural Resources Committee's report upon Ballast Water and Hull Fouling in Victoria.

Planning and Environment Act 1987 – Notices of approval of the following amendments to planning Schemes:

Alberton Planning Scheme – Amendment L46.

Bacchus Marsh Planning Scheme – Amendment L 56.

Ballarat Planning Scheme – Amendments L34 and L36.

Bendigo – Greater Bendigo Planning Scheme – Amendment L70.

Boroondara Planning Scheme – Amendment L37.

Dandenong – Greater Dandenong Planning Scheme – Amendment L15.

Doncaster and Templestowe Planning Scheme – Amendment L131.

Frankston Planning Scheme – Amendment L97.

Geelong – Greater Geelong Planning Scheme – Amendment R125.

Glen Eira Planning Scheme – Amendment L22.

Maribyrnong Planning Scheme – Amendment L32.

Melbourne Planning Scheme – Amendments L288, L298, L299, L315 and L317.

Melton Planning Scheme – Amendment L90.

Mitchell Planning Scheme – Amendment L21.

Moreland Planning Scheme – Amendment L54.

Mornington Planning Scheme – Amendments L85 and L86.

Stonnington Planning Scheme – Amendment L24.

Tambo Planning Scheme – Amendment L72.

Victoria – State Section Planning Schemes – Amendments S72 and S73.

Victoria Planning Provisions – Amendment VC1.

Werribee Planning Scheme – Amendment L128.

Statutory Rules under the following Acts of Parliament:

Dangerous Goods Act 1985 – No. 24.

Fisheries Act 1995 – No. 23.

Gaming No. 2 Act 1997 – Nos. 25 to 30.

Local Government Act 1989 – No. 32.

Statutory Rules – *continued*

Lotteries Gaming and Betting Act 1966 – No. 31.

Supreme Court Act 1986 – Crimes Act 1958 – Sentencing Act 1991 – Interpretation of Legislation Act 1984 – No. 33.

Wildlife Act 1975 – No. 22.

## Subordinate Legislation Act 1994 –

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 33/1998.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 21, 22, 24, 31 and 32/1998.

## Wildlife Act 1975 –

Notice of closure of areas to hunting, No. 1/1998, 16 March 1998.

Notice of control of hunting, No. 1/1998, 10 March 1998.

\* \* \* \* \*

**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 17 February 1998:

Hire-Purchase (Further Amendment) Act 1997 – Remaining provisions – 1 April 1998 (*Gazette No. S23, 31 March 1998*).

Land (Reservations and other Matters) Act 1997 – Sections 10, 13 and 14; and Items 10, 13 and 14 of Schedule 1 – 1 April 1998 (*Gazette No. G13, 2 April 1998*).

Rail Corporations (Amendment) Act 1997 – Sections 3, 5, 26, 31, 32 and 38; Divisions 4, 5 and 6 of Part 2; and Part 4 (except sections 40 and 57) – 31 March 1998 (*Gazette No. S23, 31 March 1998*).

**9 BUSINESS POSTPONED** – Ordered – That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.

**10 FIRE AND EMERGENCY SERVICES ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**11 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 2 to 5 inclusive, be postponed until later this day.

**12 ARTS ACTS (STATUTE LAW REVISION) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 HEALTH SERVICES (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

**14 DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

**15 ELECTRICITY INDUSTRY (AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Electricity Industry Act 1993 and the Electricity Industry (Miscellaneous Amendment) Act 1997 and certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**16 HEALTH ACTS (STATUTE LAW REVISION) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

**17 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 7 to 9 inclusive, be postponed until later this day.

**18 EDUCATION (TEACHERS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**19 SUMMARY OFFENCES (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**20 TRANSPORT ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the National Rail Corporation (Victoria) Act 1991, the Transport Act 1983 and the Rail Corporations (Amendment) Act 1997 and for other purposes* and desiring the concurrence of the Council therein.



On the motion of the Honourable R.I. Knowles (for the Honourable G.R. Craige), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**21 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 9.56 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 8 – Wednesday, 8 April 1998**

**1** The President took the Chair and read the Prayer.

**2 STATE TRUSTEES (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *State Trustees (State Owned Company) Act 1994*, to make consequential amendments to other Acts and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**3 PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General – Report on Child Care and Kindergartens – *Caring about quality*, April 1998.

Interpretation of Legislation Act 1984 – Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 12/1998.

Parliamentary Committees Act 1968 – Minister's response to recommendations in Public Accounts and Estimates Committee's report upon Outstanding Fines and Unexecuted Warrants.

**4 BUSINESS POSTPONED** – Ordered – That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

**5 WERRIBEE WASTE FACILITY** – The Honourable T.C. Theophanous moved, That this House calls on the Government –

(a) to guarantee that no prescribed waste facility will be located in Werribee, given its significance as a growth corridor, an agricultural precinct and an internationally significant wetlands habitat; and

(b) to develop a comprehensive State wide strategy on the minimisation and disposal of prescribed waste.

Debate ensued.

Question – put.

The Council divided.

AYES, 8

The Hon. M.M. Gould  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella (*Teller*)  
 S.M. Nguyen  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole (*Teller*)

NOES, 31

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 B.W. Bishop (*Teller*)  
 B.C. Boardman (*Teller*)  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it passed in the negative.

- 6 **BUSINESS POSTPONED** – Ordered – That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.
- 7 **FIREARMS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.  
 The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.  
 Question – That the debate be now adjourned – put and resolved in the affirmative.  
 Ordered – That the debate be adjourned until the next day of meeting.
- 8 **RETAIL TENANCIES REFORM BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable L. Asher made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**9 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**10 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**11 ELECTRICITY INDUSTRY (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**12 TRANSPORT ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**13 STATE TRUSTEES (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**14 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 5 to 7 inclusive, be postponed until later this day.

**15 VALUATION OF LAND (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 GEOGRAPHIC PLACE NAMES BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**17 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** – The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 15*) –

Debate resumed.

The Honourable R.H. Bowden moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**18 SEA-CARRIAGE DOCUMENTS BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to reform the law relating to bills of lading, sea waybills and ship's delivery orders, to amend the Goods Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable L. Asher), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**19 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 21 April 1998.

Question – put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.01 p.m., adjourned until Tuesday, 21 April 1998.

A.V. BRAY  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 9 and 10

### No. 9 – Tuesday, 21 April 1998

- 1 The Acting President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:  
*Arts Acts (Statute Law Revision) Act*  
*Education (Teachers) Act*  
*Geographic Place Names Act*  
*Summary Offences (Amendment) Act.*
- 3 **CRIMES (FAMILY VIOLENCE) (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Crimes (Family Violence) Act 1987 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **PROPERTY LAW (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Property Law Act 1958 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **EVIDENCE (CONFIDENTIAL COMMUNICATIONS) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Evidence Act 1958 so as to protect from disclosure in legal proceedings confidential communications between the victim or alleged victim of a sexual offence and a medical practitioner or counsellor and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **ELECTRICITY SAFETY BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *relating to the safety of electricity supply and use and the efficiency of electrical equipment, to repeal the Electric Light and*

*Power Act 1958, to amend certain other Acts and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

7 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

8 **PAPERS** –

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST** – The Honourable P.A. Katsambanis presented Alert Digest No. 3 of 1998 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Barton Institute of TAFE – Report, 1997.

Bendigo Regional Institute of TAFE – Report, 1997 (two papers).

Box Hill Institute of TAFE – Report, 1997.

Casey Institute of TAFE – Report, 1997.

Central Gippsland Institute of TAFE – Report, 1997 (two papers).

Chiropodists Registration Board – Minister for Health's report of 14 April 1998 of receipt of the 1997 report.

East Gippsland Institute of TAFE – Report, 1997.

Eastern Institute of TAFE – Report, 1997.

Environment Conservation Council Act 1997 – Minister for Conservation and Land Management's notice of amendment of request to the Environment Conservation Council to investigate Victoria's marine, coastal and estuarine areas.

Gordon Institute of TAFE – Report, 1997.

Goulburn Ovens Institute of TAFE – Report, 1997.

Holmesglen Institute of TAFE – Report, 1997.

Kangan Batman Institute of TAFE – Report, 1997.

Melbourne Institute of Textiles – Report, 1997.

Northern Melbourne Institute of TAFE – Report, 1997.

Parliamentary Committees Act 1968 – Minister's response to recommendations in Federal-State Relations Committee's report upon International Treaty Making and the Role of the States.

Peninsula Institute of TAFE – Report, 1997.

Planning and Environment Act 1987 – Notices of approval of the following amendments to planning schemes:

Bayside Planning Scheme – Amendment L10.

Darebin Planning Scheme – Amendment L56.

Geelong – Greater Geelong Planning Scheme – Amendments R205 and R216.

Knox Planning Scheme – Amendment L157.

Melbourne Planning Scheme – Amendment L234.

- Monash Planning Scheme – Amendment L39.  
 Planning and Environment Act 1987 – *continued*  
 Victoria – State Section Planning Schemes – Amendment SRL7.  
 Wodonga Rural (City) Planning Scheme – Amendments L7 Part 2 and L20.  
 Yarra Planning Scheme – Amendment L66.  
 Yarra Ranges Planning Scheme – Amendment L92.  
 School of Mines and Industries Ballarat Limited – Report, 1997.  
 South West Institute of TAFE – Report, 1997 (two papers).  
 Statutory Rules under the following Acts of Parliament:  
 Agricultural and Veterinary Chemicals (Control of Use) Act 1992 – No. 38.  
 County Court Act 1958 – Nos. 36 and 37.  
 Road Safety Act 1986 – Nos. 34 and 35.  
 Road Transport (Dangerous Goods) Act 1995 – No. 40.  
 Subordinate Legislation Act 1994 – No. 39.  
 Subordinate Legislation Act 1994 –  
 Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 34 to 37 and 39.  
 Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 34, 35, 38 and 40.  
 Sunraysia Institute of TAFE – Report, 1997.  
 Western Melbourne Institute of TAFE – Report, 1997.  
 William Angliss Institute of TAFE – Report, 1997.  
 Wimmera Institute of TAFE – Report, 1997.  
 Wodonga Institute of TAFE – Report, 1997.

\* \* \* \* \*

**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 17 February 1998:

Gaming Acts (Miscellaneous Amendment) Act 1997 – Sections 22, 23, 34(1) and 34(2) – 7 April 1998 (*Gazette No. S28, 7 April 1998*).

Local Government (Amendment) Act 1996 – Section 13 – 20 April 1998 (*Gazette No. G14, 9 April 1998*).

Road Transport (Dangerous Goods) Act 1995 – Remaining provisions – 7 April 1998 (*Gazette No. S28, 7 April 1998*).

**9 BUSINESS POSTPONED** – Ordered – That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.

**10 SEA-CARRIAGE DOCUMENTS BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**11 CRIMES (FAMILY VIOLENCE) (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 12 PROPERTY LAW (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 13 EVIDENCE (CONFIDENTIAL COMMUNICATIONS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 14 ELECTRICITY SAFETY BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 15 GAMING NO. 2 (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 16 FIRE AND EMERGENCY SERVICES ACTS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 17 FIREARMS (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable D.A. Nardella moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until –

- (a) the government makes a clear and unambiguous statement of support for the existing national firearms code;



- (b) clauses in conflict with the national firearms code, including those allowing more semi-automatic weapons in the community and relating to the 28-day rule, are referred to the Australasian Police Ministers Council; and
- (c) the proposals in the Bill have been the subject of inquiry and report by an all-party parliamentary committee."

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 31

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 R.H. Bowden  
 A.R. Brideson (*Teller*)  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith (*Teller*)  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

NOES, 9

The Hon. Tayfun Eren (*Teller*)  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power (*Teller*)  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole

And so it was resolved in the affirmative — Amendment negatived.

Question — That this Bill be now read a second time — put.

The Council divided.

	AYES, 31		NOES, 9
The Hon.	L. Asher	The Hon.	Tayfun Eren
	G.B. Ashman		C.J. Hogg
	B.N. Atkinson		J. McLean ( <i>Teller</i> )
	W.R. Baxter		D.A. Nardella
	R.A. Best		S.M. Nguyen ( <i>Teller</i> )
	M.A. Birrell		P. Power
	B.W. Bishop		B.T. Pullen
	R.H. Bowden		T.C. Theophanous
	A.R. Brideson		D.T. Walpole
	I.J. Cover		
	G.R. Craige		
	D.M. Davis		
	P.R. Davis		
	R.S. de Fegely		
	W. Forwood		
	C.A. Furletti		
	R.M. Hallam		
	W.A.N. Hartigan		
	P.A. Katsambanis		
	R.I. Knowles		
	N.B. Lucas		
	M.T. Luckins		
	E.J. Powell ( <i>Teller</i> )		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney		
	C.A. Strong ( <i>Teller</i> )		
	Rosemary Varty		
	Dr. R.J.H. Wells		
	Sue deC Wilding		

And so it was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Acting President resumed the Chair; and the Honourable G.B. Ashman having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

**18 MESSAGES FROM THE ASSEMBLY** – The Acting President announced the receipt of Messages from the Assembly acquainting the Council that they have agreed to the following Bills without amendment:

Health Acts (Statute Law Revision) Bill

Drugs, Poisons and Controlled Substances (Amendment) Bill

Health Services (Amendment) Bill.

**19 BUILDING (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Building Act 1993 and the Docklands Authority Act 1991 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**20 RETAIL TENANCIES REFORM BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

*And having continued to sit until after 12 midnight –*

WEDNESDAY, 22 APRIL 1998

The Acting President resumed the Chair; and the Honourable G.B. Ashman having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**21 CREDIT (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Credit Act 1984 and the Credit (Administration) Act 1984 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**22 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 1.23 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 10 – Wednesday, 22 April 1998**

**1** The Acting President took the Chair and read the Prayer.

**2 PAPERS** –

**BUDGET PAPERS 1998-99** – The Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, by leave, That there be laid before this House a copy of the following 1998-99 Budget papers:

- (a) A Guide to the Budget Papers;
- (b) Budget Overview;
- (c) Treasurer's Speech (Budget Paper No. 1);
- (d) Budget Statement (Budget Paper No. 2);
- (e) Budget Estimates (Budget Paper No. 3); and
- (f) Budget Corrigendum.

Question – put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.

The Honourable R.I. Knowles moved, by leave, That the papers tabled pursuant to the foregoing Order be taken into consideration later this day.

Question – put and resolved in the affirmative.

**3 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

**4 WATERFRONT DISPUTE** – The Honourable P. Power moved, That this House, mindful of recent developments on the waterfront –

- (a) supports waterfront reform when a proper partnership exists between employers and employees to ensure negotiations are conducted in the best interests of the general community;
- (b) recognises that employees are free to associate with the registered organisations of their choice;
- (c) acknowledges the right of Victorian citizens to gather in a peaceful assembly; and
- (d) rejects the use of contrived asset stripping devices by companies to avoid their legal responsibilities to their employees.

Debate ensued.

The Honourable P.R. Davis moved, as an amendment, That all the words and expressions after "That this House" be omitted with the view of inserting in place thereof "supports waterfront reform in the best interests of the general community."

Debate ensued.

Question – That the words and expressions proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 8

The Hon. M.M. Gould  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella (*Teller*)  
 P. Power (*Teller*)  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole

NOES, 29

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 R.H. Bowden (*Teller*)  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely

W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Dr. R.J.H. Wells (*Teller*)  
 Sue deC Wilding

And so it passed in the negative.

Question – That the words proposed to be inserted be so inserted – put.

The Council divided.

AYES, 29

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover (*Teller*)  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross (*Teller*)  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong

NOES, 8

The Hon. M.M. Gould  
 C.J. Hogg (*Teller*)  
 J. McLean  
 D.A. Nardella  
 P. Power  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole (*Teller*)

Dr. R.J.H. Wells  
Sue deC Wilding

And so it was resolved in the affirmative.

Question – That this House supports waterfront reform in the best interests of the general community – put and resolved in the affirmative.

**5 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.

**6 BUILDING (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**7 CREDIT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

**9 TRANSPORT ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

**11 SUSPENSION OF STANDING ORDERS — QUESTIONS** — The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question — put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**12 ELECTRICITY INDUSTRY (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 STATE TRUSTEES (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** – The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the following Address to His Excellency the Governor in reply to His Excellency's Opening Speech:

MAY IT PLEASE YOUR EXCELLENCY –

We, the Legislative Council of Victoria, in Parliament assembled, wish to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech you have been pleased to address to Parliament –

Debate resumed.

Question – put and resolved in the affirmative.

The Honourable M.A. Birrell moved, That the Address be presented to His Excellency the Governor by the President and such Members of the Council as may wish to accompany him.

Question – put and resolved in the affirmative.

**15 BUDGET PAPERS 1998-99** – The Order of the Day having been read for the consideration of the Budget Papers, 1998-99, the Honourable R.M. Hallam moved, That the Council take note of the Budget Papers, 1998-99.

Debate ensued.

The Honourable R.H. Bowden moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**16 ADJOURNMENT** – The Honourable R.M. Hallam moved, That the Council, at its rising, adjourn until Tuesday next.

Question – put and resolved in the affirmative.

The Honourable R.M. Hallam moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.30 p.m., adjourned until Tuesday next.

A.V. BRAY  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 11, 12 and 13

### No. 11 – Tuesday, 28 April 1998

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - Drugs, Poisons and Controlled Substances (Amendment) Act*
  - Electricity Industry (Amendment) Act*
  - Fire and Emergency Services Acts (Amendment) Act*
  - Health Acts (Statute Law Revision) Act*
  - Health Services (Amendment) Act*
  - Retail Tenancies Reform Act*
  - State Trustees (Amendment) Act*
  - Transport Acts (Amendment) Act*
  - Valuation of Land (Amendment) Act.*
- 3 **FIREARMS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.
- 4 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 5 **TEMPORARY CHAIRMEN OF COMMITTEES** – The President laid upon the Table the following Warrant nominating Temporary Chairmen of Committees:

LEGISLATIVE COUNCIL  
VICTORIA

Pursuant to the provisions of the Standing Order of the Legislative Council numbered 160, I do hereby nominate –

The Honourable Gerald Barry Ashman  
The Honourable Barry Wilfred Bishop  
The Honourable Jean McLean  
The Honourable Donato Antonio Nardella  
The Honourable Barry Thomas Pullen  
The Honourable Eadley Graeme Stoney and  
The Honourable Christopher Arthur Strong –

to act as Temporary Chairmen of Committees whenever requested to do so by the Chairman of Committees or whenever the Chairman of Committees is absent.



Given under my hand this twenty-eighth day of April, One thousand nine hundred and ninety-eight.

BRUCE CHAMBERLAIN  
President of the Legislative Council

## 6 PAPERS –

**FEDERAL-STATE RELATIONS COMMITTEE – MULTILATERAL AGREEMENT ON INVESTMENT** – The Honourable B.T. Pullen moved, by leave, That there be laid before this House a copy of the –

- (a) Federal-State Relations Committee's Comments to the Commonwealth Joint Standing Committee on Treaties on the subject of their inquiries into the Multilateral Agreement on Investment;
- (b) Multilateral Agreement on Investment Negotiating Text (as of 14 February 1998); and
- (c) Commentary to the MAI Negotiating Text (as of 14 February 1998).

Question – put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable B.T. Pullen and ordered to lie on the Table.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – AUDITOR-GENERAL'S OFFICE FINANCIAL AND PERFORMANCE AUDITS** – The Honourable W. Forwood presented a Report from the Public Accounts and Estimates Committee upon the Appointment of Independent Auditors to conduct Financial and Performance Audits of the Victorian Auditor-General's Office, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Adult Education Council – Report, 1997.

Driver Education Centre of Australia Ltd – Minister for Tertiary Education and Training's report of 22 April 1998 of receipt of the 1997 report.

Melbourne City Link Act 1995 –

Order in Council of 7 April 1998 varying the project area of land pursuant to section 8(4) of the Act.

Variations to the Melbourne City Link Project Agreement, 22 April 1998, pursuant to section 15(2) of the Act (four papers).

Planning and Environment Act 1987 – Notices of approval of the following amendments to planning schemes:

Berwick Planning Scheme – Amendments L115 and L116.

Brimbank Planning Scheme – Amendments L36, L42, L50 and L52.

Campaspe Planning Scheme – Amendment L3.

Flinders Planning Scheme – Amendment L172.

Geelong – Greater Geelong Planning Scheme – Amendments R206 and R210.

Glen Eira Planning Scheme – Amendment L20.

Hastings Planning Scheme – Amendment L118.

Knox Planning Scheme – Amendments L153 and L162.

Maffra Planning Scheme – Amendments L32 and L33.

Melbourne Planning Scheme – Amendment L316.

Melton Planning Scheme – Amendments L80 and L86.

Mitchell Planning Scheme – Amendment L20.

Planning and Environment Act 1987 – *continued*

Monash Planning Scheme – Amendments L25 and L32 Part 2.

Pakenham Planning Scheme – Amendment L148.

Shepparton (Shire) Planning Scheme – Amendment L82.

Sherbrooke Planning Scheme – Amendment L107.

Surf Coast Planning Scheme – Amendment R42 Part 1.

Werribee Planning Scheme – Amendment L127.

Whittlesea Planning Scheme – Amendment L159.

A Statutory Rule under the Freedom of Information Act 1982 – No. 41.

\* \* \* \* \*

**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 17 February 1998:

St Andrew's Foundation Act 1997 – Sections 5 and 6 – 23 April 1998  
(*Gazette No. G16, 23 April 1998*).

Health Services (St Andrew's Hospital) Act 1997 – Section 3 – 7 May 1998  
(*Gazette No. G16, 23 April 1998*).

- 7 SEA-CARRIAGE DOCUMENTS BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second and, after further debate, the question being put was resolved in the affirmative. Bill read a second time and, by leave, read a third time and passed.  
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.
- 9 CRIMES (FAMILY VIOLENCE) (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 10 PROPERTY LAW (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 11 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 5 and 6, be postponed until later this day.
- 12 CREDIT (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 BUILDING (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 BUDGET PAPERS, 1998-99** – The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 1998-99 –

Debate resumed.

The Honourable W.R. Baxter moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**15 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.04 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 12 – Wednesday, 29 April 1998**

**1** The President took the Chair and read the Prayer.

**2 APPROPRIATION (PARLIAMENT 1998/99) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 1998/99 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**3 PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Crown Land (Reserves) Act 1978 – Minister's Order of 22 April 1998 giving approval to granting of a lease at Barwon Heads.

Electoral Commissioner – Statement of functions conferred, 21 April 1998.

**4 BUSINESS POSTPONED** – Ordered – That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

**5 CORPORATE CREDIT CARDS** – The Honourable T.C. Theophanous moved, That this House –

- (a) registers its total opposition to the use of State Government Corporate Credit Cards for private purposes in contravention of Government guidelines;

- (b) notes with alarm the widespread use of the cards for private purposes, which may be in contravention of Federal tax laws and other State laws; and
- (c) calls on the Government to uphold the law by referring such cases to the police and establishing a full independent inquiry to investigate all relevant matters.

Debate ensued.

Question – put.

The Council divided.

AYES, 9

The Hon. Tayfun Eren (*Teller*)  
 M.M. Gould  
 C.J. Hogg  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen (*Teller*)  
 T.C. Theophanous  
 D.T. Walpole

NOES, 32

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis (*Teller*)  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith (*Teller*)  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it passed in the negative.

- 6 APPROPRIATION (PARLIAMENT 1998/99) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**7 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

**8 BUDGET PAPERS, 1998-99** – The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 1998-99 –

Debate resumed.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

**9 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**10 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**11 ELECTRICITY SAFETY BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable T.C. Theophanous moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until such time as the Municipal Association of Victoria's concerns regarding new provisions relating to the enforcement of power line clearance, which carry severe financial penalties on councils, have been subjected to further review to –

- (a) determine responsibility issues around who is creating the fire risk; and
- (b) place an onus on distribution companies to minimise the risk which they create by undergrounding cables wherever practicable, or at least by bundling them."

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 30

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter

NOES, 9

The Hon. Tayfun Eren (*Teller*)  
M.M. Gould  
C.J. Hogg (*Teller*)  
D.A. Nardella

R.A. Best	S.M. Nguyen
B.W. Bishop	P. Power
B.C. Boardman	B.T. Pullen
R.H. Bowden	T.C. Theophanous
A.R. Brideson	D.T. Walpole
I.J. Cover	
G.R. Craige	
D.M. Davis ( <i>Teller</i> )	
P.R. Davis ( <i>Teller</i> )	
W. Forwood	
C.A. Furletti	
R.M. Hallam	
W.A.N. Hartigan	
P.A. Katsambanis	
R.I. Knowles	
N.B. Lucas	
M.T. Luckins	
E.J. Powell	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC Wilding	

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 TRANSPORT ACCIDENT (AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Transport Accident Act 1986 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**13 ST GEORGE BANK AND ADVANCE BANK AUSTRALIA BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to facilitate the merger of Advance Bank Australia Limited with the St. George Bank Limited and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**14 EVIDENCE (CONFIDENTIAL COMMUNICATIONS) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable D.A. Nardella moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until adequate mechanisms to control the subpoenaing of victims' files in sexual assault criminal trials and suitable provisions concerning judicial discretion are thoroughly investigated".

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 32

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best (*Teller*)  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 W. Forwood (*Teller*)  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong

NOES, 9

The Hon. Tayfun Eren (*Teller*)  
 M.M. Gould  
 C.J. Hogg  
 J. McLean (*Teller*)  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power  
 T.C. Theophanous  
 D.T. Walpole

Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 BUDGET PAPERS, 1998-99** – The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 1998-99 –

Debate resumed.

The Honourable E.J. Powell moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 16 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.07 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 13 – Thursday, 30 April 1998**

- 1 The President took the Chair and read the Prayer.
- 2 **GAS PIPELINES ACCESS (VICTORIA) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make provision for the regulation of third party access to natural gas pipeline systems, to amend the Gas Industry Act 1994 and for other purposes* and desiring the concurrence of the Council therein.  
 On the motion of the Honourable R.I. Knowles (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **VICTORIAN PLANTATIONS CORPORATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Victorian Plantations Corporation Act 1993, to amend certain other Acts and for other purposes* and desiring the concurrence of the Council therein.  
 On the motion of the Honourable R.I. Knowles (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:  
 Anti-Cancer Council – Report, 1997.



Statutory Rules under the following Acts of Parliament:

Conservation, Forests and Lands Act 1987 – No. 43.

Consumer Affairs Act 1972 – No. 44.

Livestock Disease Control Act 1994 – No. 42.

Victims of Crime Assistance Act 1996 – No. 45.

Subordinate Legislation Act 1994 –

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 45.

Minister's exemption certificates under section 9(6) in respect of Statutory Rules Nos. 42 and 43.

- 5 ST GEORGE BANK AND ADVANCE BANK AUSTRALIA BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.

*And the President having ruled the Bill to be a Private Bill –*

The Honourable R.I. Knowles moved, That this Bill be dealt with as a Public Bill except in relation to the payment of fees.

Question – put and resolved in the affirmative.

*And the Honourable R.I. Knowles having produced a receipt showing that the sum of \$1000 had been paid to the Department of the Legislative Council as a deposit to meet the expenses of the Bill –*

The Honourable T.C. Theophanous moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 6 TRANSPORT ACCIDENT (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable P. Power) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 7 BUDGET PAPERS, 1998-99** – The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 1998-99 –

Debate resumed.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

- 8 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 9 BUDGET PAPERS, 1998-99** – Debate continued on the question, That the Council take note of the Budget Papers, 1998-99.

The Honourable Dr. R.J.H. Wells moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**10 GAMING ACTS (AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Tattersall Consultations Act 1958, the Gaming Machine Control Act 1991 and the Club Keno Act 1993 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**11 AUDITOR-GENERAL'S OFFICE FINANCIAL AUDIT** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the appointment of Mr. Douglas N. Bartley to conduct the financial audit of the Auditor-General's Office, and desiring the concurrence of the Council therein.

Ordered – That the Message be taken into consideration forthwith.

The Honourable R.I. Knowles moved, by leave, That the Council concur with the Assembly and resolves That, pursuant to section 17 of the *Audit Act 1994*, Mr Douglas N. Bartley of KPMG be appointed to conduct the financial audit of the Auditor-General's Office for the 1997-98 financial year in accordance with the conditions of appointment and remuneration contained in Appendix 2 of the Report of the Public Accounts and Estimates Committee on the Appointment of Independent Auditors to Conduct Financial and Performance Audits of the Victorian Auditor-General's Office (Parliamentary Paper No. 7, Session 1998).

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them accordingly.

**12 AUDITOR-GENERAL'S OFFICE PERFORMANCE AUDIT** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the appointment of Mr. Stuart Alford to conduct the performance audit of the Auditor-General's Office, and desiring the concurrence of the Council therein.

Ordered – That the Message be taken into consideration forthwith.

The Honourable R.I. Knowles moved, by leave, That the Council concur with the Assembly and resolves That, pursuant to section 19 of the *Audit Act 1994*, Mr Stuart Alford of Ernst & Young be appointed to conduct the performance audit of the Auditor-General's Office in accordance with the terms and conditions and remuneration contained in Appendix 3 of the Report of the Public Accounts and Estimates Committee on the Appointment of Independent Auditors to Conduct Financial and Performance Audits of the Victorian Auditor-General's Office (Parliamentary Paper No. 7, Session 1998).

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them accordingly.

**13 GAS PIPELINES ACCESS (VICTORIA) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.

The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 14 VICTORIAN PLANTATIONS CORPORATION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.
- The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.
- Question – That the debate be now adjourned – put and resolved in the affirmative.
- Ordered – That the debate be adjourned until the next day of meeting.
- 15 GAMING ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.
- The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.
- Question – That the debate be now adjourned – put and resolved in the affirmative.
- Ordered – That the debate be adjourned until the next day of meeting.
- 16 LOCAL GOVERNMENT (DAREBIN CITY COUNCIL) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to dismiss the Darebin City Council and set a date for a general election for that Council and for other purposes* and desiring the concurrence of the Council therein.
- On the motion of the Honourable R.I. Knowles (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.
- Accordingly, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.
- The Honourable C.J. Hogg (for the Honourable P. Power) moved, That the debate be now adjourned.
- Question – That the debate be now adjourned – put and resolved in the affirmative.
- Ordered – That the debate be adjourned until the next day of meeting.
- 17 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 12 May 1998.
- Question – put and resolved in the affirmative.
- The Honourable R.I. Knowles moved, That the House do now adjourn.
- Debate ensued.
- Question – put and resolved in the affirmative.
- And then the Council, at 6.01 p.m., adjourned until Tuesday, 12 May 1998.

A.V. BRAY  
 Clerk of the Legislative Council

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 14, 15 and 16

### No. 14 – Tuesday, 12 May 1998

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented Messages from Her Excellency the Lieutenant-Governor, as the Governor's Deputy, and His Excellency the Governor informing the Council that they had, on the following dates, given the Royal Assent to the undermentioned Acts presented to them by the Clerk of the Parliaments:
  - On 5 May 1998 –
    - Building (Amendment) Act*
    - Credit (Amendment) Act*
    - Crimes (Family Violence) (Amendment) Act*
    - Evidence (Confidential Communications) Act*
    - Firearms (Amendment) Act*
    - Property Law (Amendment) Act*
    - Sea-Carriage Documents Act*
  - On 12 May 1998 –
    - Electricity Safety Act.*
- 3 **EDUCATION (SELF-GOVERNING SCHOOLS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Education Act 1958 and the Teaching Service Act 1981 to make further provision for the management and operation of State schools and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **HERITAGE RIVERS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Heritage Rivers Act 1992 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **APPROPRIATION (1998/99) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill for the *appropriation of certain sums out of the Consolidated Fund in respect of the financial year 1998/99 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 DRIED FRUITS (REPEAL) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to repeal the Dried Fruits Act 1958, to transfer the property, assets, rights and liabilities of the Victorian Dried Fruits Board to a trust established for the purpose of promoting the development of the dried fruits industry and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 AGRICULTURE ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Agricultural Industry Development Act 1990, the Barley Marketing Act 1993, the Plant Health and Plant Products Act 1995 and the Prevention of Cruelty to Animals Act 1986 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 9 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 10 PUBLICATION OF PROCEEDINGS** – The Honourable R.I. Knowles moved, by leave, That this House authorizes the publication in written or electronic form of any report, paper, votes or proceedings within the meaning of section 73 of the *Constitution Act 1975* by such persons, officers or servants as may be nominated in writing from time to time by Mr. President.

Question – put and resolved in the affirmative.

- 11 PAPERS** –

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST** – The Honourable P.A. Katsambanis presented Alert Digest No. 4 of 1998 from the Scrutiny of Acts and Regulations Committee, together with an Appendix and an Extract from the Proceedings of the Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**STATUTORY RULES SERIES 1997** – The Honourable P.A. Katsambanis presented a Report from the Scrutiny of Acts and Regulations Committee upon Subordinate Legislation concerning Statutory Rules Series 1997, together with Appendices.

Ordered to lie on the Table and to be printed.

**FIFTH ANNUAL REPORT** – The Honourable P.A. Katsambanis presented the Fifth Annual Report from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General – Report on Acute Health Services under Casemix: *A case of mixed priorities*, May 1998.

Crown Land (Reserves) Act 1978 – Minister's Orders of 10, 20 and 28 April 1998 giving approval to granting of a lease and licences at Anakie, Ballarat East and Daylesford (three papers).

Deakin University – Report, 1997.

Drugs, Poisons and Controlled Substances Act 1981 – Poisons Code – Amendment No. 3, Standard for the Uniform Scheduling of Drugs and Poisons, No. 12, 19 June 1998, and Minister's Notice regarding the amendment, commencement and availability of the Poisons Code (two papers).

La Trobe University – Report, 1997.

Judicial Remuneration Tribunal – Report on Judicial Salary and Allowances, 31 March 1998.

Monash University – Report, 1997.

Northern Victorian Fresh Tomato Industry Development Committee – Minister for Agriculture and Resources' report of 8 May 1998 of receipt of the 1996-97 report.

Ombudsman – Final Report on investigation of Allegations against Police in Relation to the Shutter Allocation System, May 1998.

Planning and Environment Act 1987 – Notices of approval of the following amendments to planning schemes:

Ballarat Planning Scheme – Amendment L35.

Boroondara Planning Scheme – Amendment L37.

Colac Otway Planning Scheme – Amendment L16.

Doncaster and Templestowe Planning Scheme – Amendment L123.

Glen Eira Planning Scheme – Amendment L24.

Golden Plains Planning Scheme – Amendment L8.

Knox Planning Scheme – Amendments L144 and L163.

Korong Planning Scheme – Amendment L4.

Macedon Ranges Planning Scheme – Amendment L21.

Moonee Valley Planning Scheme – Amendment L33.

Port Phillip Planning Scheme – Amendment L64.

Stonnington Planning Scheme – Amendments L46 and L56.

Victoria – State Section Planning Schemes – Amendment SR4.

Whitehorse Planning Scheme – Amendments L4 and L28.

Yarra Planning Scheme – Amendment L72.

Royal Melbourne Institute of Technology – Report, 1997.

Statutory Rules under the following Acts of Parliament:

Alpine Resorts (Management) Act 1997 – No. 46.

Conservation, Forests and Lands Act 1987 – No. 47.

Metropolitan Fire Brigades Act 1958 – No. 48.

Trans-Tasman Mutual Recognition (Victoria) Act 1998 – No. 49.

Subordinate Legislation Act 1994 –

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 48.

Subordinate Legislation Act 1994 – *continued*

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 47 and 49.

Swinburne University of Technology – Report, 1997.

University of Ballarat – Report, 1997.

Victoria University of Technology – Report, 1997 (three papers).

Youth Parole Board and Youth Residential Board – Report, 1996-97.

\* \* \* \* \*

**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 17 February 1998:

Alpine Resorts (Management) Act 1997 – Remaining provisions – 30 April 1998 (*Gazette No. G17, 30 April 1998*).

Land (Reservations and other Matters) Act 1997 – Part 5, Item 19 of Schedule 1 and Schedule 12 – 8 May 1998 (*Gazette No. G18, 7 May 1998*).

Trans-Tasman Mutual Recognition (Victoria) Act 1998 – 1 May 1998 (*Gazette No. G17, 30 April 1998*).

\* \* \* \* \*

The Honourable M.M. Gould moved, That the Report of the Auditor-General on Acute Health Services under Casemix be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

**12 HERITAGE RIVERS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**13 APPROPRIATION (1998/99) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**14 COGNATE DEBATE** – The Honourable R.M. Hallam moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Appropriation (1998/99) Bill to be taken concurrently with further debate on the motion to take note of the Budget Papers, 1998-99.

Question – put and resolved in the affirmative.

**15 AGRICULTURE ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 16 DRIED FRUITS (REPEAL) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 17 EDUCATION (SELF-GOVERNING SCHOOLS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell (for the Honourable R.I. Knowles) moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 18 ST GEORGE BANK AND ADVANCE BANK AUSTRALIA BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 19 TRANSPORT ACCIDENT (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 32

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
B.W. Bishop (*Teller*)  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely (*Teller*)  
W. Forwood  
C.A. Furletti

NOES, 9

The Hon. Tayfun Eren  
M.M.Gould (*Teller*)  
C.J. Hogg  
J. McLean (*Teller*)  
S.M. Nguyen  
P. Power  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole



P.R.Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**20 VICTORIAN PLANTATIONS CORPORATION (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable T.C. Theophanous moved as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until all details are made public and full public consultation has taken place regarding –

- (a) which public lands will be licensed;
- (b) the future of areas of native vegetation now vested with the Victorian Plantations Corporation; and
- (c) the financial implications and evaluations of the proposals."

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 32	NOES, 9
The Hon. L. Asher	The Hon. M.M. Gould
G.B. Ashman	C.J. Hogg
B.N. Atkinson	J. McLean
W.R. Baxter	D.A. Nardella
R.A. Best	S.M. Nguyen
M.A. Birrell	P. Power ( <i>Teller</i> )

B.W. Bishop	B.T. Pullen ( <i>Teller</i> )
B.C. Boardman	T.C. Theophanous
R.H. Bowden	D.T. Walpole
A.R. Brideson	
I.J. Cover	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti ( <i>Teller</i> )	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan ( <i>Teller</i> )	
P.A. Katsambanis	
R.I. Knowles	
N.B. Lucas	
M.T. Luckins	
E.J. Powell	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC Wilding	

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put.

The Council divided.

AYES, 32	NOES, 9
The Hon. L. Asher	The Hon. M.M. Gould
G.B. Ashman	C.J. Hogg
B.N. Atkinson	J. McLean
W.R. Baxter	D.A. Nardella ( <i>Teller</i> )
R.A. Best	S.M. Nguyen
M.A. Birrell	P. Power
B.W. Bishop	B.T. Pullen
B.C. Boardman	T.C. Theophanous
R.H. Bowden	D.T. Walpole ( <i>Teller</i> )
A.R. Brideson ( <i>Teller</i> )	
I.J. Cover	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti	

P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong (*Teller*)  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 21 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 22 GAS PIPELINES ACCESS (VICTORIA) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 23 RAIL CORPORATIONS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Rail Corporations Act 1996 and the Transport Act 1983 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 24 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.33 p.m., adjourned until tomorrow.

A.V. BRAY  
 Clerk of the Legislative Council

**No. 15 – Wednesday, 13 May 1998**

- 1 The President took the Chair and read the Prayer.
- 2 **MELBOURNE AND OLYMPIC PARKS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Melbourne and Olympic Parks Act 1985 to provide for the revocation of reservations of certain lands and the re-reservation of those lands and for other purposes and desiring the concurrence of the Council therein.*  
On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **MELBOURNE CITY LINK (EXHIBITION STREET EXTENSION) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Melbourne City Link Act 1995, to provide for the ratification of agreements with respect to the Melbourne City Link Project and the Exhibition Street Extension Project and to make further provision for the operation of the Exhibition Street Extension Project road, to amend the Melbourne City Link Authority Act 1994 to make further provision with respect to the powers and functions of the Melbourne City Link Authority, to make related amendments to other Acts and for other purposes and desiring the concurrence of the Council therein.*  
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Auditor-General – Report on Ministerial Portfolios, May 1998.
  - Construction Industry Long Service Leave Board – Report for the period 1 July 1997 to 30 November 1997.
  - Ombudsman – Interim Report on Allegations raised concerning the activities of the Operations Intelligence Unit of Victoria Police and other related issues, May 1998.
  - Statutory Rules under the following Acts of Parliament:
    - Supreme Court Act 1986 – No. 51.
    - Supreme Court Act 1986 – Adoption Act 1984 – No. 50.
    - Subordinate Legislation Act 1994 – Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 50.
- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.
- 6 **GAMING INDUSTRY INQUIRY** – The Honourable T.C. Theophanous moved, That this House –
  - (a) welcomes the proposed Productivity Commission inquiry into Australia's gaming industry;
  - (b) calls on the Government to co-operate with the inquiry and to support broad terms of reference, including examining the relationship between governments and gaming operators; and
  - (c) calls on the Government to release all documents relating to the Casino tendering process to aid the Commission's investigation.

Debate ensued.

Question – put.

The Council divided.

AYES, 10

The Hon. Tayfun Eren  
 M.M. Gould  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella (*Teller*)  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole (*Teller*)

NOES, 33

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas (*Teller*)  
 M.T. Luckins (*Teller*)  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it passed in the negative.

- 7 **RAIL CORPORATIONS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.

The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 8 **MELBOURNE CITY LINK (EXHIBITION STREET EXTENSION) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable R.M. Hallam made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 9 MELBOURNE AND OLYMPIC PARKS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 10 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 11 GAMING ACTS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 LOCAL GOVERNMENT (DAREBIN CITY COUNCIL) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

- 14 HERITAGE RIVERS (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 28

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter

NOES, 8

The Hon. Tayfun Eren  
M.M. Gould (*Teller*)  
C.J. Hogg  
J. McLean

R.A. Best	D.A. Nardella
B.W. Bishop	S.M. Nguyen ( <i>Teller</i> )
B.C. Boardman	P. Power
R.H. Bowden	D.T. Walpole
A.R. Brideson	
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti	
R.M. Hallam	
W.A.N. Hartigan	
P.A. Katsambanis ( <i>Teller</i> )	
M.T. Luckins	
E.J. Powell	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC Wilding ( <i>Teller</i> )	

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 AGRICULTURE ACTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 AMBULANCE SERVICES (AMENDMENT) BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Ambulance Services Act 1986 to make further provision for ambulance services, to abolish the Victorian Ambulance Board and the Ambulance Officers Training Centre and to make consequential amendments to other Acts and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable G.R. Craige (for the Honourable R.I. Knowles), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**17 LAND TAX (AMENDMENT) BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Land Tax Act 1958 to introduce a principal place of residence exemption, to repeal the Land Tax

(Revision) Act 1991 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable G.R. Craige (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 18 AMBULANCE SERVICES (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige (for the Honourable R.I. Knowles) moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 19 DRIED FRUITS (REPEAL) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 20 APPROPRIATION (1998/99) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the 1998-99 Budget Papers having been authorized to be debated concurrently pursuant to an Order of the Council on 12 May 1998] –

Debate resumed.

Leave having been granted to enable her to continue her speech, the Honourable J. McLean moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

- 21 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 22 GAMING No. 2 (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

- 23 STATE TAXATION (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Debts Tax Act 1990, the Financial Institutions Duty Act 1982, the Pay-roll Tax Act 1971, the Racing Act 1958, the Stamps Act 1958, the Taxation Administration Act 1997 and the Taxation (Reciprocal Powers) Act 1987 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.I. Knowles (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 24 APPROPRIATION (1998/99) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a



second time [the motion to take note of the 1998-99 Budget Papers having been authorized to be debated concurrently pursuant to an Order of the Council on 12 May 1998] –

Debate resumed.

The Honourable C.J. Hogg (for the Honourable Tayfun Eren) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**25 ADJOURNMENT** – The Honourable G.R. Craige moved, That the House do now adjourn.

Debate ensued.

*And the Council having continued to sit until after 12 midnight –*

THURSDAY, 14 MAY 1998

Debate continued.

Question – put and resolved in the affirmative.

And then the Council, at 12.12 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 16 – Thursday, 14 May 1998**

1 The President took the Chair and read the Prayer.

2 **PAPERS** –

**ECONOMIC DEVELOPMENT COMMITTEE – BUSINESS MIGRATION –**

The Honourable C.A. Strong presented the Final Report from the Economic Development Committee upon the Economic Impact of Business Migration in Victoria, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Alpine Health – Report for the period 1 November 1996 to 30 June 1997.

Auditor-General – Report on Public Transport Reforms: *Moving from a system to a service*, May 1998.

Bright District Hospital and Health Services – Report for the period 1 July 1996 to 31 October 1996.

Members of Parliament (Register of Interests) Act 1978 – Summary of Variations notified between 4 December 1997 and 13 May 1998.

Myrtleford District War Memorial Hospital – Report for the period 1 July 1996 to 31 October 1996.

Parliamentary Committees Act 1968 – Minister's response to recommendations in Public Accounts and Estimates Committee's report upon the 1997-98 Budget Estimates.

Prince Henry's Institute of Medical Research – Report, 1997.

Tawonga District General Hospital – Report for the period 1 July 1996 to 31 October 1996.

- 3 EDUCATION (SELF-GOVERNING SCHOOLS) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 30

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan (*Teller*)  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell (*Teller*)  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

NOES, 6

The Hon. C.J. Hogg  
 J. McLean (*Teller*)  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen  
 D.T. Walpole (*Teller*)

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 4 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.
- 5 APPROPRIATION (PARLIAMENT 1998/99) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 6 APPROPRIATION (1998/99) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the 1998-99 Budget Papers having been authorized to be debated concurrently pursuant to an Order of the Council on 12 May 1998] and the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 7 BUDGET PAPERS, 1998-99** – The concurrent debate having concluded –  
Question – That the Council take note of the Budget Papers, 1998-99 – put and resolved in the affirmative.

- 8 RAIL CORPORATIONS (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

- 9 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A

- 10 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 11 RAIL CORPORATIONS (AMENDMENT) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put.

The Council divided.

AYES, 31

The Hon. L. Asher  
G.B. Ashman (*Teller*)  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
B.W. Bishop  
B.C. Boardman (*Teller*)  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis

NOES, 9

The Hon. M.M. Gould  
C.J. Hogg  
J. McLean  
D.A. Nardella  
S.M. Nguyen (*Teller*)  
P. Power  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole (*Teller*)

R.S. de Fegely  
W. Forwood  
C.A. Furletti  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 LAND TAX (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**13 STATE TAXATION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**14 MELBOURNE AND OLYMPIC PARKS (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the government has –

- (a) recognised the 'parklands code' by undertaking public consultation and objective assessment of the proposed changes to parklands and demonstrating how lost parkland will be replaced with areas of comparable size and quality;
- (b) provided the public with full details of the project, including drawings, costings and proposed financing; and
- (c) provided for traffic, public transport and parking requirements for the multipurpose velodrome".

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

	AYES, 31		NOES, 9
The Hon.	L. Asher	The Hon.	M.M. Gould ( <i>Teller</i> )
	G.B. Ashman		C.J. Hogg
	B.N. Atkinson		J. McLean
	W.R. Baxter		D.A. Nardella
	R.A. Best		S.M. Nguyen
	M.A. Birrell		P. Power ( <i>Teller</i> )
	B.W. Bishop ( <i>Teller</i> )		B.T. Pullen
	B.C. Boardman		T.C. Theophanous
	R.H. Bowden		D.T. Walpole
	A.R. Brideson		
	I.J. Cover		
	G.R. Craige		
	D.M. Davis ( <i>Teller</i> )		
	P.R. Davis		
	W. Forwood		
	C.A. Furletti		
	R.M. Hallam		
	W.A.N. Hartigan		
	P.A. Katsambanis		
	R.I. Knowles		
	N.B. Lucas		
	M.T. Luckins		
	E.J. Powell		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney		
	C.A. Strong		
	Rosemary Varty		
	Dr. R.J.H. Wells		
	Sue deC Wilding		

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next at 10.00 a.m.

Question – put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 5.17 p.m., adjourned until Tuesday next at 10.00 a.m.

A.V. BRAY

*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 17 and 18

### No. 17 – Tuesday, 19 May 1998

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - Agriculture Acts (Amendment) Act*
  - Dried Fruits (Repeal) Act*
  - Education (Self-Governing Schools) Act*
  - Gaming Acts (Amendment) Act*
  - Gaming No. 2 (Amendment) Act*
  - Gas Pipelines Access (Victoria) Act*
  - Heritage Rivers (Amendment) Act*
  - Local Government (Darebin City Council) Act*
  - Transport Accident (Amendment) Act*
  - Victorian Plantations Corporation (Amendment) Act.*
- 3 **MISCELLANEOUS ACTS (OMNIBUS No. 1) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Audit Act 1994, the Children and Young Persons Act 1989, the Confiscation Act 1997, the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, the Gaming Machine Control Act 1991, the Gaming No. 2 Act 1997, the Magistrates' Court Act 1989, the Port Services Act 1995, the Public Sector Superannuation (Administration) Act 1993 and the Wills Act 1997 and to amend or repeal certain other Acts and for other purposes and desiring the concurrence of the Council therein.*
- On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **PARKS VICTORIA BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish Parks Victoria, to amend the Water Industry Act 1994 and certain Acts and for other purposes and desiring the concurrence of the Council therein.*
- On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **CATCHMENT AND LAND PROTECTION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Catchment and Land Protection Act 1994 and the Water Act 1989 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 GAS INDUSTRY (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Gas Industry Act 1994, the Electricity Industry Act 1993 and the Electricity Industry (Further Miscellaneous Amendment) Act 1997 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 PUBLIC SECTOR MANAGEMENT AND EMPLOYMENT BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the management of the Victorian public sector and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 PUBLIC SECTOR REFORM (MISCELLANEOUS AMENDMENTS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Administrative Arrangements Act 1983, to repeal the Public Authorities (Equal Employment Opportunity) Act 1990 and the Public Sector Management Act 1992 and to provide for consequential and transitional matters arising from the repeal of the Public Sector Management Act 1992 and the enactment of the Public Sector Management and Employment Act 1998 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 TRIBUNALS AND LICENSING AUTHORITIES (MISCELLANEOUS AMENDMENTS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend various Acts as a consequence of the Victorian Civil and Administrative Tribunal Act 1998 and the Business Licensing Authority Act 1998, to repeal the Administrative Appeals Tribunal Act 1984, the Planning Appeals Act 1980 and certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 10 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish a Victorian Civil and Administrative Tribunal and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 11 BUSINESS LICENSING AUTHORITY BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish the Business Licensing Authority and for other purposes* and desiring the concurrence of the Council therein.



On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 12 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent Government Business taking precedence of all other business from 12.00 noon during the sitting of the Council on Wednesday, 20 May 1998.

Question – put and resolved in the affirmative.

**13 PAPERS** –

**SUPREME COURT JUDGES** – The Honourable L. Asher presented, by command of His Excellency the Governor, the Report of the Supreme Court Judges for the year 1997.

Ordered to lie on the Table.

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**COUNTY COURT JUDGES** – The Honourable L. Asher presented, by command of His Excellency the Governor, the Report of the County Court Judges for the year 1996-97.

Ordered to lie on the Table.

\* \* \* \* \*

**MAGISTRATES' COURT** – The Honourable L. Asher presented, by command of His Excellency the Governor, the Report of the Magistrates' Court for the year 1996-97.

Ordered to lie on the Table.

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**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE – WEEDS IN VICTORIA** – The Honourable B.W. Bishop presented a Report from the Environment and Natural Resources Committee upon Weeds in Victoria, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Law Foundation – Report, year ended 30 September 1997.

Melbourne University –

Minister's report of 12 May 1998 of failure to submit 1997 report to him within the prescribed period and the reasons therefor.

Report, 1997.

Planning and Environment Act 1987 –

Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme – Amendment L37.

Berwick Planning Scheme – Amendment L118.

Flinders Planning Scheme – Amendment L149.

Hobsons Bay Planning Scheme – Amendment L10.

Macedon Ranges Planning Scheme – Amendment L22.

Mortlake Planning Scheme – Amendment L7.

- 14 MISCELLANEOUS ACTS (OMNIBUS No. 1) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 15 PARKS VICTORIA BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable P. Power) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 16 CATCHMENT AND LAND PROTECTION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable P. Power) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 17 GAS INDUSTRY (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable R.M. Hallam made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable M.M. Gould (for the Honourable P. Power) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 18 PUBLIC SECTOR MANAGEMENT AND EMPLOYMENT BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 19 PUBLIC SECTOR REFORM (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**20 COGNATE DEBATE** – The Honourable M.A. Birrell moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Public Sector Management and Employment Bill and the Public Sector Reform (Miscellaneous Amendments) Bill to be taken concurrently.

Question – put and resolved in the affirmative.

**21 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable L. Asher made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**22 BUSINESS LICENSING AUTHORITY BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**23 TRIBUNALS AND LICENSING AUTHORITIES (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable L. Asher made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**24 COGNATE DEBATE** – The Honourable L. Asher moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Business Licensing Authority Bill, the Victorian Civil and Administrative Tribunal Bill and the Tribunals and Licensing Authorities (Miscellaneous Amendments) Bill to be taken concurrently.

Question – put and resolved in the affirmative.

**25 LAND TAX (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**26 STATE TAXATION (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**27 ORDERS OF THE COUNCIL RESCINDED** – The Honourable R.I. Knowles moved, by leave, That the Orders of the Council appointing the next day of meeting for the resumption of debate on the second readings of the Bills transmitted from the Assembly this day be read and rescinded, and that the resumption of the debate on those second readings be made an Order of the Day for later this day.

Question – put and resolved in the affirmative.

**28 MELBOURNE CITY LINK (EXHIBITION STREET EXTENSION) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed

Question – put.

The Council divided.

AYES, 29

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood (*Teller*)  
 C.A. Furletti (*Teller*)  
 P.R. Hall  
 R.M. Hallam  
 P.A. Katsambanis  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney

NOES, 8

The Hon. M.M. Gould  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella (*Teller*)  
 S.M. Nguyen  
 P. Power (*Teller*)  
 B.T. Pullen  
 D.T. Walpole

Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**29 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**30 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**31 MISCELLANEOUS ACTS (OMNIBUS No. 1) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable D.A. Nardella moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "while this House does not oppose some of the changes to legislation proposed in the Bill, it is of the opinion that Bills should not be drafted in this omnibus form because it does not allow the House to properly consider the many and varied propositions contained in the Bill, and that this legislation not proceed until –

- (a) the Parliament receives a report from the Premier on the difficulties he has experienced in establishing an Audit Victoria Board that has Members with practising certificates;
- (b) the Parliament receives a report from the Attorney-General as to the number of victims of crime successfully suing their offenders, seeking damages for their pain and suffering under section 31 of the *Confiscation Act 1997*;
- (c) the Premier establishes proper guidelines regulating the Community Support Fund; and
- (d) the Bill has been divided into ten Bills comprising the – (i) Audit (Amendment) Bill; (ii) Children and Young Persons (Amendment) Bill; (iii) Confiscation (Amendment) Bill; (iv) Crimes (Mental Impairment and Unfitness to be Tried) (Amendment) Bill; (v) Gaming Machine Control (Amendment) Bill; (vi) Gaming No. 2 (Further Amendment) Bill; (vii) Magistrates' Court (Amendment) Bill; (viii) Port Services (Amendment) Bill; (ix) Public Sector Superannuation (Administration) (Amendment) Bill; and (x) Wills (Amendment) Bill. "

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

	AYES, 31		NOES, 8
The Hon.	L. Asher	The Hon.	M.M. Gould
	G.B. Ashman		C.J. Hogg
	B.N. Atkinson ( <i>Teller</i> )		J. McLean
	W.R. Baxter		D.A. Nardella ( <i>Teller</i> )
	R.A. Best ( <i>Teller</i> )		S.M. Nguyen
	B.W. Bishop		P. Power
	B.C. Boardman		B.T. Pullen ( <i>Teller</i> )
	R.H. Bowden		D.T. Walpole
	A.R. Brideson		
	I.J. Cover		
	G.R. Craige		
	D.M. Davis		
	P.R. Davis		
	R.S. de Fegely		
	W. Forwood		
	C.A. Furletti		
	P.R. Hall		
	R.M. Hallam		
	W.A.N. Hartigan		
	P.A. Katsambanis		
	N.B. Lucas		
	M.T. Luckins		
	E.J. Powell		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney		
	C.A. Strong		
	Rosemary Varty		
	Dr. R.J.H. Wells		
	Sue deC Wilding		

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**32 GAS INDUSTRY (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until such time as –

- (a) the environmental effects statement process for the proposed Port Campbell underground gas storage facility is complete; and

- (b) local government has been consulted regarding the proposal to exempt privatised gas companies from paying council rates on gas pipelines."

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 30

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis (*Teller*)  
 P.R. Davis  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding (*Teller*)

NOES, 8

The Hon. M.M. Gould  
 C.J. Hogg  
 J. McLean (*Teller*)  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen  
 D.T. Walpole (*Teller*)

And so it was resolved in the affirmative – Amendment negated.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**33 CATCHMENT AND LAND PROTECTION (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 30

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden (*Teller*)  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross (*Teller*)  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

NOES, 8

The Hon. M.M. Gould  
 C.J. Hogg  
 J. McLean (*Teller*)  
 D.A. Nardella  
 S.M. Nguyen (*Teller*)  
 P. Power  
 B.T. Pullen  
 D.T. Walpole

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**34 PARKS VICTORIA BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.



AYES, 31

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson (*Teller*)  
 I.J. Cover (*Teller*)  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

NOES, 8

The Hon. M.M. Gould  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen (*Teller*)  
 D.T. Walpole (*Teller*)

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**35 AMBULANCE SERVICES (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 30

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson

NOES, 7

The Hon. M.M. Gould  
 C.J. Hogg  
 J. McLean (*Teller*)

W.R. Baxter	S.M. Nguyen
R.A. Best	P. Power ( <i>Teller</i> )
M.A. Birrell	B.T. Pullen
B.W. Bishop	D.T. Walpole
B.C. Boardman	
R.H. Bowden	
A.R. Brideson	
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti ( <i>Teller</i> )	
R.M. Hallam	
W.A.N. Hartigan ( <i>Teller</i> )	
P.A. Katsambanis	
R.I. Knowles	
N.B. Lucas	
M.T. Luckins	
E.J. Powell	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong	
Sue deC Wilding	

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**36 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.23 p.m., adjourned until tomorrow.

A.V. BRAY  
*Clerk of the Legislative Council*

## **No. 18 – Wednesday, 20 May 1998**

**1** The President took the Chair and read the Prayer.

**2 PAPERS –**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – REDUNDANT AND UNCLEAR LEGISLATION** – The Honourable P.A. Katsambanis presented a Report from the Scrutiny of Acts and Regulations Committee upon

Redundant and Unclear Legislation concerning the Review of the *Carriers and Innkeepers Act 1958*, together with an Appendix.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** – The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Parliamentary Committees Act 1968 – Minister's response to recommendations in Law Reform Committee's report upon Regulatory Efficiency Legislation.

- 3 BUSINESS POSTPONED** – Ordered – That the consideration of Notice of Motion, General Business, No. 1, be postponed until the next day of meeting.
- 4 SHIRE OF MOIRA** – The Honourable P. Power moved, That this House congratulates the Shire of Moira's elected Councillors for their individual and collective efforts to –
- (a) manage the municipality in the best interests of ratepayers and residents;
  - (b) make local government a leader within the region; and
  - (c) seek the assistance of state and federal government in plans for economic and social growth.

Debate ensued.

Question – put and resolved in the affirmative.

- 5 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time [the Business Licensing Authority Bill and the Tribunals and Licensing Authorities (Miscellaneous Amendments) Bill having been authorized to be debated concurrently pursuant to an Order of the Council on 19 May 1998] and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council.

Ordered – That the Bill be committed to a Committee of the whole later this day.

- 6 BUSINESS LICENSING AUTHORITY BILL** – The concurrent second reading debate having concluded –

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 7 TRIBUNALS AND LICENSING AUTHORITIES (MISCELLANEOUS AMENDMENTS) BILL** – The concurrent second reading debate having concluded –

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council.

Ordered – That the Bill be committed to a Committee of the whole later this day.

- 8 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL BILL** – This Bill was, according to Order, committed to a Committee of the whole. House in Committee.

The President resumed the Chair; and the Honourable G.B. Ashman having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**9 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**10 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**11 TRIBUNALS AND LICENSING AUTHORITIES (MISCELLANEOUS AMENDMENTS) BILL** – This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable G.B. Ashman having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 PUBLIC SECTOR MANAGEMENT AND EMPLOYMENT BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the Public Sector Reform (Miscellaneous Amendments) Bill having been authorized to be debated concurrently pursuant to an Order of the Council on 19 May 1998] –

Debate resumed.

Question – put.

The Council divided.

	AYES, 31		NOES, 8
The Hon.	L. Asher	The Hon.	M.M. Gould
	G.B. Ashman		C.J. Hogg
	B.N. Atkinson		J. McLean
	W.R. Baxter		D.A. Nardella
	R.A. Best		S.M. Nguyen
	M.A. Birrell		P. Power
	B.W. Bishop ( <i>Teller</i> )		B.T. Pullen ( <i>Teller</i> )
	B.C. Boardman		D.T. Walpole ( <i>Teller</i> )
	R.H. Bowden		
	A.R. Brideson ( <i>Teller</i> )		
	I.J. Cover		

G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative.

Ordered – That the Bill be committed to a Committee of the whole later this day.

**13 PUBLIC SECTOR REFORM (MISCELLANEOUS AMENDMENTS) BILL** – The concurrent second reading debate having concluded –

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**14 PUBLIC SECTOR MANAGEMENT AND EMPLOYMENT BILL** – This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honourable M.A. Birrell moved, That the Bill be now read a third time.

Question – put.

The Council divided.

AYES, 31

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best

NOES, 8

The Hon. M.M. Gould  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella (*Teller*)  
 S.M. Nguyen (*Teller*)

M.A. Birrell	P. Power
B.W. Bishop	B.T. Pullen
B.C. Boardman	D.T. Walpole
R.H. Bowden	
A.R. Brideson	
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti	
R.M. Hallam	
W.A.N. Hartigan	
P.A. Katsambanis ( <i>Teller</i> )	
R.I. Knowles	
N.B. Lucas	
E.J. Powell	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith ( <i>Teller</i> )	
Graeme Stoney	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC Wilding	

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Honourable the Speaker of the Legislative Assembly:

*Appropriation (1998/99) Act*

*Appropriation (Parliament 1998/99) Act.*

**16 PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Interpretation of Legislation Act 1984 – Notice pursuant to section 32(3)(a) (iii) in relation to Statutory Rule No. 24/1998.

A Statutory Rule under the Corrections Act 1986 – No. 52.

**17 QUESTIONS** – Answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**18 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

Debate ensued.

Question – put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.33 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

A.V. BRAY

*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 19 and 20

### No. 19 – Tuesday, 6 October 1998

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution having fixed this day at 2.30 p.m. as the time of meeting.

The President took the Chair and read the Prayer.

- 2 **PRESENTATION OF ADDRESS TO HIS EXCELLENCY THE GOVERNOR –**

The President reported that, accompanied by Honourable Members, he had waited upon His Excellency the Governor on 21 May 1998 and presented to him the Address of the Legislative Council adopted on 22 April 1998 in reply to His Excellency's speech at the Opening of Parliament, and that His Excellency had been pleased to make the following reply:

MR. PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL

In the name and on behalf of Her Majesty The Queen I thank you for your expressions of loyalty to our Most Gracious Sovereign contained in the address you have just presented to me.

I fully rely on your wisdom in deliberating upon the important measures to be brought under your consideration, and I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of this State.

- 3 **ASSENT TO ACTS –** The Honourable M.A. Birrell presented Messages from Her Excellency the Lieutenant-Governor as the Governor's Deputy informing the Council that she had, on the following dates, given the Royal Assent to the undermentioned Acts presented to her by the Clerk of the Parliaments:

On 26 May 1998 –

*Ambulance Services (Amendment) Act*  
*Catchment and Land Protection (Amendment) Act*  
*Gas Industry (Amendment) Act*  
*Land Tax (Amendment) Act*  
*Melbourne and Olympic Parks (Amendment) Act*  
*Miscellaneous Acts (Omnibus No. 1) Act*  
*Parks Victoria Act*  
*Public Sector Management and Employment Act*  
*Public Sector Reform (Miscellaneous Amendments) Act*  
*Rail Corporations (Amendment) Act*  
*State Taxation (Amendment) Act*



On 2 June 1998 –

*Business Licensing Authority Act*  
*Melbourne City Link (Exhibition Street Extension) Act*  
*St George Bank and Advance Bank Australia Act*  
*Tribunals and Licensing Authorities (Miscellaneous Amendments) Act*  
*Victorian Civil and Administrative Tribunal Act.*

- 4 LAND (REVOCATION OF RESERVATIONS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the revocation of reservations over certain areas of land, including land at Bairnsdale, and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 5 NATIONAL PARKS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the National Parks Act 1975 and the Conservation, Forests and Lands Act 1987 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 PHYSIOTHERAPISTS REGISTRATION BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make further provision for the registration of physiotherapists and investigations into the professional conduct and fitness to practise of registered physiotherapists, to regulate the advertising of physiotherapy services, to establish a new Physiotherapists Registration Board of Victoria and a Physiotherapists Registration Board Fund, to repeal the Physiotherapists Act 1978 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 PRINTERS AND NEWSPAPERS (REPEAL) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to repeal the Printers and Newspapers Act 1958, to amend the Wrongs Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 ROAD SAFETY (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Road Safety Act 1986 and the Sentencing Act 1991 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 10 LOCAL GOVERNMENT (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Local Government Act 1989 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 11 FUNDRAISING APPEALS BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to regulate fundraising appeals, to repeal the Fundraising Appeals Act 1984 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 12 ROAD SAFETY (DRIVING INSTRUCTORS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Road Safety Act 1986 to provide a scheme for the compulsory registration of driving instructors and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 13 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 14 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 15 MacKILLOP FAMILY SERVICES BILL** – On the motion (by leave without notice) of the Honourable R.I. Knowles, leave was given to bring in a Bill *relating to MacKillop Family Services Ltd and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 BUILDING (PLUMBING) BILL** – On the motion (by leave without notice) of the Honourable R.M. Hallam, leave was given to bring in a Bill *to amend the Building Act 1993 in relation to plumbing matters and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 17 ROAD SAFETY (FURTHER AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable G.R. Craige, leave was given to bring in a Bill *to amend the Road Safety Act 1986 and the Transport Accident Act 1986 and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 18 BAIL (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable L. Asher, leave was given to bring in a Bill *to amend the Bail Act 1977 and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 19 CRIMES (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable L. Asher, leave was given to bring in a Bill *to amend the Crimes Act 1958 and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 20 PATRIOTIC FUNDS (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable L. Asher, leave was given to bring in a Bill *to amend the Patriotic Funds Act 1958 and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 21 TRADE MEASUREMENT (ADMINISTRATION) (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable L. Asher, leave was given to bring in a Bill *to amend the Trade Measurement (Administration) Act 1995 and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 22 PETITION – PUBLIC SECTOR MANAGEMENT AND EMPLOYMENT BILL** – The Honourable T.C. Theophanous presented a Petition bearing 210 signatures from certain citizens of Victoria praying that the Public Sector Management and Employment Bill be subjected to full, intense and open debate in Parliament and urging that a committee of the Parliament be appointed to undertake a detailed and impartial examination of its merits.

Ordered to lie on the Table.

**23 PAPERS –**

**COMMONWEALTH TREATY DOCUMENTS** – The Honourable M.A. Birrell moved, by leave, That there be laid before this House a copy of the following Treaty documents:

- (a) Bilateral Agreements tabled in the Commonwealth Parliament on 12 May 1998, together with National Interest Analyses, dealing with –
  - Conservation of Southern Bluefin Tuna.
  - Films Co-Production, between Australia and Ireland.
  - Promotion and Protection of Investments, between Australia and Pakistan.
  - Social Security, between Australia and New Zealand.
- (b) Multilateral Agreements tabled in the Commonwealth Parliament on 12 May 1998, together with National Interest Analyses, dealing with –
  - Substances that Deplete the Ozone Layer.
  - Trade in Services.
  - Control of Transboundary Movements of Hazardous Wastes and their Disposal.
- (c) Multilateral Comprehensive Nuclear Test-Ban Treaty tabled in the Commonwealth Parliament on 13 May 1998, together with National Interest Analysis.
- (d) Bilateral Agreement on Mutual Recognition in relation to Conformity Assessment, Certificates and Markings, between Australia and the European Community, tabled in the Commonwealth Parliament on 26 May 1998, together with National Interest Analysis.
- (e) Multilateral Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their

Destruction tabled in the Commonwealth Parliament on 26 May 1998, together with National Interest Analysis.

- (f) Commonwealth Government Schedule of Negotiations for New Treaties 1997-98.
- (g) Bilateral Agreements tabled in the Commonwealth Parliament on 30 June 1998, together with National Interest Analyses, dealing with –
  - Medical Treatment for Temporary Visitors, between Australia and New Zealand.
  - Plutonium Transfers and Transfers of Nuclear Material from Australia to EURATOM, between Australia and the European Atomic Energy Community (EURATOM).
  - Extradition, between Australia and Poland.
  - Joint Defence Facility at Pine Gap, between Australia and the United States of America.
- (h) Multilateral treaty documents tabled in the Commonwealth Parliament on 30 June 1998, together with National Interest Analyses, dealing with –
  - Neutral Truce Monitoring Group for Bougainville, between Australia, Papua New Guinea, Fiji, New Zealand and Vanuatu.
  - Regulation of Whaling.
- (i) Multilateral Treaty documents tabled in the Commonwealth Parliament on 30 June 1998, together with National Interest Analysis and Regulation Impact Statement on International Telecommunication Union Final Acts of the World Radiocommunication Conference.
- (j) Bilateral Agreement on Mutual Recognition in Relation to Conformity Assessment, Certificates and Markings, between Australia and the European Community, tabled in the Commonwealth Parliament on 30 June 1998, together with Regulation Impact Statement, and Text and National Interest Analysis for the Agreement tabled in both Houses of Parliament on 26 May 1998 and Revised National Interest Analysis tabled in the Commonwealth Parliament on 3 June 1998.
- (k) Current Commonwealth Treaty Action: 1998.
- (l) Finalised Treaties and Negotiations for New Treaties.

Question – put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable M.A. Birrell and ordered to lie on the Table.

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**BLF CUSTODIAN** – The Honourable M.A. Birrell moved, by leave, That there be laid before this House copies of Reports Nos. 39 and 40 dated 31 May 1998 and 31 August 1998, respectively, given to Mr President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question – put and resolved in the affirmative.

The said reports were thereupon presented by the Honourable M.A. Birrell and ordered to lie on the Table.

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**PUBLIC SECTOR ASSET INVESTMENT PROGRAM 1998-99** – The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the 1998-99 Public Sector Asset Investment Program (Budget Information Paper No. 1).

Question – put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGESTS** – The Honourable P.A. Katsambanis presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 5 of 1998, together with an Appendix.

Alert Digest No. 6 of 1998, together with an Appendix.

Severally ordered to lie on the Table and to be printed.

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – REDUNDANT AND UNCLEAR LEGISLATION** – The Honourable M.T. Luckins presented the Minutes of Evidence taken by the Scrutiny of Acts and Regulations Committee in the Inquiry upon Redundant and Unclear Legislation concerning the Review of the *Carriers and Innkeepers Act 1958*.

Ordered to lie on the Table.

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**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Anderson's Creek Cemetery Trust – Report, 1997.

Auditor-General – Performance Audit of Office for the three years ended 30 June 1998.

Ballaarat General Cemeteries Trust – Report, 1997.

Bendigo Cemeteries Trust – Report, 1997.

Building Act 1983 –

Building Code of Australia – Amendment No. 3.

Minister's exemption certificate under section 9(6) of the Subordinate Legislation Act 1994 and notice of the Amendment (*Gazette S94, 9 September 1998*) (two papers).

Cheltenham and Regional Cemeteries Trust – Report, 1997.

Crown Land (Reserves) Act 1978 – Minister's Order of 20 May 1998 giving approval to granting of lease at Geelong.

Drugs, Poisons and Controlled Substances Act 1981 – Standard for the Uniform Scheduling of Drugs and Poisons, No. 12, Amendment No. 4, 21 September 1998 and No. 13, Amendment No. 1, 25 August 1998 and Minister's Notice regarding the amendment, commencement and availability of the Code (three papers).

Electoral Commissioner – Report on the Mitcham District By-Election, 13 December 1997.

Environment Conservation Council Act 1997 – Minister for Conservation and Land Management's notices of amendment of requests for the Environment Conservation Council to investigate Victoria's Marine, Coastal and Estuarine Areas and Victoria's Box-Ironbark Forests and Woodland Areas.

Environment Protection Act 1970 – Order in Council of 25 August 1998 declaring Industrial Waste Management Policy (Waste Acid Sulfate Soils).

Fawkner Crematorium and Memorial Park – Report, 1997.

Flora and Fauna Guarantee Act 1988 – Order in Council of 21 July 1998 adding items to Schedule 2 – List of Taxa and Communities of Flora or Fauna which are threatened.

Geelong Cemeteries Trust – Report, 1997.

Interpretation of Legislation Act 1984 – Notice pursuant to section 32(3)(a) in relation to Statutory Rule No. 80/1998.

Judicial Remuneration Tribunal – Statement from the Attorney-General as to reasons for varying certain recommendations in the Report on Judicial Salary and Allowances, 31 March 1998.

Keilor Cemetery Trust – Reports for the period 1 July 1995 to 31 December 1996 and 1997 (two papers).

Lilydale Memorial Park and Cemetery Trust – Report, 1997.

Melbourne and Olympic Parks Trust –  
Minister's report of failure to submit 1996-97 report to him within the prescribed period and the reasons therefor.  
Report, 1996-97.

Memorial Park Cemetery Trust – Report, 1997.

Murray-Darling Basin Act 1993 – Approved Schedules D and E of the Murray Darling Basin Agreement, 12 August 1998, pursuant to section 28(b) of the Act.

Necropolis Trust – Report, 1997.

Parliamentary Officers Act 1975 – Statements of appointments, alterations of classifications and of persons temporarily employed in the Parliamentary departments for the year 1997-98 (ten papers).

Planning and Environment Act 1987 –  
Notices of approval of the following amendments to planning schemes:  
Alexandra Planning Scheme – Amendment L43.  
Alpine Resorts Planning Scheme – Amendment VC2.  
Ararat Planning Scheme – Amendment SR182.  
Ballarat Planning Scheme – Amendments L25, L40, L41 and SR182.  
Banyule Planning Scheme – Amendments L12 and L16 to L18.  
Bayside Planning Scheme – Amendments L9, L12 and L13.  
Belfast Planning Scheme – Amendment L16.  
Bendigo – Greater Bendigo Planning Scheme – Amendments L74 and L79.  
Berwick Planning Scheme – Amendments L117, L129, L130, L135, L140 and RL185.  
Boroondara Planning Scheme – Amendments L34, L55, RL184 and SR182.  
Brimbank Planning Scheme – Amendments L45 and L54.  
Buloke Planning Scheme – Amendments L5 and SR182.  
Campaspe Planning Scheme – Amendments L19 and SR182.  
Campaspe Planning Scheme  
Central Goldfields Planning Scheme – Amendment SR182.  
Colac Otway Planning Scheme – Amendments L12, L13 and SR182.  
Corangamite Planning Scheme – Amendment SR182.  
Cranbourne Planning Scheme – Amendments L189, L191, L226, RL185 and 186.  
Dandenong – Greater Dandenong Planning Scheme – Amendments L13 and L19.  
Delatite Planning Scheme – Amendments L16 and SR182.  
Doncaster and Templestowe Planning Scheme – Amendments L130 and L136.  
Euroa Planning Scheme – Amendment SR182.  
Flinders Planning Scheme – Amendments L176, L179 and L180.  
Frankston Planning Scheme – Amendments L108 and L120.

Planning and Environment Act 1987 – *continued*

- Geelong – Greater Geelong Planning Scheme – Amendments L170, L222, L223, R199, R212, R220, RL184, RL202 and SR182.
- Glen Eira Planning Scheme – Amendment L27.
- Glenelg Planning Scheme – Amendment SR182.
- Golden Plains Planning Scheme – Amendment L10.
- Goulburn Planning Scheme – Amendment L28.
- Hastings Planning Scheme – Amendments L117, L125, L127 and L130.
- Hepburn Planning Scheme – Amendment L4.
- Hobsons Bay Planning Scheme – Amendments L6 and SR182.
- Horsham Planning Scheme – Amendment L12.
- Hume Planning Scheme – Amendments L14, L42, L46, L51, RL184 and SR182.
- Indigo Planning Scheme – Amendment SR182.
- Kingston Planning Scheme – Amendments L37 and L39.
- Knox Planning Scheme – Amendments L160, L168, L170, L173 and RL185.
- Lowan Planning Scheme – Amendment L17.
- Macedon Ranges Planning Scheme – Amendment SR182.
- Maribyrnong Planning Scheme – Amendments L33 to L36.
- Maroondah Planning Scheme – Amendments L20, L22 and L23
- Melbourne Planning Scheme – Amendments L249, L261, L301, L303, L312, L318, L321, L322, RL179, RL183 and SR182.
- Melton Planning Scheme – Amendments L75 Part 2, L81, L84, L95, L96, L98 and SR182.
- Metcalf Planning Scheme – Amendment L8.
- Metropolitan Region Planning Scheme – Amendments L82, RL179 and RL183.
- Mitchell Planning Scheme – Amendment SR182.
- Moira Planning Scheme – Amendment 20.
- Monash Planning Scheme – Amendments 41, L11, L34, L44, L46, L46A and L47.
- Moonee Valley Planning Scheme – Amendments L37 and SR182.
- Moreland Planning Scheme – Amendments L28, L52, L56 and L57.
- Mornington Planning Scheme – Amendment L92.
- Mortlake Planning Scheme – Amendment SR182.
- Morwell Planning Scheme – Amendment L63.
- Moyne Planning Scheme – Amendment SR182.
- Narracan Planning Scheme – Amendment L63.
- Nillumbik Planning Scheme – Amendments L3 and L12.
- Northern Grampians Planning Scheme – Amendment SR182.
- Orbost Planning Scheme – Amendment L28.
- Pakenham Planning Scheme – Amendments L119, L151, L154, L155, L157 and L162.
- Port of Melbourne Planning Scheme – Amendment L29.
- Port Phillip Planning Scheme – Amendments L65 and SR182.
- Rosedale Planning Scheme – Amendment L50.
- Sale Planning Scheme – Amendment SR182.
- Shepparton (Shire) Planning Scheme – Amendment SR182.
- Sherbrooke Planning Scheme – Amendment L109.
- Southern Grampians Planning Scheme – Amendment SR182.
- Stawell (Shire) Planning Scheme – Amendment L24.

Planning and Environment Act 1987 – *continued*

- Stonnington Planning Scheme – Amendments L16, L34, L35, L40 Part A, L41, L57, L58, L63, L64, L80 and SR182.
  - Surf Coast Planning Scheme – Amendments R44 and R52.
  - Traralgon (City) Planning Scheme – Amendments L74 and L76.
  - Traralgon (Shire) Planning Scheme – Amendment L57.
  - Victoria – State Section Planning Schemes – Amendments S64, S70 and S77.
  - Victoria Planning Provisions – Amendments V2, VC2 and VC3.
  - Violet Town Planning Scheme – Amendment L6.
  - Warrnambool Planning Scheme – Amendments L29, L30 and SR182.
  - Warrnambool (Shire) Planning Scheme – Amendments L17 and SR182.
  - Werribee Planning Scheme – Amendments L116, L124, L129 and L130.
  - Whitehorse Planning Scheme – Amendments L21 Part 1, L23 and L34.
  - Whittlesea Planning Scheme – Amendments L156, L160 to L164, L167, RL184 and SR182.
  - Wodonga (Rural City) Planning Scheme – Amendment L21.
  - Woorayl Planning Scheme – Amendments L58 and L59.
  - Yarra Planning Scheme – Amendments L47, L50, L51, L68, L69, L76, RL179, RL183 and SR182.
  - Yarra Ranges Planning Scheme – Amendments L83, L88, L89, L93 to L95 and L98.
- Preston General Cemetery Trust – Report, 1 July 1995 to 31 December 1996.
- Prevention of Cruelty to Animals Act 1986 –  
Code of Practice for the Housing of Caged Birds (Revision No. 1), 21 July 1998; and Revocation of Code of Practice for the Housing of Caged Birds, 6 March 1990
- Public Sector Management and Employment Act 1998 – Public Employment Commissioner's Directions, 1 July 1998 pursuant to section 40 of the Act (six papers).
- Psychologists Registration Board – Minister for Health's report of 26 August 1998 of receipt of the 1997 report.
- Queen Victoria Medical Centre (Guarantees) Act 1982 – Treasurer's notice of guarantees executed, 6 June 1998.
- South Eastern Regional Waste Management Group – Financial statements, 1996-97.
- Statutory Rules under the following Acts of Parliament:
- Accident Compensation Act 1985 – Accident Compensation (WorkCover Insurance) Act 1993 – No. 88.
  - Agricultural and Veterinary Chemicals (Control of Use) Act 1992 – No. 111.
  - Associations Incorporation Act 1981 – No. 103.
  - Audit Act 1994 – No. 64.
  - Building Act 1993 – No. 80.
  - Cemeteries Act 1958 – Nos. 96 and 98.
  - Children's Services Act 1996 – No. 59.
  - Confiscation Act 1997 – No. 67.
  - Control of Weapons Act 1990 – No. 105.
  - County Court Act 1958 – Nos. 85 and 102.
  - Court Security Act 1980 – No. 101.
  - Debits Tax Act 1990 – No. 84.
  - Environment Protection Act 1970 – No. 95.
  - Evidence Act 1958 – No. 70.



Statutory Rules – *continued*

- Financial Institutions Duty Act 1982 – No. 90.  
Financial Management Act 1994 – No. 77.  
Firearms Act 1996 – Nos. 89 and 112.  
Forests Act 1958 – No. 53.  
Gaming Machine Control Act 1991 – Nos. 108 and 109.  
Health Act 1958 – No. 57.  
Introduction Agents Act 1997 – No. 75.  
Land Tax Act 1958 – No. 63.  
Magistrates' Court Act 1989 – Nos. 68, 106 and 107.  
Magistrates' Court Act 1989 – Interpretation of Legislation Act 1984 – No. 92.  
Melbourne and Metropolitan Board of Works Act 1958 – No. 113.  
Mental Health Act 1986 – No. 120.  
Motor Car Traders Act 1986 – Nos. 56 and 114.  
National Parks Act 1975 – No. 54.  
Patriotic Funds Act 1958 – No. 91.  
Physiotherapists Act 1978 – No. 62.  
Planning and Environment Act 1987 – No. 115.  
Residential Tenancies Act 1997 – Nos. 76 and 79.  
Retail Tenancies Reform Act 1998 – No. 82.  
Retirement Villages Act 1986 – No. 55.  
Road Safety Act 1986 – Nos. 58, 65, 81, 104 and 116.  
Rural Finance Act 1988 – No. 83.  
State Electricity Commission Act 1958 – No. 99.  
State Superannuation Act 1988 – No. 78.  
Subordinate Legislation Act 1994 – Nos. 61, 69 and 97.  
Supreme Court Act 1986 – Nos. 60, 71, 100, 110 and 121.  
Supreme Court Act 1986 – Administration and Probate Act 1958 – No. 72.  
Tobacco Act 1987 – No. 119.  
Transport Accident Act 1986 – Nos. 66 and 86.  
Transport Superannuation Act 1988 – No. 118.  
Victorian Civil and Administrative Tribunal Act 1998 – Nos. 87 and 93.  
Victorian Plantations Corporation Act 1993 – No. 117.  
Water Act 1989 – No. 94.  
Water Industry Act 1994 – No. 73.  
Zoological Parks and Gardens Act 1995 – No. 74.  
Subordinate Legislation Act 1994 –  
Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 54, 60, 68, 69, 71, 72, 74, 85, 87, 92, 93, 97, 100, 102, 107, 110 and 121/1998.  
Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 55, 57, 58, 62, 66, 70, 73, 76, 78, 81, 83, 84, 86, 88 to 90, 94, 96, 98, 101, 109, 111, 114, 115 and 117 to 119/1998.  
Templestowe Cemetery Trust – Report, 1997.  
Tertiary Education Act 1993 – Minister's Order of 14 July 1998 pursuant to section 10 of the Act.  
Werribee Cemetery Trust – Report, 1 July 1995 to 31 December 1996.

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**PROCLAMATIONS** – Proclamations of His Excellency the Governor or the Lieutenant-Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 17 February 1998:

Accident Compensation (Further Amendment) Act 1996 – Sections 21 and 32 – 1 July 1998 (*Gazette No. G25, 25 June 1998*); section 23 – 13 July 1998 (*Gazette No. G27, 9 July 1998*).

Agriculture Acts (Amendment) Act 1998 – Section 6 – 1 October 1998 (*Gazette No. G38, 24 September 1998*).

Ambulance Services (Amendment) Act 1998 – Sections 6(1), 6(2) (except paragraphs (a) and (c) to (f)), 7(1), 8 to 10 and 14(2) – 30 June 1998 (*Gazette No. G25, 25 June 1998*).

Building (Amendment) Act 1998 – Section 12 – 20 July 1998 (*Gazette No. G28, 16 July 1998*).

Business Licensing Authority Act 1998 – Remaining provisions – 1 July 1998 (*Gazette No. G24, 18 June 1998*).

Children's Services Act 1996 – Remaining provisions – 1 June 1998 (*Gazette No. G21, 28 May 1998*).

Confiscation Act 1997 – Remaining provisions – 1 July 1998 (*Gazette No. G25, 25 June 1998*).

Crimes (Sexual Offences) Act 1991 – Section 9 – 1 July 1998 (*Gazette No. G25, 25 June 1998*).

Docklands Authority Act 1991 – Section 31 – 20 July 1998 (*Gazette No. G28, 16 July 1998*).

Drugs, Poisons and Controlled Substances (Amendment) Act 1997 – Sections 5 and 6 – 1 October 1998 (*Gazette No. G32, 13 August 1998*).

Firearms (Amendment) Act 1998 – Remaining provisions (except paragraphs (c), (e) and (g) of section 40) – 6 August 1998 (*Gazette No. G27, 9 July 1998*); Paragraphs (c), (e) and (g) of section 40 – 7 September 1998 (*Gazette No. G35, 3 September 1998*).

Gaming Acts (Miscellaneous Amendment) Act 1997 – Section 20 – 30 June 1998 (*Gazette No. G25, 25 June 1998*); remaining provisions (except section 33) – 31 August 1998 (*Gazette No. G34, 27 August 1998*).

Land (Reservations and Other Matters) Act 1997 – Section 6 and item 4 of Schedule 1; section 16, item 16 of Schedule 1 and Schedule 10 – 12 August 1998 (*Gazette No. G31, 6 August 1998*).

Motor Car Traders (Amendment) Act 1996 – Section 13(2) and remaining provisions – 22 June 1998 (*Gazette No. G21, 28 May 1998*).

Parks Victoria Act 1998 – Remaining provisions – 3 July 1998 (*Gazette No. G26, 2 July 1998*).

Property Law (Amendment) Act 1998 – Remaining provisions – 29 June 1998 (*Gazette No. G25, 25 June 1998*).

Public Sector Management and Employment Act 1998 – Remaining provisions – 1 July 1998 (*Gazette No. G25, 25 June 1998*).

Rail Corporations (Amendment) Act 1997 – Sections 25, 40 and 57, remaining provisions of Division 2 of Part 2 and Divisions 3 and 8 of Part 2 – 11 June 1998 (*Gazette No. G23, 11 June 1998*).

Rail Corporations (Amendment) Act 1998 – Part 2 (except sections 10, 13 and 14) – 11 June 1998 (*Gazette No. G23, 11 June 1998*).

Residential Tenancies Act 1997 – Remaining provisions – 1 July 1998 (*Gazette No. G24, 18 June 1998*).

Retail Tenancies Reform Act 1998 – Remaining provisions – 1 July 1998 (*Gazette No. G24, 18 June 1998*).

Sentencing and Other Acts (Amendment) Act 1997 – Section 43 – 11 June 1998 (*Gazette No. G23, 11 June 1998*).

Proclamations – *continued*

State Taxation (Amendment) Act 1998 – Section 10 – 1 July 1998 (*Gazette No. G24, 18 June 1998*); section 3 – 21 July 1998 (*Gazette No. S74, 21 July 1998*).

State Trustees (Amendment) Act 1998 – Section 10 – 1 July 1998 (*Gazette No. G24, 18 June 1998*).

Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998 – Remaining provisions (except section 244(2) and item 109 of Schedule 1) – 1 July 1998 (*Gazette No. G24, 18 June 1998*).

Victorian Civil and Administrative Tribunal Act 1998 – Remaining provisions – 1 July 1998 (*Gazette No. G24, 18 June 1998*).

Victorian Plantations Corporation (Amendment) Act 1998 – Sections 5 and 11 – 25 June 1998; remaining provisions – 26 June 1998 (*Gazette No. G25, 25 June 1998*).

Wills Act 1997 – Remaining provisions – 20 July 1998 (*Gazette No. G28, 16 July 1998*).

**24 NATIONAL PARKS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**25 LAND (REVOCAION OF RESERVATIONS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**26 PHYSIOTHERAPISTS REGISTRATION BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam (for the Honourable R.I. Knowles) moved, That this Bill be now read a second time.

The Honourable R.M. Hallam made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day

**27 LOCAL GOVERNMENT (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

**28 PRINTERS AND NEWSPAPERS (REPEAL) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 29 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 30 FUNDRAISING APPEALS BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 31 ROAD SAFETY (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 32 ROAD SAFETY (DRIVING INSTRUCTORS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 33 LOCAL GOVERNMENT (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 31

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter

NOES, 8

The Hon. M.M. Gould  
C.J. Hogg  
J. McLean (*Teller*)  
D.A. Nardella

R.A. Best  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins (*Teller*)  
E.J. Powell (*Teller*)  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Dr. R.J.H. Wells  
Sue deC Wilding

S.M. Nguyen (*Teller*)  
P. Power  
T.C. Theophanous  
D.T. Walpole

And so it was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**34 PHYSIOTHERAPISTS REGISTRATION BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time, after debate, with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 35 ARTS ACTS (AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Libraries Act 1988 and the National Gallery of Victoria Act 1966 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 36 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 9.06 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 20 – Wednesday, 7 October 1998**

- 1** The President took the Chair and read the Prayer.

- 2 MUTUAL RECOGNITION (VICTORIA) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to continue the adoption of the Mutual Recognition Act 1992 of the Commonwealth, to amend the Trans-Tasman Mutual Recognition (Victoria) Act 1998 and certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 3 ABSENCE OF THE CLERK** – The President having advised the House that he had approved the attendance of the Clerk at the 44th Commonwealth Parliamentary Conference in Wellington, New Zealand, from 16 to 23 October 1998 to enable him to act as Joint Secretary to the Australian States and Territories delegation –

The Honourable R.I. Knowles moved, That the Clerk-Assistant perform the duties of the Clerk of the Council during his absence, and take the Chair at the Table.

Question – put and resolved in the affirmative.

- 4 PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Members of Parliament (Register of Interests) Act 1978 – Summary of Returns June 1998 and Summary of Variations notified between 14 May and 1 October 1998.

Public Record Office – Report, 1997-98.

- 5 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, General Business, No. 1, be postponed until later this day.

**6 LONGFORD GAS DISASTER** – The Honourable T.C. Theophanous moved, That this House calls on the Government to ensure that the inquiry into the Longford gas disaster includes a full investigation of the practices and responsibilities of the Victorian WorkCover Authority (VWA) with respect to occupational health and safety and the handling of dangerous goods at the site, including –

- (a) whether the VWA made adequate inspections of safety procedures and equipment prior to renewing for a further five years Esso's license to handle dangerous goods in August this year;
- (b) whether adequate safety practices and procedures were recommended and subsequently enforced by VWA or other Government agencies following a number of incidents in which workers were injured or the gas supply interrupted;
- (c) whether the Government's move to employer self-regulation and self-inspection in safety matters had any impact on safety at the site;
- (d) whether the VWA is enforcing the obligations on employers to report any occurrences which have the potential to compromise safety and whether any such occurrences were reported at the site; and
- (e) whether the abolition of common law has led to a reduced financial imperative on employers, particularly those who are self-insurers like Esso, to maintain safety standards.

The Honourable R.M. Hallam moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

**7 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**8 LONGFORD GAS DISASTER** – The Order of the Day having been read for the resumption of the debate on the motion regarding the inquiry into the Longford gas disaster (*for text see item 6*) –

Debate resumed

Question – put.

The Council divided.

AYES, 9

The Hon. M.M. Gould  
C.J. Hogg  
J. McLean  
D.A. Nardella (*Teller*)  
S.M. Nguyen  
P. Power  
B.T. Pullen (*Teller*)  
T.C. Theophanous  
D.T. Walpole

NOES, 32

The Hon. L. Asher  
G.B. Ashman (*Teller*)  
B.N. Atkinson (*Teller*)  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover

G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it passed in the negative.

**9 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**10 PROTECTION OF PERSONS REFERRED TO IN THE LEGISLATIVE COUNCIL** – The Honourable M.A. Birrell moved, That, during the present Session –

- (a) A person who has been referred to in the Legislative Council by name, or in such a way as to be readily identified, may make a submission in writing to the President –
  - (i) claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that his or her privacy has been unreasonably invaded by reason of that reference; and
  - (ii) requesting that he or she be permitted to incorporate an appropriate response in the parliamentary record.
- (b) If, upon considering a submission under this Order, the President is satisfied that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character he may determine –
  - (i) that no further action be taken in relation to the submission; or
  - (ii) that a response by the person who made the submission be published by the Council and incorporated in Hansard –  
and shall inform the House of his decision.
- (c) In considering a submission under this Order the President –
  - (i) may confer with the person who made the submission;



- (ii) must give notice of the submission in writing to the Member who referred in the Council to that person and then consult with the Member prior to any response being presented to the Council; and
  - (iii) shall not consider or judge the truth of any statements made in the Council or the submission.
- (d) A response presented to the Council –
- (i) shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character; and
  - (ii) shall not contain any matter the publication of which would have the effect of –
    - (1) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy, in the manner referred to in paragraph (a); or
    - (2) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.

Debate ensued.

Question – put and resolved in the affirmative.

**11 MUTUAL RECOGNITION (VICTORIA) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**12 ARTS ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**13 MacKILLOP FAMILY SERVICES BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**14 BUILDING (PLUMBING) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable P. Power) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 15 ROAD SAFETY (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.  
The Honourable M.M. Gould (for the Honourable P. Power) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 16 BAIL (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.  
The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 17 CRIMES (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.  
The Honourable D.A. Nardella moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 18 PATRIOTIC FUNDS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.  
The Honourable D.A. Nardella moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 19 TRADE MEASUREMENT (ADMINISTRATION) (AMENDMENT) BILL** – This Bill was, according to Order and after debate, read a second time and, by leave, read a third time and passed.  
Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.
- 20 PRINTERS AND NEWSPAPERS (REPEAL) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 21 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 10 to 13 inclusive, be postponed until later this day.
- 22 ROAD SAFETY (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second

time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**23 ROAD SAFETY (DRIVING INSTRUCTORS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative – Bill read a second time.

Ordered – That the Bill be committed to a Committee of the whole on the next day of meeting.

**24 VICTORIAN INSTITUTE OF MARINE SCIENCES (REPEAL) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to repeal the Victorian Institute of Marine Sciences Act 1974 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**25 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 20 October 1998.

Question – put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.15 p.m., adjourned until Tuesday, 20 October 1998.

A.V. BRAY  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 21 and 22

### No. 21 – Tuesday, 20 October 1998

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, on 13 October 1998, given the Royal Assent to the undermentioned Acts presented to him by the Clerk-Assistant of the Legislative Council, for and in the absence of the Clerk of the Parliaments:
  - Local Government (Amendment) Act*
  - Physiotherapists Registration Act*
  - Printers and Newspapers (Repeal) Act*
  - Road Safety (Amendment) Act*
  - Trade Measurement (Administration) (Amendment) Act.*
- 3 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Planning and Environment Act 1987, the Environment Effects Act 1978 and the Planning and Environment (Planning Schemes) Act 1996 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **LEGAL PRACTICE (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Legal Practice Act 1996 with respect to professional indemnity insurance and other matters and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **LAND (FURTHER REVOCATION OF RESERVATIONS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to provide for the revocation of reservations over certain areas of land, to repeal the *Bendigo (Dai Gum San Village) Land Act 1975 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**6 CONSERVATION, FORESTS AND LANDS (MISCELLANEOUS AMENDMENTS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Conservation, Forests and Lands Act 1987 and other Acts to amend references to the Secretary to the Department of Natural Resources and Environment, to amend the Coastal Management Act 1995, the Crown Land (Reserves) Act 1978 and the Parks Victoria Act 1998 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**7 HEALTH SERVICES (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Health Services Act 1988 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**8 PETROLEUM BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to repeal and re-enact, with amendments, the Petroleum Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**9 CONSUMER CREDIT (FINANCE BROKERS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to repeal the Finance Brokers Act 1969, to amend the Consumer Credit (Victoria) Act 1995 so as to prohibit certain persons from engaging or being involved in finance broking, to empower the Business Licensing Authority to permit certain persons to engage in finance broking and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**10 TRADE MEASUREMENT (ADMINISTRATION) (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

**11 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**12 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**13 PETITION – SYDENHAM ROAD FOOTBRIDGE** – The Honourable M.M. Gould presented a Petition bearing 61 signatures from certain citizens of Victoria praying that a footbridge be erected over Sydenham Road and the railway line in a position adjacent to McNicoll Way, Sydenham.

Ordered to lie on the Table.

**14 PAPERS –**

**BUDGET OUTCOME STATEMENT, 1997-98** – The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the 1997-98 Budget Outcome Statement.

Question – put and resolved in the affirmative.

The said statement was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

\* \* \* \* \*

**NILLUMBIK SHIRE COUNCIL** – The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Commissioner's Report of Inquiry into the Nillumbik Shire Council, August 1998.

Question – put and resolved in the affirmative.

The said report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table and to be printed.

\* \* \* \* \*

**NATIONAL ROAD TRANSPORT COMMISSION** – The Honourable G.R. Craige moved, by leave, That there be laid before this House a copy of the Report of the National Road Transport Commission for the year 1997-98.

Question – put and resolved in the affirmative.

The said report was thereupon presented by the Honourable G.R. Craige and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST** – The Honourable P.A. Katsambanis presented Alert Digest No. 7 of 1998 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Acting Clerk:

Crown Land (Reserves) Act 1978 – Order in Council of 9 October 1998 giving approval to granting of a lease at Kings Domain Parklands.

Environment Protection Act 1970 – Order in Council of 6 October 1998 declaring the Industrial Waste Management Policy – National Pollutant Inventory.

Forests (Victree Forests Agreement) Act 1989 – Victree Forests Agreement Termination Deed, 1 September 1998, pursuant to section 6 of the Act.

Local Government Act 1989 – Order in Council of 13 October 1998 suspending Nillumbik Shire Councillors and appointing an Administrator to the Council.

Multicultural Commission – Report, 1997-98.

Parliamentary Committees Act 1968 – Minister's response to recommendations in Environment and Natural Resources Committee's Report upon Weeds in Victoria.

Planning and Environment Act 1987 – Notices of approval of the following amendments to planning schemes:

- Ballarat Planning Scheme – Amendment L42.
- Boroondara Planning Scheme – Amendment L35.
- Brimbank Planning Scheme – Amendment L2.
- Doncaster and Templestowe Planning Scheme – Amendment L129.
- Flinders Planning Scheme – Amendment 141.
- Geelong – Greater Geelong Planning Scheme – Amendment RL121.
- Hume Planning Scheme – Amendment L38.
- Kingston Planning Scheme – Amendment L40.
- Moonee Valley Planning Scheme – Amendment L34.
- Morwell Planning Scheme – Amendment L64.
- Ripon Planning Scheme – Amendment L17.
- Stonnington Planning Scheme – Amendment L29.
- Victoria Planning Provisions – Amendment VC4.
- Werribee Planning Scheme – Amendment L132.
- Yarra Planning Scheme – Amendments L70 and L81.
- Yarra Ranges Planning Scheme – Amendment L91.

Prevention of Cruelty to Animals Act 1986 – Code of Practice for the Welfare of Horses Competing at Bush Race Meetings, 13 October 1998.

Rural Finance Act 1988 – Treasurer's directive of 7 September 1998 to Rural Finance Corporation.

Rural Finance Corporation – Report, 1997-98.

South East Water Limited – Report, 1997-98.

Statutory Rules under the following Acts of Parliament:

Debits Tax Act 1990 – No. 123.

Financial Institutions Duty Act 1982 – No. 124.

Marine Act 1988 – No. 122.

Subordinate Legislation Act 1994 – Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 122 to 124/1998.

Urban Land Corporation – Report, 1997-98.

Victorian Funds Management Corporation – Report, 1997-98.

Young Farmers' Finance Council – Report, 1997-98.

**15 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

**16 ROAD SAFETY (DRIVING INSTRUCTORS) BILL** – This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment, and desiring their concurrence therein.

**17 MUTUAL RECOGNITION (VICTORIA) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a

second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18 ARTS ACTS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 19 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 5 and 6, be postponed until later this day.

- 20 ROAD SAFETY (FURTHER AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative – Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable J. McLean having reported that the Committee had agreed to the Bill with amendments and had amended the title thereof, which amended title is as follows: *“A Bill to amend the Road Safety Act 1986, the Road Safety (Amendment) Act 1998 and the Transport Accident Act 1986 and for other purposes”*, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 21 BAIL (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 22 CRIMES (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative – Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 23 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.



Question — put and resolved in the affirmative.

- 24 PATRIOTIC FUNDS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 25 INTERNATIONAL TRANSFER OF PRISONERS (VICTORIA) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *relating to the transfer of prisoners to and from Australia* and desiring the concurrence of the Council therein.

On the motion of the Honourable M. A. Birrell (for the Honourable G.R. Craige), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 26 LAND (REVOCATION OF RESERVATIONS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 27 ADJOURNMENT** — The Honourable M.A. Birrell moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.25 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE  
*Acting Clerk of the Legislative Council*

## **No. 22 — Wednesday, 21 October 1998**

- 1 The President took the Chair and read the Prayer.

**2 PAPERS —**

**PATRIOTIC FUNDS COUNCIL** — The Honourable L. Asher moved, by leave, That there be laid before this House a copy of the Report of the Patriotic Funds Council for the year 1997.

Question — put and resolved in the affirmative.

The said report was thereupon presented by the Honourable L. Asher and ordered to lie on the Table.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Acting Clerk:

Auditor-General's Office — Report, 1997-98.

Emergency Services Superannuation Scheme — Report 1997-98.

Generation Victoria — Report 1997-98.

Harness Racing Board – Report 1997-98.  
Legal Ombudsman – Multi-Disciplinary Practices Report, June 1998.  
Meat Authority – Report, 1997-98 (two papers).  
Melbourne Parks and Waterways – Report, 1 July 1997 to 2 July 1998.  
State Trustees Limited – Report, 1997-98.  
WorkCover Authority – Report, 1997-98.

**3 WORKCOVER AUTHORITY SAFETY INSPECTIONS** – The Honourable T.C. Theophanous moved, That this House condemns the Minister for Finance for –

- (a) providing false or misleading information to the House in relation to workplace injuries and deaths, the closure of the Sale Victorian WorkCover Authority Office and the quality of inspections;
- (b) compromising the safety of workers by allowing a culture of low morale to develop at the Victorian WorkCover Authority due to lack of support for comprehensive safety inspections and the prosecution of negligent employers; and
- (c) failing to act decisively to protect all documentation relating to safety inspections and licence renewals –

and calls on the Government to expand the terms of reference for the Longford Royal Commission to specifically examine whether actions of the Government or its agencies contributed to the Longford disaster.

Debate ensued.

Question – put.

The Council divided.

AYES, 8

The Hon. M.M. Gould  
C.J. Hogg  
J. McLean (*Teller*)  
D.A. Nardella  
S.M. Nguyen  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole (*Teller*)

NOES, 30

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
B.W. Bishop  
B.C. Boardman (*Teller*)  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
W. Forwood  
C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins

E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith (*Teller*)  
Graeme Stoney  
C.A. Strong  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it passed in the negative.

- 4 **BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.
- 5 **INTERNATIONAL TRANSFER OF PRISONERS (VICTORIA) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.  
The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 6 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.  
The Honourable P. Power moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 7 **LEGAL PRACTICE (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.  
The Honourable L. Asher made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.  
The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 8 **LAND (FURTHER REVOCATION OF RESERVATIONS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.  
The Honourable P. Power moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 9 **CONSERVATION, FORESTS AND LANDS (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**10 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**11 HEALTH SERVICES (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**12 PETROLEUM BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**13 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 10, be postponed until later this day.

**14 VICTORIAN INSTITUTE OF MARINE SCIENCES (REPEAL) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**15 CONSUMER CREDIT (FINANCE BROKERS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**16 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 12, be postponed until later this day.

**17 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**18 MacKILLOP FAMILY SERVICES BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

*And the Acting President having ruled the Bill to be a Private Bill –*

The Honourable R.I. Knowles moved, That this Bill be dealt with as a Public Bill.

Question – put and resolved in the affirmative.

Debate resumed.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

**19 BUILDING (PLUMBING) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 30

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.C. Boardman (*Teller*)  
R.H. Bowden  
A.R. Brideson  
I.J. Cover (*Teller*)  
G.R. Craige  
D.M. Davis  
P.R. Davis  
W. Forwood  
C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith

NOES, 8

The Hon. M.M. Gould (*Teller*)  
C.J. Hogg  
J. McLean  
S.M. Nguyen  
P. Power  
B.T. Pullen (*Teller*)  
T.C. Theophanous  
D.T. Walpole

Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

**20 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next.

Question – put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.35 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE  
*Acting Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 23 and 24

### No. 23 – Tuesday, 27 October 1998

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - Arts Acts (Amendment) Act*
  - Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Act*
  - Land (Revocation of Reservations) Act*
  - Mutual Recognition (Victoria) Act*
  - Road Safety (Driving Instructors) Act.*
- 3 **LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Livestock Disease Control Act 1994, the Plant Health and Plant Products Act 1995 and the Stamps Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **SUPERANNUATION ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Emergency Services Superannuation Act 1986, the Hospitals Superannuation Act 1988, the Parliamentary Salaries and Superannuation Act 1968, the Public Sector Superannuation (Administration) Act 1993, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988, the Superannuation (Portability) Act 1989 and the Transport Superannuation Act 1988 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **ACCIDENT COMPENSATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Accident Compensation (WorkCover Insurance) Act 1993 and the Accident Compensation Act 1985 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 EDUCATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Education Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 TRANSFER OF LAND (SINGLE REGISTER) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Transfer of Land Act 1958 to further streamline procedures for the conversion of general law land and to make consequential amendments to the Property Law Act 1958 and to other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 VICTORIAN COLLEGE OF THE ARTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Victorian College of the Arts Act 1981 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 ROAD SAFETY (DRIVING INSTRUCTORS) BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in this Bill.

- 10 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 11 ADJOURNMENT OF BILLS** – The Honourable R.I. Knowles moved, by leave, That –

(a) unless otherwise ordered, where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 13 November 1998, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1999: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 16 November 1998 may be taken through all stages; and

(b) this Order shall have effect until 31 December 1998.

Question – put and resolved in the affirmative.

- 12 PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Bairnsdale Regional Health Service – Report, 1997-98.

Beaufort and Skipton Health Service – Minister for Health's report of 22 October 1998 of receipt of the 1997-98 report.

Bendigo Health Care Group – Report, 1997-98.

Boort District Hospital – Report, 1997-98.

Broiler Industry Negotiation Committee – Report, 1997-98.



Chief Electrical Inspector's Office – Report, 1997-98.  
Chiropractors and Osteopaths Registration Board – Minister for Health's report of 19 October 1998 of receipt of the 1997-98 report.  
City West Water Limited – Report, 1997-98 (two papers).  
Cohuna District Hospital – Report, 1997-98.  
Colac Community Health Services – Report, 1997-98.  
Corangamite Regional Hospital Services – Report, 1997-98.  
East Grampians Health Service – Report, 1997-98.  
EcoRecycle Victoria – Report, 1997-98.  
Environment Protection Authority – Report, 1997-98.  
Far East Gippsland Health and Support Service – Minister for Health's report of 16 October 1998 of receipt of the 1997-98 report.  
Financial Institutions Commission – Report, 1997-98.  
Financial Operations Statement, 1997-98.  
Hamilton Base Hospital – Report, 1997-98.  
Hastings Port (Holding) Corporation – Report, 1997-98.  
Inner and Eastern Health Care Network – Report, 1997-98.  
Intellectual Disability Review Panel – Report, 1997-98.  
Kerang and District Hospital – Report, 1997-98.  
Latrobe Regional Hospital – Report, 1997-98 (two papers).  
Maldon Hospital – Report, 1997-98.  
Maryborough District Health Service – Report, 1997-98.  
McIvor Health and Community Services – Report, 1997-98.  
Melbourne Market Authority – Report, 1997-98 (two papers).  
Melbourne Port Corporation – Report, 1997-98 (two papers).  
Metropolitan Fire and Emergency Services Board – Report, 1997-98.  
Mt Alexander Hospital – Report, 1997-98.  
National Parks Act 1975 – Report of the Acting Director of National Parks, 1997-98.  
National Parks Advisory Council – Report, 1997-98.  
Otway Health and Community Service – Minister for Health's report of 22 October 1998 of receipt of the 1997-98 report.  
Parliamentary Committees Act 1968 – Minister's response to recommendations in Road Safety Committee's Report upon Motorcycle Safety in Victoria.  
Peninsula Health Care Network – Report, 1997-98.  
Penshurst and District Memorial Hospital – Minister for Health's report of 22 October 1998 of receipt of the 1997-98 report.  
Pharmacy Board – Report, 1997-98.  
Planning and Environment Act 1987 – Notices of approval of the following amendments to planning schemes:  
    Alberton Planning Scheme – Amendment L47.  
    Bendigo – Greater Bendigo Planning Scheme – Amendment L78.  
    Glen Eira Planning Scheme – Amendment L23.  
    Hume Planning Scheme – Amendment L45.  
    Moreland Planning Scheme – Amendment L59.  
    Nillumbik Planning Scheme – Amendment L14.  
    Pakenham Planning Scheme – Amendment L167.  
    Stonnington Planning Scheme – Amendments L33 and L69.  
    Yarra Ranges Planning Scheme – Amendment L101.  
Police – Chief Commissioner's Office – Report, 1997-98.  
Police Review Commission – Report, 1997-98.  
Port Fairy Hospital – Report, 1997-98.

Prevention of Cruelty to Animals Act 1986 –  
 Code of Practice for the Care and Use of Animals for Scientific Procedures (1998 Revision), 21 October 1998.  
 Revocation of Code of Practice for the Care and Use of Animals for Scientific Procedures, 8 October 1991.  
 Project Development and Construction Management Act 1994 – Nomination and Application Orders of 20 October 1998 relating to the Multi-purpose Venue, Sports and Entertainment Precinct Infrastructure Upgrade Implementation and State Archive Centre (three papers).  
 Southern Health Care Network – Report, 1997-98.  
 South Gippsland Hospital – Minister for Health's report of 22 October 1998 of receipt of the 1997-98 report.  
 Statutory Rules under the following Acts of Parliament:  
 Casino Control Act 1991 – No. 128.  
 Subordinate Legislation Act 1994 – Nos. 125 to 127.  
 Subordinate Legislation Act 1994 – Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 125 to 128/1998.  
 Stawell District Hospital – Report, 1997-98.  
 Swan Hill District Hospital – Report, 1997-98.  
 Terang and Mortlake Health Service – Report, 1997-98.  
 Timboon and District Healthcare Service – Minister for Health's report of 16 October 1998 of receipt of the 1997-98 report.  
 Victorian Plantations Corporation – Report, 1997-98.  
 Warracknabeal District Hospital – Minister for Health's report of 16 October 1998 of receipt of the 1997-98 report.  
 Warrnambool and District Base Hospital – Report, 1997-98.  
 West Gippsland Healthcare Group – Report, 1997-98.  
 Women's and Children's Health Care Network – Report, 1997-98.  
 Wycheproof and District Health Service – Report, 1997-98.  
 Yarra Valley Water Limited – Report, 1997-98.  
 Zoological Parks and Gardens Board – Report, 1997-98.

**13 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

**14 FUNDRAISING APPEALS BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable J. McLean having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

**15 NATIONAL PARKS (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted to provide protection for national parks under the *National Parks Act 1975* from the dangers of commercial exploitation".

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 30

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
R.A. Best  
M.A. Birrell  
B.C. Boardman  
R.H. Bowden (*Teller*)  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells (*Teller*)  
Sue deC Wilding

NOES, 7

The Hon. C.J. Hogg  
J. McLean (*Teller*)  
S.M. Nguyen  
P. Power  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole (*Teller*)

And so it was resolved in the affirmative — Amendment negatived.

Question — That this Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

**17 PLANNING AND ENVIRONMENT (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**18 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.

**19 LAND (FURTHER REVOCATION OF RESERVATIONS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**20 LEGAL PRACTICE (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**21 INTERNATIONAL TRANSFER OF PRISONERS (VICTORIA) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**22 BUSINESS OF THE HOUSE** – The Honourable G.R. Craige moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**23 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 7 and 8, be postponed until later this day.

**24 PETROLEUM BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time.

Ordered – That the Bill be committed to a Committee of the whole on the next day of meeting.

**25 VICTORIAN COLLEGE OF THE ARTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 26 EDUCATION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 27 TRANSFER OF LAND (SINGLE REGISTER) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable P. Power) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 28 LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable P. Power) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 29 SUPERANNUATION ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 30 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.46 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## No. 24 – Wednesday, 28 October 1998

- 1 The President took the Chair and read the Prayer.
- 2 **BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, by leave, That so much of the Sessional Orders as requires that the sitting commence at 10.00 a.m., the time for taking questions on notice be 2.30 p.m., and General business take precedence until 2.00 p.m. be suspended for the sitting of the Council on Wednesday 11 November 1998, and that the sitting commence at 12 noon, General business take precedence until 4.00 p.m., and questions be taken at the conclusion of General business that day.

Question – put and resolved in the affirmative.

- 3 **BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 4 **PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General – Report on State Revenue Office – *A customer service focus towards improving taxation collection*, October 1998.

Channels Authority – Report, 1997-98 (two papers).

Cinemia Corporation – Report, 1997-98.

Greyhound Racing Control Board – Report, 1997-98.

Hospitals Superannuation Board – Report, 1997-98.

Liquor Licensing Commission – Report, 1997-98.

Murray Valley Wine Grape Industry Negotiating Committee – Report, 1997-98.

Parliamentary Contributory Superannuation Fund – Report, 1997-98.

Superannuation Board – Report, 1997-98.

Victorian Institute of Sport – Report, 1997-98.

- 5 **NILLUMBIK SHIRE COUNCIL** – The Honourable P. Power moved, That this House is of the opinion that suspension of the Shire of Nillumbik's democratically elected councillors is not justified and notes that –

(a) local government decision making in Nillumbik and the former Shire of Eltham has always involved strongly held views, vigorous debate and less than unanimous votes;

(b) only one councillor consistently sought State Government intervention;

(c) the Abraham Report makes significant and serious criticism of the former Chief Executive Officer; and

(d) the Member for Eltham and the Parliamentary Secretary for Planning and Local Government support suspension of the elected Councillors and thereby removal of elected representation for the Shire's ratepayers and residents.

Debate ensued.

Question – put.

The Council divided.

AYES, 9

The Hon. M.M. Gould  
C.J. Hogg

NOES, 32

The Hon. L. Asher  
G.B. Ashman

J. McLean  
D.A. Nardella  
S.M. Nguyen (*Teller*)  
P. Power (*Teller*)  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole

B.N. Atkinson  
W.R. Baxter  
R.A. Best (*Teller*)  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson (*Teller*)  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it passed in the negative.

- 6 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 7 **ACCIDENT COMPENSATION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.  
The Honourable R.M. Hallam made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.  
The Honourable D.A. Nardella (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 8 **CONSUMER CREDIT (FINANCE BROKERS) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –  
Debate resumed.

Question – put.

The Council divided.

AYES, 32

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis (*Teller*)  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
P.R. Hall  
W.A.N. Hartigan  
P.A. Katsambanis (*Teller*)  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

NOES, 9

The Hon. M.M. Gould  
C.J. Hogg  
J. McLean  
D.A. Nardella (*Teller*)  
S.M. Nguyen  
P. Power  
B.T. Pullen (*Teller*)  
T.C. Theophanous  
D.T. Walpole

And so it was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

**9 CONSERVATION, FORESTS AND LANDS (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day having been read for the



resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 31

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis (*Teller*)  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas (*Teller*)  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

NOES, 9

The Hon. M.M. Gould (*Teller*)  
C.J. Hogg (*Teller*)  
J. McLean  
D.A. Nardella  
S.M. Nguyen  
P. Power  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole

And so it was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable G.B. Ashman having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 FUNDRAISING APPEALS BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.

**11 HEALTH SERVICES (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P.R. Hall moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

**12 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**13 HEALTH SERVICES (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 31

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover (*Teller*)  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross (*Teller*)

NOES, 9

The Hon. M.M. Gould  
C.J. Hogg  
J. McLean  
D.A. Nardella  
S.M. Nguyen (*Teller*)  
P. Power (*Teller*)  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole

W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 TRANSPORT (AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Transport Act 1983 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 15 MESSAGES FROM THE ASSEMBLY** – The President announced the receipt of Messages from the Assembly –

Acquainting the Council that they have agreed to the Crimes (Amendment) Bill without amendment.

Acquainting the Council that they have agreed to the amendments made by the Council in the Consumer Credit (Finance Brokers) Bill.

- 16 VICTORIAN INSTITUTE OF MARINE SCIENCES (REPEAL) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 17 PETROLEUM BILL** – This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

*And having continued to sit until after 12 midnight –*

THURSDAY, 29 OCTOBER 1998

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18 MESSAGES FROM THE ASSEMBLY** – The President announced the receipt of Messages from the Assembly acquainting the Council that they have agreed to the following Bills without amendment:

Patriotic Funds (Amendment) Bill

Road Safety (Further Amendment) Bill

Bail (Amendment) Bill.

**19 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 10 November 1998.

Question – put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 12.23 a.m., adjourned until Tuesday, 10 November 1998.

A.V. BRAY

*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 28 and 29

### No. 28 – Tuesday, 17 November 1998

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented Messages from His Excellency the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - On 13 November 1998 –
    - Crimes, Confiscation and Evidence Acts (Amendment) Act*
  - On 17 November 1998 –
    - Accident Compensation (Amendment) Act*
    - Education (Amendment) Act*
    - Livestock Disease Control (Amendment) Act*
    - Superannuation Acts (Amendment) Act*
    - Transfer of Land (Single Register) Act*
    - Local Government (Governance and Melton) Act.*
- 3 **GAMING ACTS (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Casino Control Act 1991, the Casino (Management Agreement) Act 1993, the Club Keno Act 1993, the Gaming and Betting Act 1994, the Gaming Machine Control Act 1991, the Gaming No. 2 Act 1997 and the Tattersall Consultations Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **CHATTEL SECURITIES (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Chattel Securities Act 1987 as a consequence of the establishment of the national vehicle security enquiry register and the Victorian Civil and Administrative Tribunal and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable L. Asher), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **MELBOURNE CITY LINK (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Melbourne City Link Act 1995 and certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 **BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent Government Business taking precedence of all other business from 12.00 noon during the sitting of the Council on Wednesday, 18 November 1998.

Question – put and resolved in the affirmative.

- 7 **PETITION – BASS COAST SHIRE COUNCIL** – The Honourable R.H. Bowden presented a Petition bearing 683 signatures from certain citizens of Victoria requesting that a Commissioner be appointed to enquire into and report to the Minister on the disaffection of the people of Phillip Island over the standard of local governance by the Bass Coast Shire Council and make recommendations for the matters of grievous concern to Island people to be rectified, including consideration of severance to form a new and separate municipality.

Ordered to lie on the Table.

- 8 **PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Adult Parole Board – Report, 1997-98.

Austin and Repatriation Medical Centre – Report, 1997-98 (two papers).

Bethlehem Hospital Incorporated – Report, 1997-98 (two papers).

Caritas Christi Hospice Limited – Report, 1997-98.

Coleraine and District Hospital – Minister for Health's report of 9 November 1998 of receipt of the 1997-98 report.

Corangamite Catchment Management Authority – Minister for Conservation and Land Management's report of 12 November 1998 of receipt of the 1997-98 report.

East Gippsland Catchment Management Authority – Minister for Conservation and Land Management's report of 12 November 1998 of receipt of the 1997-98 report.

Equal Opportunity Commission – Report, 1997-98.

Forensic Medicine Institute – Report, 1997-98.

Freedom of Information Act 1982 – Report of the Attorney-General on the operation of the Act, 1997-98.

Glenelg Hopkins Catchment Management Authority – Minister for Conservation and Land Management's report of 12 November 1998 of receipt of the 1997-98 report.

Goulburn Broken Catchment Management Authority – Report, 1997-98.

Healthit Limited – Minister for Health's report of 13 November 1998 of receipt of the 1997-98 report.

Hesse Rural Health Service – Minister for Health's report of 9 November 1998 of receipt of the 1997-98 report.

Housing Guarantee Fund Limited – Report, 1997-98.

Interpretation of Legislation Act 1984 – Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 119/1998.

Legal Aid – Report, 1997-98.

Legal Practice Board – Report, 1997-98.

Mallee Catchment Management Authority – Minister for Conservation and Land Management's report of 12 November 1998 of receipt of the 1997-98 report.

North Central Catchment Management Authority – Minister for Conservation and Land Management 's report of 12 November 1998 of receipt of the 1997-98 report.

North East Catchment Management Authority – Minister for Conservation and Land Management 's report of 12 November 1998 of receipt of the 1997-98 report.

North Western Health Care Network – Report, 1997-98 (two papers).

Optometrists Registration Board – Minister for Health's report of 16 November 1998 of receipt of the 1997-98 report.

Planning and Environment Act 1987 – Notices of approval of the following amendments to planning schemes:

Alpine Resorts Planning Scheme – Amendment C2.

Boroondara Planning Scheme – Amendment L57.

Buninyong Planning Scheme – Amendment L62.

Cranbourne Planning Scheme – Amendment L225.

Euroa Planning Scheme – Amendment L28.

Goulburn Planning Scheme – Amendment L12.

Knox Planning Scheme – Amendment 167.

Melbourne Planning Scheme – Amendment L305.

Pyrenees Planning Scheme.

Shepparton (Shire) Planning Scheme – Amendment L83.

Sherbrooke Planning Scheme – Amendment L133.

Stonnington Planning Scheme – Amendment L71.

Whitehorse Planning Scheme – Amendment L21 Part 2.

Whittlesea Planning Scheme – Amendment L166.

Public Advocate's Office – Report, 1997-98.

Renewable Energy Authority – Report, 1997-98.

St Vincent's Hospital (Melbourne) Limited – Report, 1997-98.

Statutory Rules under the following Acts of Parliament:

Pharmacists Act 1974 – No. 135.

Subordinate Legislation Act 1994 – No. 134.

Subordinate Legislation Act 1994 – Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 134 and 135/1998.

Victims of Crime Assistance Tribunal – Report, 1997-98.

West Gippsland Catchment Management Authority – Report, 1997-98.

Wimmera Catchment Authority – Minister for Conservation and Land Management 's report of 12 November 1998 of receipt of the 1997-98 report.

**9 CHATTEL SECURITIES (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable L. Asher) moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

**10 GAS INDUSTRY ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable R.M. Hallam made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P. Power (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

- 11 GAMING ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

- 12 MELBOURNE CITY LINK (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

- 13 LOCAL GOVERNMENT (NILLUMBIK SHIRE COUNCIL) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

- 14 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 15 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 16 LOCAL GOVERNMENT (NILLUMBIK SHIRE COUNCIL) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 17 RACING AND BETTING ACTS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.



Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**18 LEGAL AID (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable G.B. Ashman having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**19 CHATTEL SECURITIES (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**20 ELECTRICITY INDUSTRY ACTS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**21 BUSINESS OF THE HOUSE** – The Honourable L. Asher moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**22 GAS INDUSTRY ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable T.C. Theophanous moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the Government is prepared to guarantee a safe and secure supply of gas for all Victorians until the end of 1999."

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 32

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop (*Teller*)  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney (*Teller*)  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

NOES, 9

The Hon. Tayfun Eren  
M.M. Gould  
C.J. Hogg  
J. McLean (*Teller*)  
D.A. Nardella  
S.M. Nguyen (*Teller*)  
P. Power  
B.T. Pullen  
T.C. Theophanous

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**23 RAIL CORPORATIONS (FURTHER AMENDMENT) BILL** – The Order of the Day having been for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 31

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins (*Teller*)  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding (*Teller*)

NOES, 9

The Hon. Tayfun Eren (*Teller*)  
M.M. Gould  
C.J. Hogg  
J. McLean  
D.A. Nardella  
S.M. Nguyen  
P. Power  
B.T. Pullen (*Teller*)  
T.C. Thephanous

And so it was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**24 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

*And the Council having continued to sit until after 12 midnight –*

WEDNESDAY, 18 NOVEMBER 1998

Debate continued.

Question – put and resolved in the affirmative.

And then the Council, at 12.31 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 29 – Wednesday, 18 November 1998**

1 The President took the Chair and read the Prayer.

2 **PAPERS** –

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – 1998-99 BUDGET ESTIMATES** – The Honourable W. Forwood presented a Report from the Public Accounts and Estimates Committee upon the 1998-99 Budget Estimates, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Ballarat Health Services – Report, 1997-98 (two papers).

Edenhope and District Memorial Hospital – Minister for Health's report of 16 November 1998 of receipt of the 1997-98 report.

Fisheries Co-Management Council – Report, 1997-98.

Interpretation of Legislation Act 1984 – Notice pursuant to section 32(4) in relation to Amendment 3 of the Building Code of Australia, 1996.

Mental Health Act 1986 – Report of Community Visitors, 1997-98.

Murray Valley Citrus Marketing Board – Report, 1997-98.

Parliamentary Committees Act 1968 – Minister's response to recommendations in Economic Development Committee's Report upon The Economic Impact of Business Migration in Victoria.

Robinvale District Hospital and Health Services – Report, 1997-98 (two papers).

Statutory Rule under the Meat Industry Act 1993 – No. 136.

Subordinate Legislation Act 1994 – Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 136/1998.

Victorian Relief Committee –

Minister's report of 17 November 1998 of failure to submit 1997-98 report to him within the prescribed period and the reasons therefor.

Report, 1997-98.

Water Training Centre – Minister for Agriculture and Resources' report of 13 November 1998 of receipt of the 1997-98 report.

3 **BUSINESS POSTPONED** – Ordered – That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

- 4 **DANGEROUS GOODS** – The Honourable T.C. Theophanous moved, That this House condemns the Government and the Minister for Finance for placing the community in danger by failing to properly licence and regulate the transportation, storage and handling of dangerous goods under the *Dangerous Goods Act 1985*.

Debate ensued.

Question – put.

The Council divided.

AYES, 9

The Hon. Tayfun Eren  
M.M. Gould  
C.J. Hogg  
J. McLean  
D.A. Nardella (*Teller*)  
S.M. Nguyen  
P. Power (*Teller*)  
B.T. Pullen  
T.C. Theophanous

NOES, 32

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman (*Teller*)  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti (*Teller*)  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it passed in the negative.

- 5 **MELBOURNE CITY LINK (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

6 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

7 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.A. Birrell moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

8 **MELBOURNE CITY LINK (AMENDMENT) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put.

The Council divided.

AYES, 30

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover (*Teller*)  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong (*Teller*)  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

NOES, 8

The Hon. Tayfun Eren (*Teller*)  
M.M. Gould (*Teller*)  
C.J. Hogg  
J. McLean  
D.A. Nardella  
S.M. Nguyen  
P. Power  
B.T. Pullen

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**9 GAMING ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 30

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis (*Teller*)  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith (*Teller*)  
Graeme Stoney  
C.A. Strong  
Dr. R.J.H. Wells  
Sue deC Wilding

NOES, 8

The Hon. Tayfun Eren  
M.M. Gould  
J. McLean  
D.A. Nardella  
S.M. Nguyen (*Teller*)  
P. Power  
B.T. Pullen (*Teller*)  
T.C. Theophanous

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**10 LICENSING AND TRIBUNAL (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now

read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**11 STATE TAXATION (FURTHER AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 LAND TITLES VALIDATION (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 32

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
N.B. Lucas  
M.T. Luckins  
E.J. Powell (*Teller*)  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith (*Teller*)  
Graeme Stoney

NOES, 9

The Hon. Tayfun Eren  
M.M. Gould (*Teller*)  
C.J. Hogg  
J. McLean (*Teller*)  
D.A. Nardella  
S.M. Nguyen  
P. Power  
B.T. Pullen  
T.C. Theophanous



C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 ADJOURNMENT** – The Honourable M.A. Birrell moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

Debate ensued.

*And the Council having continued to sit until after 12 midnight –*

THURSDAY, 19 NOVEMBER 1998

Debate continued.

Question – put and resolved in the affirmative.

The Honourable M.A. Birrell moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 12.33 a.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

A.V. BRAY  
*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 25, 26 and 27

### No. 25 – Tuesday, 10 November 1998

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented Messages from His Excellency the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - On 4 November 1998 –
    - Bail (Amendment) Act*
    - Crimes (Amendment) Act*
    - Health Services (Further Amendment) Act*
    - International Transfer of Prisoners (Victoria) Act*
    - Land (Further Revocation of Reservations) Act*
    - MacKillop Family Services Act*
    - National Parks (Amendment) Act*
    - Patriotic Funds (Amendment) Act*
    - Planning and Environment (Amendment) Act*
    - Road Safety (Further Amendment) Act*
    - Victorian Institute of Marine Sciences (Repeal) Act*
  - On 10 November 1998 –
    - Building (Plumbing) Act*
    - Conservation, Forests and Lands (Miscellaneous Amendments) Act*
    - Consumer Credit (Finance Brokers) Act*
    - Fundraising Appeals Act*
    - Legal Practice (Amendment) Act.*
- 3 **LIQUOR CONTROL REFORM BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to reform the law relating to the supply and consumption of liquor, to repeal the Liquor Control Act 1987, to make consequential amendments to other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **LOCAL GOVERNMENT (GOVERNANCE AND MELTON) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Docklands Authority Act 1991, the Local Government Act 1989 and*

*the City of Melbourne Act 1993 and other Acts and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 5 APPEAL COSTS BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to re-enact, with amendments, the Appeal Costs Act 1964 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 MELBOURNE CRICKET GROUND (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Melbourne Cricket Ground Act 1933 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 MESSAGES FROM THE ASSEMBLY** – The President announced the receipt of Messages from the Assembly acquainting the Council that they have agreed to the following Bills without amendment:

MacKillop Family Services Bill  
Building (Plumbing) Bill.

- 8 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 9 PAPERS** –

**VICTORIAN GOVERNMENT'S FINANCES 1997-98** – The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Auditor-General's Report on the Victorian Government's Finances, 1997-98.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – ANNUAL REPORT** – The Honourable W. Forwood presented the Annual Report for 1997-98 from the Public Accounts and Estimates Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST** – The Honourable P.A. Katsambanis presented Alert Digest No. 8 of 1998 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

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**FEDERAL-STATE RELATIONS COMMITTEE – AUSTRALIAN FEDERALISM** – The Honourable B.T. Pullen presented a Report from the

Federal-State Relations Committee upon Australian Federalism: The Role of the States, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

- Adult, Community and Further Education Board – Report, 1997-98.
- Advanced Dental Technicians Qualifications Board – Minister for Health's report of 6 November 1998 of receipt of the 1997-98 report.
- Agriculture Victoria Services Pty Ltd – Report, 1997-98.
- Alexandra District Hospital – Minister for Health's report of 22 October 1998 of receipt of the 1997-98 report.
- Aluminium Smelters of Victoria Pty Ltd – Report, 1997-98.
- Ambulance Service Victoria –
  - Metropolitan Region – Report, 1997-98.
  - North Eastern Region – Report, 1997-98.
  - North Western Region – Report, 1997-98.
  - South Eastern Region – Report, 1997-98.
  - South Western Region – Report, 1997-98.
  - Western Region – Report, 1997-98.
- Anti-Discrimination Tribunal – Report, 1997-98.
- Architects Registration Board – Report, 1997-98.
- Arts Centre Trust – Report, 1997-98.
- Australian Barley Board – Report, 1997-98.
- Australian Grand Prix Corporation – Report, 1997-98.
- Barwon Health – Report, 1997-98.
- Barwon Region Water Authority – Report, 1997-98.
- Beechworth Hospital – Report, 1997-98.
- Benalla and District Memorial Hospital – Report, 1997-98.
- Board of Studies – Report, 1997-98.
- Building Control Commission – Report, 1997-98.
- Casino and Gaming Authority – Report, 1997-98.
- Casterton Memorial Hospital – Minister for Health's report of 2 November 1998 of receipt of the 1997-98 report.
- Central Gippsland Region Water Authority – Report, 1997-98.
- Central Highlands Region Water Authority – Report, 1997-98.
- Cobram District Hospital – Minister for Health's report of 22 October 1998 of receipt of the 1997-98 report.
- Coliban Region Water Authority – Report, 1997-98.
- Country Fire Authority – Report, 1997-98.
- Crown Land (Reserves) Act 1978 – Minister's Orders of 15 and 23 October 1998 giving approval to granting of leases and a licence at Frankston, Geelong and Moonee Valley (three papers).
- Dairy Industry Authority – Report, 1997-98.
- Dental Health Services – Report, 1997-98.
- Dental Technicians Licensing Committee – Minister for Health's report of 6 November 1998 of receipt of the 1997-98 report.
- Director of Public Prosecutions Office – Report, 1997-98.
- Docklands Authority – Report, 1997-98 (two papers).
- Dunmunkle Health Services – Minister for Health's report of 9 November 1998 of receipt of the 1997-98 report.
- East Gippsland Region Water Authority – Report, 1997-98.
- Echuca Regional Health – Report, 1997-98.

Education Department – Report, 1997-98.  
Electoral Commission – Report, 1997-98.  
Emerald Tourist Railway Board – Report, 1997-98.  
Environment Conservation Council – Report, 1997-98.  
Fair Trading – Report of Secretary to the Department of Justice, 1997-98.  
First Mildura Irrigation Trust – Report, 1997-98.  
Gas Safety Office – Report, 1997-98.  
Gas Services Business Pty Ltd – Report, 26 June 1997 to 30 June 1998.  
Gas Transmission Corporation – Report, 1997-98.  
Gascor – Report, 1997-98.  
Gascor Holdings No. 1 Pty Ltd – Report, 26 June 1997 to 30 June 1998.  
Gascor Holdings No. 2 Pty Ltd – Report, 30 June 1997 to 30 June 1998.  
Gascor Holdings No. 3 Pty Ltd – Report, 30 June 1997 to 30 June 1998.  
Gasmart (Vic) Pty Ltd – Report, 26 June 1997 to 30 June 1998.  
Geelong Performing Arts Centre Trust – Report, 1997-98.  
Gippsland and Southern Rural Water Authority – Report, 1997-98.  
Glenelg Region Water Authority – Report, 1997-98.  
Goulburn-Murray Rural Water Authority – Report, 1997-98.  
Goulburn Valley Base Hospital – Report, 1997-98 (two papers).  
Goulburn Valley Region Water Authority – Report, 1997-98.  
Grampians Region Water Authority – Report, 1997-98.  
Grants Commission – Report, year ended 31 August 1998.  
Health Services Act 1988 – Report of Community Visitors, 1997-98.  
Heritage Council – Report, 1997-98.  
Human Services Department – Report, 1997-98.  
Infertility Treatment Authority – Report, 30 June 1996 to 30 September 1998.  
Infrastructure Department – Report 1997-98.  
Inglewood and Districts Health Service – Report, 1997-98.  
Intellectually Disabled Persons' Services Act 1986 – Report of Community Visitors, 1997-98.  
Justice Department – Report, 1997-98.  
Kilmore and District Hospital – Minister for Health's report of 22 October 1998 of receipt of the 1997-98 report.  
Kyabram and District Memorial Community Hospital – Report, 1997-98.  
Kyneton District Health Service – Report, 1997-98.  
Legal Ombudsman's Office – Report, 1997-98.  
Legal Practice Act 1996 – Practitioner Remuneration Order, 4 November 1998.  
Legal Practitioners' Liability Committee – Report, 1 January 1998 to 30 June 1998.  
Library Board – Report, 1997-98.  
Local Authorities Superannuation Board – Report, 1997-98.  
Lorne Community Hospital – Report, 1997-98 (two papers).  
Lower Murray Region Water Authority – Report, 1997-98.  
Loy Yang B Power Station Pty Ltd – Report, 1997-98.  
Maffra District Hospital – Minister for Health's report of 9 November 1998 of receipt of the 1997-98 report.  
Mallee Track Health and Community Service – Report, 1997-98.  
Manangatang and District Hospital – Report, 1997-98.  
Mansfield District Hospital – Minister for Health's report of 22 October 1998 of receipt of the 1997-98 report.  
Marine Board – Report, 1997-98.  
Marine Sciences Institute – Report, 1997-98.

- Melbourne City Link Authority – Report, 1997-98.  
Melbourne Convention and Exhibition Trust – Report, 1997-98.  
Melbourne Sports and Aquatic Centre Trust – Report, 1997-98.  
Melbourne Water Corporation – Report, 1997-98.  
Members of Parliament (Register of Interests) Act 1978 – Cumulative Summary of Returns, October 1998.  
Mental Health Review Board and Psychosurgery Review Board – Report, 1997-98.  
Mildura Base Hospital – Report, 1997-98.  
Museums Board – Report, 1997-98.  
Nathalia District Hospital – Minister for Health's report of 22 October 1998 of receipt of the 1997-98 report.  
National Gallery Council – Report, 1997-98.  
Natural Resources and Environment Department – Report, 1997-98 (two papers).  
North East Region Water Authority – Report, 1997-98.  
Numurkah District Health Service – Minister for Health's report of 22 October 1998 of receipt of the 1997-98 report.  
Nurses Board – Minister for Health's report of 6 November 1998 of receipt of the 1997-98 report.  
Omeo District Hospital – Minister for Health's report of 9 November 1998 of receipt of the 1997-98 report.  
Overseas Projects Corporation Limited – Report, 1997-98.  
Planning and Environment Act 1987 – Notices of approval of the following amendments to planning schemes:  
    Bendigo – Greater Bendigo Planning Scheme – Amendment L75.  
    Corangamite Planning Scheme – Amendment L10.  
    Delatite Planning Scheme – Amendments 9 and L15.  
    Darebin Planning Scheme – Amendment L58.  
    Geelong – Greater Geelong Planning Scheme – Amendment L228.  
    Hastings Planning Scheme – Amendment L131.  
    Hume Planning Scheme – Amendment L48.  
    Korumburra Planning Scheme – Amendment L71.  
    Melbourne Planning Scheme – Amendment L256.  
    Melton Planning Scheme – Amendment L92.  
    Monash Planning Scheme – Amendments L7, L50 and L52.  
    Moonee Valley Planning Scheme – Amendment 36.  
    Moreland Planning Scheme – Amendment L70.  
    Pakenham Planning Scheme – Amendment L165.  
    Port Phillip Planning Scheme.  
    Stonnington Planning Scheme – Amendment L45.  
    Whitehorse Planning Scheme – Amendment L36.  
    Yarra Planning Scheme – Amendment L80.  
    Yarra Ranges Planning Scheme – Amendments L99 and L102.  
Plumbing Industry Board – Report, 24 March 1997 to 30 June 1998.  
Port of Geelong Authority – Report, 1 July 1997 to 10 December 1997.  
Port of Melbourne Authority – Report, 1 July 1997 to 10 December 1997.  
Port of Portland Authority – Report, 1 July 1997 to 10 December 1997.  
Portland and District Hospital – Report, 1997-98.  
Portland Coast Region Water Authority – Report, 1997-98.  
Power Net Victoria – Report, 1997-98.  
Premier and Cabinet Department – Report, 1997-98.  
Public Service Commissioner's Office – Report, 1997-98.

Public Transport Corporation – Report, 1997-98.  
Queen Victoria Women's Centre Trust – Report, 1997-98.  
Quiet Life Limited – Report, 1997-98.  
Radiation Advisory Committee – Report, year ended 30 September 1998.  
Regulator-General's Office – Report, 1997-98.  
Roads Corporation – Report, 1997-98.  
Rochester and Elmore District Health Service – Report, 1997-98.  
Royal Botanic Gardens Board – Report, 1997-98 (two papers).  
Rural Finance Act 1988 – Treasurer's directives of 27 October and 4 November 1998 to Rural Finance Corporation (two papers).  
South Gippsland Region Water Authority – Report, 1997-98.  
Southern Hydro Limited – Report, 1 July 1997 to 18 December 1997.  
South West Water Authority – Report, 1997-98.  
Stamps Act 1958 – Treasurer's report of 9 November 1998 of approved exemptions and partial exemptions and refunds made on corporate reconstructions for 1997-98.  
State Development Department – Report, 1997-98.  
State Electricity Commission – Report, 1997-98.  
State Training Board – Report, 1997-98.  
Statutory Rules under the following Acts of Parliament:  
    Drugs, Poisons and Controlled Substances Act 1981 – Nos. 129 and 132.  
    Health Act 1958 – No. 133.  
    Health Services Act 1988 – No. 131.  
    Land Acquisition and Compensation Act 1986 – No. 130.  
Subordinate Legislation Act 1994 – Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 131/1998.  
Sunraysia Rural Water Authority – Report, 1997-98.  
Strawberry Industry Development Committee – Minister for Agriculture and Resources' report of 29 October 1998 of receipt of the 1997-98 report.  
Tallangatta Hospital – Minister for Health's report of 22 October 1998 of receipt of the 1997-98 report.  
Terec Limited – Report, 1997-98.  
Tourism Victoria – Report, 1997-98.  
Transmission Pipelines Australia (Holdings) Pty Ltd – Report, 30 June 1997 to 30 June 1998.  
Transport Accident Commission – Report, 1997-98.  
Treasury and Finance Department – Report, 1997-98.  
Treasury Corporation – Report, 1997-98 (two papers).  
Tricontinental Holdings Limited – Report, year ended 31 December 1997.  
Trust for Nature – Minister for Conservation and Land Management's report of 4 November 1998 of receipt of the 1997-98 report.  
Upper Murray Health and Community Services – Minister for Health's report of 9 November 1998 of receipt of the 1997-98 report.  
Veterinary Board – Minister for Agriculture and Resources' report of 27 October 1998 of receipt of the 1997 report.  
V/Line Freight Corporation – Report, 1997-98.  
Vicfleet Pty Ltd – Report, 1997-98.  
Victorian Coastal and Bay Management Council – Report, 1997-98.  
Victorian Electricity Metering Pty Ltd – Report, 17 July 1997 to 30 June 1998.  
Victorian Energy Networks Corporation – Report, 1997-98.  
Victorian Government Purchasing Board – Report, 1997-98 (two papers).  
Victorian Managed Insurance Authority – Report, 1997-98.  
Victorian Power Exchange Pty Ltd – Report, 1997-98.



Victorian Rail Track Board – Report, 1997-98.  
 Wangaratta District Base Hospital – Report, 1997-98 (two papers).  
 Western Region Water Authority – Report, 1997-98.  
 Westernport Region Water Authority – Report, 1997-98.  
 Wimmera-Mallee Rural Water Authority – Report, 1997-98.  
 Wodonga Regional Health Service – Report, 1997-98.  
 Yarram and District Health Service – Minister for Health's report of 6  
 November 1998 of receipt of the 1997-98 report.  
 Yarrawonga District Hospital – Minister for Health's report of 22 October  
 1998 of receipt of the 1997-98 report.  
 Yea and District Memorial Hospital – Minister for Health's report of 22  
 October 1998 of receipt of the 1997-98 report.

\* \* \* \* \*

**PROCLAMATION** – A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council on 17 February 1998:

Health Services (Amendment) Act 1997 – Remaining provisions – 2  
 November 1998 (*Gazette No. G43, 29 October 1998*).

**10 ACCIDENT COMPENSATION (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable T.C. Theophanous moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the Government –

- (a) develops guidelines for the establishment of agents and subcontractors; and
- (b) guarantees that the existing functions of occupational health and safety officers will not be reduced in any way. "

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 31	NOES, 9
The Hon. L. Asher	The Hon. Tayfun Eren ( <i>Teller</i> )
G.B. Ashman	M.M. Gould
B.N. Atkinson	C.J. Hogg
W.R. Baxter	J. McLean
R.A. Best	D.A. Nardella
M.A. Birrell	S.M. Nguyen
B.W. Bishop	P. Power
B.C. Boardman	B.T. Pullen
A.R. Brideson	D.T. Walpole ( <i>Teller</i> )
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely ( <i>Teller</i> )	

W. Forwood  
C.A. Furletti  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell (*Teller*)  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**11 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, by leave, That so much of the Order of the Council of 28 October 1998 as provides that General business take precedence until 4.00 p.m. and that questions be taken at the conclusion of General business during the sitting of the Council on Wednesday, 11 November 1998, be read and rescinded, and that questions be now taken at 12 noon and General business take precedence for a period of 3 hours following the taking of questions that day.

Question – put and resolved in the affirmative.

**12 LOCAL GOVERNMENT (GOVERNANCE AND MELTON) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable T.C. Theophanous (for the Honourable P. Power) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 13 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.
- 14 SUPERANNUATION ACTS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 15 MELBOURNE CRICKET GROUND (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.  
The Honourable C.J. Hogg (for the Honourable P. Power) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 16 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 4 to 6 inclusive, be postponed until later this day.
- 17 TRANSPORT (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.  
The Honourable P. Power moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 18 LIQUOR CONTROL REFORM BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.  
The Honourable D.A. Nardella moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 19 APPEAL COSTS BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.  
The Honourable L. Asher made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.  
The Honourable P. Power (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 20 LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable B.W. Bishop moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

- 21 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 22 LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 23 CRIMES, CONFISCATION AND EVIDENCE ACTS (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Crimes Act 1958, the Confiscation Act 1997 and the Evidence Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable L. Asher), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 24 EDUCATION (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 25 TRANSFER OF LAND (SINGLE REGISTER) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted to ensure that funding from the \$4 million package to finance the changes to land titles is directed, as far as possible, to the Ballarat office of the Department of Natural Resources and Environment as some compensation for the government's cancellation of the \$40 million tender to computerise the Land Titles Office."

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 30

The Hon. L. Asher

NOES, 7

The Hon. Tayfun Eren

G.B. Ashman	M.M. Gould
B.N. Atkinson	C.J. Hogg
W.R. Baxter	D.A. Nardella
R.A. Best	S.M. Nguyen
B.W. Bishop	P. Power ( <i>Teller</i> )
B.C. Boardman	B.T. Pullen ( <i>Teller</i> )
A.R. Brideson	
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti ( <i>Teller</i> )	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan ( <i>Teller</i> )	
R.I. Knowles	
N.B. Lucas	
M.T. Luckins	
E.J. Powell	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC Wilding	

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**26 CRIMES, CONFISCATION AND EVIDENCE ACTS (AMENDMENT) BILL –**  
The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**27 VICTORIAN COLLEGE OF THE ARTS (AMENDMENT) BILL –** The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

*And the Council having continued to sit until after 12 midnight –*

WEDNESDAY, 11 NOVEMBER 1998

The Honourable W.I. Smith moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**28 LOCAL GOVERNMENT (NILLUMBIK SHIRE COUNCIL) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to dismiss the Nillumbik Shire Council and set a date for a general election for that Council and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**29 RACING AND BETTING ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Racing Act 1958, the Lotteries Gaming and Betting Act 1966, the Stamps Act 1958, the Gaming No. 2 Act 1997, the Gaming and Betting Act 1994 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**30 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 12.38 a.m., adjourned until this day at 12.00 noon.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 26 – Wednesday, 11 November 1998**

1 The President took the Chair and read the Prayer.

2 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

3 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

4 **PAPERS** –

**ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN** – The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Victorian Government Response to the Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children

from their Families (*Bringing Them Home*) – Implementation Status Report, November 1998.

Question – put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.

\* \* \* \* \*

**PARLIAMENTARY DEPARTMENTS** – The Honourable P.R. Hall moved, by leave, That there be laid before this House a copy of the report of –

- (a) the Clerk on the Operations of the Department of the Legislative Council for the year 1997-98;
- (b) the Librarian on the Operations of the Department of the Parliamentary Library for the year 1997-98;
- (c) the Chief Reporter on the operations of the Department of Victorian Parliamentary Debates for the year 1997-98; and
- (d) the Secretary on the operations of the Department of Parliamentary Services for the year 1997-98.

Question – put and resolved in the affirmative.

The said Reports were thereupon presented by the Honourable P.R. Hall and ordered to lie on the Table.

**LAW REFORM COMMITTEE – FENCES ACT** – The Honourable C.A. Furletti presented a Report from the Law Reform Committee upon the Review of the *Fences Act 1968*, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General – Report on Automating fare collection: *A major initiative in public transport*, November 1998.

Heywood and District Memorial Hospital – Report, 1997-98.

Human Services Department – Report, 1997-98 (*in lieu of that tabled on 10 November 1998*).

Ombudsman – Second Interim Report on Allegations raised concerning the Activities of the Operations Intelligence Unit and Other Related Issues, November 1998.

Ombudsman's Office – Report, 1997-98.

Police Board – Report, 1997-98.

**5 BUSINESS POSTPONED** – Ordered – That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

**6 HEALTH SYSTEM PRIVATISATION** – The Honourable M.M. Gould moved, That this House condemns the Kennett Government for its privatisation of the health system, including –

- (a) handing over our health assets to private companies which give a higher priority to making a profit than caring for the Victorian people;
- (b) tendering out of services; and
- (c) encouraging a culture where commercial considerations override the quality of service.

Debate ensued.

Question – put.

The Council divided.

AYES, 8

The Hon. M.M. Gould  
 C.J. Hogg  
 J. McLean (*Teller*)  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen  
 D.T. Walpole (*Teller*)

NOES, 31

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney (*Teller*)  
 C.A. Strong (*Teller*)  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it passed in the negative.

- 7 **BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.
- 8 **LOCAL GOVERNMENT (NILLUMBIK SHIRE COUNCIL) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable P. Power) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.



**9 RACING AND BETTING ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**10 VICTORIAN COLLEGE OF THE ARTS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

And then the Council, at 6.09 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 27 – Thursday, 12 November 1998**

1 The President took the Chair and read the Prayer.

**2 LICENSING AND TRIBUNAL (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Co-operatives Act 1996, the Domestic Building Contracts Act 1995, the Motor Car Traders Act 1986, the Prostitution Control Act 1994, the Second-Hand Dealers and Pawnbrokers Act 1989, the Small Claims Act 1973, the Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998, the Victorian Civil and Administrative Tribunal Act 1998 and other Acts and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**3 PAPERS** –

**HEALTH SERVICE COMMISSIONER** – The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Report of the Health Services Commissioner for the year 1997-98.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.

\* \* \* \* \*

**AUDITOR-GENERAL'S REPORTS** – The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Response by the Minister for Finance to the Auditor-General's Reports Tabled during 1997-98.

Question – put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – INFORMATION TECHNOLOGY AND THE YEAR 2000 PROBLEM** – The Honourable W. Forwood presented a Report from the Public Accounts and Estimates Committee upon Information Technology and the Year 2000 Problem - Is the Victorian Public Sector Ready?, together with Appendices.

Ordered to lie on the Table and to be printed.

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Alpine Health – Minister for Health's report of 11 November 1998 of receipt of the 1997-98 report.

Central Wellington Health Service – Report, 1997-98.

Djerriwarrh Health Services – Report, 1997-98 (two papers).

East Wimmera Health Service – Report, 1997-98.

Forensic Mental Health Institute – Minister for Health's report of 11 November 1998 of receipt of the 1997-98 report.

Gippsland Southern Health Service – Report, 1997-98.

Health Promotion Foundation – Report, 1997-98.

Hepburn Health Service – Report, 1997-98.

Melbourne and Olympic Parks Trust – Report, 1997-98.

Members of Parliament (Register of Interests) Act 1978 – Summary of variations notified between 2 October 1998 and 11 November 1998.

Mildura Cemetery Trust – Financial Statements, 1997.

Physiotherapists Registration Board – Minister for Health's report of 11 November 1998 of receipt of the 1997-98 report.

Wimmera Health Care Group – Report, 1997-98.

**4 CRIMES, CONFISCATION AND EVIDENCE ACTS (AMENDMENT) BILL** –

The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**5 LEGAL AID (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Legal Aid Act 1978 to provide for funding matters, to clarify powers in relation to legal practitioners and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**7 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.

**8 APPEAL COSTS BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**9 LIQUOR CONTROL REFORM BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable T.C. Theophanous moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until –

- (a) there has been extensive and broad-based community discussion and debate on all the issues canvassed by the *Liquor Control Act 1987* Review and the details of the Bill, as was done following the Nieuwenhuysen recommendations and the 1987 Liquor Control Bill;
- (b) further consideration is given to limiting the percentage of general licences able to be held by any one licence-holder; and
- (c) provision is made for a fully independent liquor control authority and the appropriate notification and appeals processes for the granting and variation of liquor licences."

Debate ensued.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

**10 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**11 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**12 LIQUOR CONTROL REFORM BILL** – Debate continued on the question, That this Bill be now read a second time and on the reasoned amendment (*for text see Item 9*).

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 31

The Hon. L. Asher  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop  
B.C. Boardman

NOES, 9

The Hon. Tayfun Eren (*Teller*)  
M.M. Gould  
C.J. Hogg  
J. McLean  
D.A. Nardella (*Teller*)  
S.M. Nguyen  
P. Power

R.H. Bowden	T.C. Theophanous
A.R. Brideson	D.T. Walpole
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti	
R.M. Hallam	
W.A.N. Hartigan	
P.A. Katsambanis	
R.I. Knowles	
N.B. Lucas	
M.T. Luckins	
E.J. Powell	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith ( <i>Teller</i> )	
Graeme Stoney	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC Wilding ( <i>Teller</i> )	

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time, after debate.

Question – That the Bill do pass – put.

The Council divided.

AYES, 31	NOES, 9
The Hon. L. Asher	The Hon. Tayfun Eren
B.N. Atkinson	M.M. Gould
W.R. Baxter	C.J. Hogg
R.A. Best	J. McLean
M.A. Birrell	D.A. Nardella
B.W. Bishop	S.M. Nguyen
B.C. Boardman	P. Power ( <i>Teller</i> )
R.H. Bowden	T.C. Theophanous
A.R. Brideson	D.T. Walpole ( <i>Teller</i> )
I.J. Cover	
G.R. Craige	
D.M. Davis ( <i>Teller</i> )	
P.R. Davis	
R.S. de Fegely	
W. Forwood	

C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross (*Teller*)  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative.

Bill passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 LAND TITLES VALIDATION (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Land Titles Validation Act 1994 to validate, in accordance with the Native Title Act 1993 of the Commonwealth, certain intermediate period acts and to confirm the effect on native title of certain acts, to amend the Pipelines Act 1967 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 14 MELBOURNE CRICKET GROUND (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 30

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson (*Teller*)  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige

NOES, 8

The Hon. Tayfun Eren  
 M.M. Gould  
 J. McLean (*Teller*)  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen (*Teller*)  
 D.T. Walpole

D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood (*Teller*)  
C.A. Furletti  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 RAIL CORPORATIONS (FURTHER AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to make further amendments to the Rail Corporations Act 1996 and the Transport Act 1983 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**16 LOCAL GOVERNMENT (GOVERNANCE AND MELTON) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable N.B. Lucas moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

**17 BUSINESS OF THE HOUSE** – The Honourable R.M. Hallam moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**18 LOCAL GOVERNMENT (GOVERNANCE AND MELTON) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 31

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best (*Teller*)  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells (*Teller*)  
 Sue deC Wilding

NOES, 9

The Hon. Tayfun Eren  
 M.M. Gould  
 C.J. Hogg  
 D.A. Nardella (*Teller*)  
 S.M. Nguyen  
 P. Power (*Teller*)  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole

And so it was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**19 STATE TAXATION (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Business Franchise (Petroleum Products) Act 1979*, the *Financial Institutions Duty Act 1982*, the *Land Tax Act 1958*, the *Liquor Control Act 1987*, the

*Pay-roll Tax Act 1971, the Stamps Act 1958 and the Taxation Administration Act 1997 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**20 ELECTRICITY INDUSTRY ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make further amendments to the Electricity Industry Act 1993 and the State Electricity Commission Act 1958 and to amend the Electricity Safety Act 1998 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**21 GAS INDUSTRY ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Gas Industry Act 1994, the Gas Pipelines Access (Victoria) Act 1998, the Gas Safety Act 1997 and certain other Acts and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**22 TRANSPORT (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until full transport industry and community consultation has taken place on the need for and impact of –

- (a) taxi licence issue being stripped from the Governor in Council and given to the Minister;
- (b) any introduction of an 'as of right' licence option for 8 to 12 seater vehicles; and
- (c) VicRoads conducting lease and licence negotiations in accordance with policies determined by the Minister. "

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

*And the Council having continued to sit until after 12 midnight –*

FRIDAY, 13 NOVEMBER 1998

AYES, 30	NOES, 8
The Hon. L. Asher	The Hon. Tayfun Eren ( <i>Teller</i> )
G.B. Ashman	M.M. Gould
B.N. Atkinson	C.J. Hogg
W.R. Baxter	D.A. Nardella ( <i>Teller</i> )
R.A. Best	S.M. Nguyen
M.A. Birrell	P. Power



B.W. Bishop	B.T. Pullen
B.C. Boardman	T.C. Theophanous
R.H. Bowden ( <i>Teller</i> )	
A.R. Brideson ( <i>Teller</i> )	
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti	
R.M. Hallam	
W.A.N. Hartigan	
R.I. Knowles	
N.B. Lucas	
M.T. Luckins	
E.J. Powell	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC Wilding	

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**23 LICENSING AND TRIBUNAL (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**24 LEGAL AID (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable L. Asher made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 25 LAND TITLES VALIDATION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.  
The Honourable M.M. Gould moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 26 RAIL CORPORATIONS (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.  
The Honourable R.M. Hallam made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.  
The Honourable P.Power moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 27 STATE TAXATION (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.  
The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 28 ELECTRICITY INDUSTRY ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.  
The Honourable M.M. Gould (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 29 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next at 10.00 a.m.  
Question – put and resolved in the affirmative.  
The Honourable R.I. Knowles moved, That the House do now adjourn.  
Debate ensued.  
Question – put and resolved in the affirmative.  
And then the Council, at 1.21 a.m., adjourned until Tuesday next at 10.00 a.m.

A.V. BRAY  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 30 and 31

### No. 30 – Tuesday, 13 April 1999

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution, having fixed this day at 2.30 p.m. as the time of meeting.  
The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented Messages from His Excellency the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - On 24 November 1998 –
    - Appeal Costs Act*
    - Chattel Securities (Amendment) Act*
    - Electricity Industry Acts (Amendment) Act*
    - Gaming Acts (Further Amendment) Act*
    - Gas Industry Acts (Amendment) Act*
    - Land Titles Validation (Amendment) Act*
    - Legal Aid (Amendment) Act*
    - Liquor Control Reform Act*
    - Local Government (Nillumbik Shire Council) Act*
    - Petroleum Act*
    - Racing and Betting Acts (Amendment) Act*
    - Rail Corporations (Further Amendment) Act*
    - Transport (Amendment) Act*
    - Victorian College of the Arts (Amendment) Act*
  - On 1 December 1998 –
    - Licensing and Tribunal (Amendment) Act*
    - Melbourne City Link (Amendment) Act*
    - State Taxation (Further Amendment) Act*
    - Melbourne Cricket Ground (Amendment) Act.*
- 3 **MAGISTRATES' COURT (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Magistrates' Court Act 1989, the Supreme Court Act 1986, the County Court Act 1958, the Crimes Act 1958, the Children and Young Persons Act 1989 and the Sentencing Act 1991 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 4 STATUTE LAW REVISION (REPEALS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to revise the Statute Law of Victoria and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 5 PUBLIC SECTOR REFORM (FURTHER AMENDMENTS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Public Sector Reform (Miscellaneous Amendments) Act 1998, to make miscellaneous consequential amendments to other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 ENVIRONMENT PROTECTION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Environment Protection Act 1970 to make further provision for industry waste reduction agreements, State environment protection policy and the transport of waste and to impose further landfill levies and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 BARLEY MARKETING (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make further provision relating to the marketing of barley, to dissolve the Australian Barley Board, to amend the Barley Marketing Act 1993 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 9 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 10 CORRECTION OF BILL TITLES** – The Honourable R.I. Knowles moved, by leave, That where a Bill has passed through both Houses and any title of the Bill includes a reference to a calendar year earlier than that in which passage of a Bill was completed, the Clerk of the Parliaments be empowered to alter the calendar

year reference in the Bill title and any corresponding reference within the Bill itself to accord with the year in which its passage was completed.

Question — put and resolved in the affirmative.

**11 ADJOURNMENT OF BILLS** — The Honourable R.I. Knowles moved, by leave, That —

(a) unless otherwise ordered, where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 28 May 1999, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in September 1999: Provided that any Bill transmitted from the Legislative Assembly which is in the hands of the Clerk no later than 10.00 a.m. on 31 May 1999 may be taken through all stages; and

(b) this Order shall have effect until 30 June 1999.

Question — put and resolved in the affirmative.

**12 PETITIONS** —

**GIPPSLAND LAKES** — The Honourables P.R. Hall, W. Forwood and J. McLean each presented a Petition bearing 16, 19 and 8 signatures, respectively, from certain citizens of Victoria requesting immediate steps to control and manage the effects of the current Gippsland Lakes blue-green algae outbreak and immediate scientific investigations into the causes, followed by the enactment of appropriate legislation, together with the provision of finance and manpower, to ensure a manageable short and long term solution.

Severally ordered to lie on the Table.

**13 AMBULANCE SERVICES (FURTHER AMENDMENT) BILL** — On the motion (by leave without notice) of the Honourable R.I. Knowles, leave was given to bring in a Bill *to amend the Ambulance Services Act 1986 and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**14 PAPERS** —

**COUNTY COURT JUDGES** — The Honourable L. Asher presented, by command of His Excellency the Governor, the Report of the County Court Judges for the year 1997-98.

Ordered to lie on the Table.

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**MAGISTRATES' COURT** — The Honourable L. Asher presented, by command of His Excellency the Governor, the Report of the Magistrates' Court for the year 1997-98.

Ordered to lie on the Table.

\* \* \* \* \*

**BLF CUSTODIAN** — The Honourable M.A. Birrell moved, by leave, That there be laid before this House copies of Reports Nos. 41 and 42 dated 30 November 1998 and 28 February 1999, respectively, given to Mr President pursuant to section 7A of the *BLF (De-recognition) Act 1985* by the Custodian appointed under section 7(1) of that Act.

Question — put and resolved in the affirmative.

The said Reports were thereupon presented by the Honourable M.A. Birrell and ordered to lie on the Table.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – RIGHT TO SILENCE** – The Honourable P.A. Katsambanis presented the Final Report from the Scrutiny of Acts and Regulations Committee on the Right to Silence, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGESTS** – The Honourable P.A. Katsambanis presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 1 of 1999.

Alert Digest No. 2 of 1999, together with an Appendix.

Severally ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Albury-Wodonga Development (Victoria) Corporation – Report, 1997-98.

Alexandra and District Ambulance Service – Minister for Health's report of 24 December 1998 of receipt of the 1997-98 report.

Alpine Resorts Commission – Report, 1 November 1997 to 29 April 1998.

Ambulance Officers' Training Centre – Minister for Health's report of 24 December 1998 of receipt of the 1997-98 report.

Crown Land (Reserves) Act 1978 – Minister's Orders of 11 November 1998, 4 December 1998, 22 and 27 February 1999, and 10 March 1999, giving approval to granting of leases at Albert Park, Elsternwick, Cape Paterson; Moonee Valley and Brighton (seven papers).

Dried Fruits Board – Minister for Agriculture and Resources' report of 15 February 1999 of receipt of the 1997-98 report.

Drugs, Poisons and Controlled Substances Act 1981 – Standard for the Uniform Scheduling of Drugs and Poisons, No. 13, 22 September 1998, Amendment No. 1, 23 September 1998 and Amendment No. 2, 18 March 1999, and Minister's Notice regarding the amendment, commencement and availability of the Code (four papers).

Eastern Regional Waste Management Group – Minister for Conservation and Land Management's report of 20 January 1999 of receipt of the 1996-97 financial statements.

Electoral Commissioner – Statements of functions conferred, 15 December 1998 and 16 February 1999 (two papers).

Emu Industry Development Committee – Minister for Agriculture and Resources' report of 10 March 1999 of receipt of the 1997-98 report.

Environment Conservation Council Act 1997 – Minister for Conservation and Land Management's notice of amendment of request for the Environment Conservation Council to investigate Victoria's Marine, Coastal and Estuarine Areas.

Environment Protection Act 1970 –

Order in Council of 15 December 1998 declaring the Industrial Waste Management Policy (Waste Acid Sulfate Soils); and

Orders in Council of 9 February 1999 declaring the State Environment Protection Policy (Ambient Air Quality) and declaring a variation to the State Environment Protection Policy (The Air Environment) (two papers).

International Fibre Centre Ltd. – Minister for Tertiary Education and Training's report of 29 March 1999 of receipt of the 1998 report.

Interpretation of Legislation Act 1984 – Notices pursuant to section 32(3)(a)(iii) in relation to Statutory Rules Nos. 148, 151 and 160/1998 (three papers).

Judicial Remuneration Tribunal – Report on Judicial Salary and Allowances, 22 December 1998, together with a statement from the Attorney-General as to the reasons for accepting the Tribunal's recommendations, 4 March 1999 (two papers).

Koo wee rup Regional Health Service – Minister for Health's report of 1 February 1999 of receipt of the 1997-98 report.

Melbourne City Link Act 1995 –

Orders in Council of 15 December 1998, 19 January 1999, 9 and 23 February 1999 and 23 and 30 March 1999, varying the project area of land pursuant to section 8(4) of the Act (fourteen papers).

Statement of Variations Nos. 1, 2 and 3/1999 to the Exhibition Street Extension Agreement, 29 March 1999 and 1 April 1999, pursuant to section 15D(6) of the Act (three papers).

Exhibition Street Extension First Amending Deed, 29 March 1999, pursuant to section 15D(6) of the Act.

Melbourne City Link Second Deed Amending the Master Security Deed, 29 March 1999, pursuant to section 15 (2) of the Act.

Mercy Public Hospitals Incorporated –

Minister's report of failure to submit 1997-98 report to him within the prescribed period and the reasons therefor.

Report, 1997-98 (three papers).

Murray-Darling Basin Commission – Report, 1997-98.

Murray Valley Wine Grape Industry Development Committee – Minister for Agriculture and Resources' report of 23 December 1998 of receipt of the 1997-98 report.

National Crime Authority – Report, 1997-98.

National Environment Protection Council – Report, 1997-98.

Northern Regional Waste Management Group – Minister for Conservation and Land Management's report of 10 February 1999 of receipt of the 1997-98 report.

Northern Victorian Fresh Tomato Industry Development Committee – Minister for Agriculture and Resources' report of 22 March 1999 of receipt of the 1997-98 report.

O'Connell Family Centre (Grey Sisters) Incorporated – Minister for Youth and Community Services' report of 29 January 1999 of receipt of the 1997-98 report.

Planning and Environment Act 1987 – Notices of Approval of the following amendments and new planning schemes:

Ballarat Planning Scheme.

Planning and Environment Act 1987 – *continued*

Ballarat Planning Scheme – Amendments C1 and C5.

Banyule Planning Scheme – Amendments L19, L21, L22 and L25.

Baw Baw Planning Scheme.

Baw Baw Planning Scheme – Amendments C3 to C5.

Bayside Planning Scheme – Amendments L18, L19 and L21.

Bendigo – Greater Bendigo Planning Scheme – Amendments L49, L80 and L83.

Berwick Planning Scheme – Amendments L139 Part A, L142 and L145.

Boroondara Planning Scheme – Amendment L39.

Bright Planning Scheme – Amendment L47.

Brimbank Planning Scheme – Amendments L41, L44, L53, L56, L60 and L61.

Castlemaine Planning Scheme – Amendment L21.

Cranbourne Planning Scheme – Amendments L183, 187, 190, L210, L218 to L220, L222 Part A, L227, L230 and 231.

Dandenong – Greater Dandenong Planning Scheme.

Darebin Planning Scheme – Amendments L59, L61 and L63 to L65.

Doncaster and Templestowe Planning Scheme – Amendments L133 and L137.

Flinders Planning Scheme – Amendments L166 and L191.

Frankston Planning Scheme – Amendments 106 and L113.

Geelong – Greater Geelong Planning Scheme – Amendments L233, R168, R214, R221, R226, R229, R231, R234 and RL190.

Glen Eira Planning Scheme – Amendments L29, L30, L32 and L34.

Glenelg Planning Scheme.

Goulburn Planning Scheme – Amendment L13.

Hastings Planning Scheme – Amendment L150.

Hepburn Planning Scheme – Amendment L6.

Hobsons Bay Planning Scheme – Amendment L12.

Horsham Planning Scheme – Amendment L13.

Hume Planning Scheme – Amendments L47, L53, L54, L56, L58 and L59.

Indigo Planning Scheme.

Karkaroc Planning Scheme – Amendment L4.

Kingston Planning Scheme – Amendments L33, L41, L45 and L46.

Knox Planning Scheme – Amendments L147, L158, L166, L172, L175, L176 and L178 to L180.

Macedon Ranges Planning Scheme – Amendment L28.

Maffra Planning Scheme – Amendment L34.

Maribyrnong Planning Scheme – Amendment 29 (Part 1).

Maroondah Planning Scheme – Amendments L24 Part 1, L26 and L28.

Melbourne Planning Scheme.



- Melbourne Planning Scheme – Amendments L237, L294, L296, L306 to L308, L320 and L323 to L325.
- Melton Planning Scheme – Amendment L105.
- Mildura (City) Planning Scheme – Amendment L65.
- Mitchell Planning Scheme.
- Planning and Environment Act 1987 – *continued*
- Moe Planning Scheme – Amendments L45 to L47.
- Moira Planning Scheme – Amendment L21.
- Monash Planning Scheme – Amendments L37, L38, L40, L49 and L56.
- Moreland Planning Scheme – Amendments L55, L58 and L62.
- Narracan Planning Scheme – Amendment L60.
- Nillumbik Planning Scheme – Amendments L16 to L18.
- Pakenham Planning Scheme – Amendments L134, L142, L158 to L161, 163, L164, 168 and L169.
- Port Phillip Planning Scheme – Amendments C3, C7 and C15.
- Queenscliffe Planning Scheme.
- Rosedale Planning Scheme – Amendments L49 and L51.
- Sale Planning Scheme – Amendments L31 and L32.
- Stonnington Planning Scheme – Amendments L37, L51, L54, L70 and L75.
- Traralgon (City) Planning Scheme – Amendment L77.
- Victoria – State Section Planning Schemes – Amendments S76, S78 to S81 and SR5.
- Victoria Planning Provisions – Amendments VC5 and VC6.
- Wangaratta Planning Scheme.
- Warrnambool Planning Scheme – Amendment L31.
- Werribee Planning Scheme – Amendment L117 Part 2.
- Whitehorse Planning Scheme – Amendments L29, L37, 39, L40 to L42 and L44.
- Whittlesea Planning Scheme – Amendments 165 and L173.
- Wodonga Rural (City) Planning Scheme – Amendment L22.
- Wyndham Planning Scheme.
- Yarra Planning Scheme – Amendments L65, L73, L79, L84 to L87 and L90.
- Yarra Ranges Planning Scheme – Amendments L76, L96, 97, L103 and 104.
- Prevention of Cruelty to Animals Act 1986 – Code of Practice for Debarking of Dogs, 6 April 1999.
- Project Development and Construction Management Act 1994 – Nomination and Application Orders relating to the State Netball and Hockey Centre and the Sidney Myer Music Bowl Refurbishment, together with statements of reasons for making the Orders (six papers).
- Queen Elizabeth Centre – Minister for Health's report of 1 February 1999 of receipt of the 1997-98 report.
- Rural Finance Act 1988 – Treasurer's directive of 13 January 1999 to Rural Finance Corporation.
- Seymour District Memorial Hospital – Report, 1997-98.

South Eastern Regional Waste Management Group – Report, 1997-98.

Statutory Rules under the following Acts of Parliament:

Accident Compensation Act 1985 – No. 8/1999.

Administration and Probate Act 1958 – No. 143/1998.

Adoption Act 1984 – No. 32/1999.

Audit Act 1994 – No. 11/1999.

Statutory Rules under the following Acts of Parliament – *continued*

Building Act 1993 – No. 148/1998 and No. 16/1999.

Casino Control Act 1991 – No. 35/1999.

Club Keno Act 1993 – Tattersall Consultations Act 1958 – No. 15/1999.

County Court Act 1958 – Nos. 144, 145, 157 and 158/1998 and No. 20/1999.

Country Fire Authority Act 1958 – No. 161/1998.

Dangerous Goods Act 1985 – Nos. 153 and 154/1998.

Dentists Act 1972 – No. 139/1998.

Discharged Servicemen's Preference Act 1943 – No. 31/1999.

Drugs, Poisons and Controlled Substances Act 1981 – No. 159/1998.

Education Act 1958 – No. 7/1999.

Fisheries Act 1995 – Nos. 1, 9 and 25/1999.

Food Act 1984 – No. 37/1999.

Forests Act 1958 – No. 146/1998.

Gas Industry Act 1994 – No. 19/1999.

Gas Safety Act 1997 – Nos. 4 to 6/1999.

Health Act 1958 – No. 21/1999.

Land Tax Act 1958 – No. 156/1998.

Legal Practice Act 1996 – No. 14/1999.

Liquor Control Reform Act 1998 – Nos. 13 and 18/1999.

Livestock Disease Control Act 1994 – No. 34/1999.

Local Government Act 1989 – No. 2/1999.

Magistrates' Court Act 1989 – Nos. 137, 162 and 163/1998 and No. 10/1999.

Marine Act 1988 – No. 170/1998.

Melbourne City Link Act 1995 – No. 22/1999.

Occupational Health and Safety Act 1985 – No. 138/1998.

Pay-roll Tax Act 1971 – No. 149/1998 and No. 3/1999.

Physiotherapists Act 1978 – No. 167/1998 and No. 23/1999.

Planning and Environment Act 1987 – No. 168/1998.

Podiatrists Registration Act 1997 – No. 155/1998.

Property Law Act 1958 – No. 166/1998.

Psychologists Registration Act 1987 – No. 147/1998.

Road Safety Act 1986 – Nos. 17 and 26 to 29/1999.

Road Safety Act 1986 – Transport Act 1983 – No. 169/1998.

State Superannuation Act 1988 – No. 12/1999.

Subordinate Legislation Act 1994 – Nos. 36 and 38/1999.

Supreme Court Act 1986 – Nos. 141, 142 and 150/1998.

Supreme Court Act 1986 – Crimes Act 1958 – Confiscation Act 1997 – No. 33/1999.

Tobacco Act 1987 – No. 160/1998.

Transfer of Land Act 1958 – Nos. 164 and 165/1998.

Transport Act 1983 – Nos. 140 and 171/1998 and No. 30/1999.

Victorian Civil and Administrative Tribunal Act 1998 – No. 24/1999.

Water Industry Act 1994 – No. 151/1998.

Wildlife Act 1975 – No. 152/1998.

Subordinate Legislation Act 1994 –

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 137, 139, 141 to 145, 150, 156 to 158, 162 and 163/1998; and Nos. 10, 20, 24, 25 and 33/1999.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 146, 151, 153 to 155, 159, 160, 164 to 167 and 169 to 171/1998; and Nos. 1 to 3, 9, 12, 14 to 17, 19, 21, 23, 27, 28, 30 and 32/1999.

Tattersall's – Financial statements, 1997-98.

Tweddle Child and Family Health Service – Minister for Health's report of 25 March 1999 of receipt of the 1997-98 report.

Wildlife Act 1975 – Notices of control of hunting, Nos. 1 and 2/1999, 15 March 1999 (two papers).

Yarra Bend Park Trust – Minister for Conservation and Land Management's report of 13 January 1999 of receipt of the 1997-98 report.

Youth Parole Board and Youth Residential Board – Report, 1997-98.

\* \* \* \* \*

**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 17 February 1998:

Building (Plumbing) Act 1998 – Remaining provisions (except section 6) – 1 January 1999 (*Gazette No. S148, 11 December 1998*).

Drugs, Poisons and Controlled Substances (Amendment) Act 1998 – Remaining provisions – 31 December 1998 (*Gazette No. G49, 10 December 1998*).

Electricity Industry (Further Miscellaneous Amendment) Act 1997 – Sections 4(2), 6 and 8 (except paragraph (a)) – 13 December 1998 (*Gazette No. G50, 17 December 1998*).

Electricity Industry (Miscellaneous Amendment) Act 1997 – Section 11 – 13 December 1998 (*Gazette No. G50, 17 December 1998*).

Gas Safety Act 1997 – Remaining provisions – 1 February 1999 (*Gazette No. G3, 21 January 1999*).

Health Services (Further Amendment) Act 1998 – Section 6 – 21 December 1998 (*Gazette No. S148, 11 December 1998*).

Land (Further Revocation of Reservations) Act 1998 – Part 3 and Schedule 4 – 1 April 1999 (*Gazette No. G13, 1 April 1999*).

Licensing and Tribunal (Amendment) Act 1998 – Remaining provisions – 1 February 1999 (*Gazette No. G51, 24 December 1998*).

Liquor Control Reform Act 1998 – Remaining provisions – 17 February 1999 (*Gazette No. S22, 16 February 1999*).

Livestock Disease Control (Amendment) Act 1998 – Sections 4, 11 and 14 – 1 April 1999 (*Gazette No. G13, 1 April 1999*).

Melbourne Cricket Ground (Amendment) Act 1998 – Remaining provisions – 22 December 1998 (*Gazette No. S148, 11 December 1998*).

National Electricity (Victoria) Act 1997 – Remaining provisions – 13 December 1998 (*Gazette No. G50, 17 December 1998*).

Patriotic Funds (Amendment) Act 1998 – Remaining provisions – 1 December 1998 (*Gazette No. G47, 26 November 1998*).

Proclamations – *continued*

Planning and Environment (Amendment) Act 1998 – Remaining provisions – 3 December 1998 (*Gazette No. G47, 26 November 1998*).

Printers and Newspapers (Repeal) Act 1998 – Remaining provisions – 19 November 1998 (*Gazette No. G46, 19 November 1998*).

Racing and Betting Acts (Amendment) Act 1998 – Sections 14 and 15 – 18 February 1999 (*Gazette No. G7, 18 February 1999*); remaining provisions (except sections 14 and 15) – 10 December 1998 (*Gazette No. G49, 10 December 1998*).

Rail Corporations (Further Amendment) Act 1998 – Sections 17 to 19, 22, 25 and 26 – 1 January 1999 (*Gazette No. G51, 24 December 1998*).

Road Safety (Amendment) Act 1998 – Remaining provisions – 1 May 1999 (*Gazette No. G11, 18 March 1999*).

Road Safety (Further Amendment) Act 1998 – Sections 5(1), 8, 11 and 12 – 1 May 1999 (*Gazette No. G11, 18 March 1999*).

State Taxation (Further Amendment) Act 1998 – Sections 12 to 15, 27 and 30 – 1 February 1999 (*Gazette No. G3, 21 January 1999*).

Transport Acts (Amendment) Act 1998 – Remaining provisions – 4 March 1999 (*Gazette No. G9, 4 March 1999*).

Transport (Amendment) Act 1998 – Remaining provisions – 8 December 1998 (*Gazette No. S145, 8 December 1998*).

Victorian Institute of Marine Sciences (Repeal) Act 1998 – Remaining provisions – 1 January 1999 (*Gazette No. S148, 11 December 1998*).

**15 MAGISTRATES' COURT (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**16 STATUTE LAW REVISION (REPEALS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**17 PUBLIC SECTOR REFORM (FURTHER AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**18 ENVIRONMENT PROTECTION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable P. Power) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**19 BARLEY MARKETING (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**20 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 4.59 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 31 – Wednesday, 14 April 1999**

**1** The President took the Chair and read the Prayer.

**2 TATTERSALL CONSULTATIONS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Tattersall Consultations Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

**3 TRANSPORT ACCIDENT (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to*

*amend the Transport Accident Act 1986 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 4 TRANSPORT ACTS (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Public Transport Competition Act 1995 and the Transport Act 1983 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 5 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 6 BUSINESS POSTPONED** – Ordered – That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

- 7 VICTORIAN CRISIS** – The Honourable M.M. Gould moved, That this House condemns the Government for failing to address the Victorian crisis in health, education, jobs, roads and community safety.

Debate ensued.

*General Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of the Honourable D.A. Nardella.*

- 8 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 9 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 10 AMBULANCE SERVICES (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 11 TATTERSALL CONSULTATIONS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**12 TRANSPORT ACCIDENT (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**13 TRANSPORT ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**14 ADJOURNMENT** – The Honourable R.M. Hallam moved, That the Council, at its rising, adjourn until Tuesday next.

Question – put and resolved in the affirmative.

The Honourable R.M. Hallam moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 4.23 p.m., adjourned until Tuesday next.

A.V. BRAY  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 32 and 33

### No. 32 – Tuesday, 20 April 1999

- 1 The President took the Chair and read the Prayer.
- 2 **YEAR 2000 INFORMATION DISCLOSURE BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to encourage the voluntary disclosure and exchange of information about year 2000 computer problems and remediation efforts and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **LEGAL PRACTICE (PRACTISING CERTIFICATES) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Legal Practice Act 1996 to alter the practising certificate year from the calendar year to the financial year and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **OFFICE OF THE REGULATOR-GENERAL (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Office of the Regulator-General Act 1994 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **CORONERS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Coroners Act 1985 and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 7 **MARINE (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable G.R. Craige, leave was given to bring in a Bill *to amend the Marine Act 1988 and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.



**8 PAPERS –**

**COMMONWEALTH TREATY DOCUMENTS –** The Honourable M.A. Birrell moved, by leave, That there be laid before this House a copy of the following Treaty documents:

- (a) Bilateral Agreements tabled in the Commonwealth Parliament on 11 November 1998, together with National Interest Analyses, dealing with –
- Status of Forces, between Australia and Malaysia.
  - Trade and Economic Co-operation, between Australia and Ukraine.
  - Exchange of Letters amending the Agreement on Health Services, between Australia and the United Kingdom, Great Britain and Northern Ireland.
  - Development Co-operation, between Australia and Indonesia.
  - Exchange of Letters constituting an Agreement relating to the Movement of Nationals between the two countries, between Australia and France.
- (b) Bilateral Agreements tabled in the Commonwealth Parliament on 16 February 1999, together with National Interest Analyses, dealing with –
- Status of their Forces, between Australia and New Zealand.
  - Defence Communications Services, between Australia and the United States of America.
  - Acquisition and Cross-Servicing, between Australia and the United States of America.
  - Treaty on Extradition, between Australia and South Africa.
  - Mutual Assistance in Criminal Matters, between Australia and Sweden.

Question – put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable M.A. Birrell and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST –** The Honourable P.A. Katsambanis presented Alert Digest No. 3 of 1999 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

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**PAPERS PURSUANT TO STATUTE –** The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Building Act 1993 –

Building Code of Australia – Amendment No. 4.

Minister's exemption certificate under section 9(6) of the *Subordinate Legislation Act 1994* and notice of Amendment No. 4 (*Gazette No. S156, 31 December 1998*) (two papers).

Catchment Management Council – Report, 1997-98 (two papers).

Crown Land (Reserves) Act 1978 – Minister's Order of 1 April 1999 giving approval to granting of a lease at Geelong.

Legal Ombudsman – Government response to report on Multi-Disciplinary Practices.

Planning and Environment Act 1987 – Notices of approval of the following amendments to planning Schemes:

Bayside Planning Scheme – Amendment L17.

Berwick Planning Scheme – Amendment L138.

Planning and Environment Act 1987 – *continued*

Campaspe Planning Scheme – Amendment C2.

Hepburn Planning Scheme – Amendment L7.

Knox Planning Scheme – Amendment L181.

Maroondah Planning Scheme – Amendments L29 and L30.

Nillumbik Planning Scheme – Amendments L15 and L19.

Pakenham Planning Scheme – Amendment L171.

Sherbrooke Planning Scheme – Amendment L138.

Stonnington Planning Scheme – Amendment L79.

Surf Coast Planning Scheme – Amendment L56.

Yarra Planning Scheme – Amendment L88.

Statutory Rules under the Forests Act 1958 – Nos. 39 and 40.

Subordinate Legislation Act 1994 –

Minister's exception certificates under section 8(4) in respect of Statutory Rules Nos. 36 and 38/1999.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 34 and 37/1999.

\* \* \* \* \*

**PROCLAMATION** – A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council on 17 February 1998:

National Parks (Amendment) Act 1998 – Remaining provisions – 15 April 1999 (*Gazette No. G15, 15 April 1999*).

**9 JOINT SITTING – VICTORIAN HEALTH PROMOTION FOUNDATION –**

The President announced the receipt of –

(a) a letter from the Minister for Health requesting that arrangements be made for a Joint Sitting of the Council and the Assembly to recommend two Members for appointment to the Victorian Health Promotion Foundation; and

(b) a Message from the Assembly acquainting the Council that they had agreed to meet the Council for that purpose and proposing that the place and time of the Joint Sitting be the Assembly Chamber on Wednesday, 21 April 1999 at 6.00 p.m., and desiring the concurrence of the Council.

Ordered – That the Assembly's Message be taken into consideration forthwith.

The Honourable R.I. Knowles moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting and voting together to elect two Members of Parliament to the Victorian Health Promotion Foundation and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Wednesday, 21 April 1999 at 6.00 p.m.

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them therewith.

**10 OFFICE OF THE REGULATOR-GENERAL (AMENDMENT) BILL –**

The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable P. Power) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 11 YEAR 2000 INFORMATION DISCLOSURE BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable R.M. Hallam made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 12 LEGAL PRACTICE (PRACTISING CERTIFICATES) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 13 CORONERS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable L. Asher made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 14 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

- 15 STATUTE LAW REVISION (REPEALS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 16 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 to 5 inclusive, be postponed until later this day.

- 17 TATTERSALL CONSULTATIONS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18 TRANSPORT ACCIDENT (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 19 TRANSPORT ACTS (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 20 ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.58 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

### **No. 33 — Wednesday, 21 April 1999**

- 1** The President took the Chair and read the Prayer.

- 2 SUPERANNUATION ACTS (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Emergency Services Superannuation Act 1986, the Magistrates' Court Act 1989, the Parliamentary Salaries and Superannuation Act 1968, the Public Sector Superannuation (Administration) Act 1993, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988, the Superannuation (Portability) Act 1989 and the Transport Superannuation Act 1988 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.I. Knowles (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 3 GOVERNMENT SUPERANNUATION BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the administration of certain Victorian superannuation schemes, to repeal the Public Sector Superannuation (Administration) Act 1993, to consequentially amend certain other Acts and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.I. Knowles (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 4 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

- 5 BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 6 PLANNING PROCESSES IN VICTORIA** – The Honourable P. Power moved, That this House acknowledges the establishment of Save our Suburbs groups across Victoria, indicating a significant level of concern in the community about the breakdown of proper planning processes in the State.

Debate ensued.

Question – put.

The Council divided.

	AYES, 9		NOES, 32
The Hon.	Tayfun Eren	The Hon.	L. Asher
	M.M. Gould		G.B. Ashman
	J. McLean		B.N. Atkinson
	D.A. Nardella ( <i>Teller</i> )		W.R. Baxter
	S.M. Nguyen ( <i>Teller</i> )		R.A. Best ( <i>Teller</i> )
	P. Power		M.A. Birrell
	B.T. Pullen		B.W. Bishop
	T.C. Theophanous		B.C. Boardman
	D.T. Walpole		R.H. Bowden
			A.R. Brideson
			I.J. Cover
			G.R. Craige
			D.M. Davis
			P.R. Davis
			R.S. de Fegely
			W. Forwood
			C.A. Furletti ( <i>Teller</i> )
			P.R. Hall
			W.A.N. Hartigan
			P.A. Katsambanis
			R.I. Knowles
			N.B. Lucas
			M.T. Luckins
			E.J. Powell
			Dr. J.W.G. Ross
			K.M. Smith
			W.I. Smith
			Graeme Stoney
			C.A. Strong
			Rosemary Varty
			Dr. R.J.H. Wells
			Sue deC Wilding

And so it passed in the negative.

- 7 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 8 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be

suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 9 SUPERANNUATION ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 10 MARINE (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 11 GOVERNMENT SUPERANNUATION BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 12 BARLEY MARKETING (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 ENVIRONMENT PROTECTION (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the Government has provided a guarantee that local municipalities contributing to the landfill disposal levy are returned \$1 per tonne, as a cash grant, to directly assist with their recycling costs, and abandons all plans for new toxic waste landfills".

*Interruption* –

**14 JOINT SITTING** — The Deputy President announced that the time had arrived for the House to meet the Assembly in the Assembly Chamber to elect Members to the Victorian Health Promotion Foundation.

*Accordingly, the Council then proceeded to the Assembly Chamber, and having returned —*

The President reported that at the Joint Sitting,

The Honourable Gerald Barry Ashman, M.L.C., and

Mrs Janet Tindale Calder Wilson, M.P.,

were elected to the Foundation for a three year term commencing on 23 May 1999.

**15 ENVIRONMENT PROTECTION (AMENDMENT) BILL** — Debate continued on the question, That this Bill be now read a second time and on the reasoned amendment (*for text see Item 13*).

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 30

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman (*Teller*)  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 C.A. Furletti  
 P.R.Hall  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell (*Teller*)  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Dr. R.J.H. Wells  
 Sue deC Wilding

NOES, 7

The Hon. M.M. Gould  
 D.A. Nardella  
 S.M. Nguyen (*Teller*)  
 P. Power  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole (*Teller*)

And so it was resolved in the affirmative — Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 WATER ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Water Act 1989, the Water Industry Act 1994 and the Melbourne and Metropolitan Board of Works Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**17 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 4 May 1999.

Question – put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.48 p.m., adjourned until Tuesday, 4 May 1999.

A.V. BRAY  
*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 34 and 35

### No. 34 – Tuesday, 4 May 1999

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, on 28 April 1999, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - Barley Marketing (Amendment) Act*
  - Environment Protection (Amendment) Act*
  - Statute Law Revision (Repeals) Act*
  - Tattersall Consultations (Amendment) Act*
  - Transport Accident (Further Amendment) Act*
  - Transport Acts (Further Amendment) Act.*
- 3 **SURVEILLANCE DEVICES BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to regulate the installation, use and maintenance of surveillance devices and restrict the publication of information gained from their use, to repeal the Listening Devices Act 1969, to amend the Evidence Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **SENTENCING (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Sentencing Act 1991 and the Children and Young Persons Act 1989 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **EDUCATION ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Education Act 1958 and the Teaching Service Act 1981 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **FAIR TRADING BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to re-enact with amendments laws relating to trading practices, to make further provision about trading practices, to repeal the*

*Consumer Affairs Act 1972, the Ministry of Consumer Affairs Act 1973, the Fair Trading Act 1985 and the Market Court Act 1978 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

7 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

8 **PAPERS** –

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST** – The Honourable P.A. Katsambanis presented Alert Digest No. 4 of 1999 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Adult Education Council – Report, 1998.

Bendigo Regional Institute of TAFE – Report, 1998.

Box Hill Institute of TAFE – Report, 1998.

Central Gippsland Institute of TAFE – Report, 1998 (two papers).

Chisholm Institute of TAFE – Report, 1998.

Crown Land (Reserves) Act 1978 – Minister's Order of 1 April 1999 giving approval to granting of a lease at Geelong.

East Gippsland Institute of TAFE – Report, 1998.

Gordon Institute of TAFE – Report, 1998.

Goulburn Ovens Institute of TAFE – Report, 1998.

Holmesglen Institute of TAFE – Report, 1998.

Hospitals Superannuation Board – Report, 1 July 1998 to 31 December 1998.

Interpretation of Legislation Act 1984 – Notices pursuant to section 32(3)(a)(iii) in relation to Statutory Rules Nos. 153 and 154/1998; and Nos. 26 and 29/1999 (two papers).

Kangan Batman Institute of TAFE – Report, 1998.

Medical Practitioners Board – Report, year ended 30 September 1998 (incorporating the Report of the Intern Training Accreditation Committee).

Melbourne City Link Act 1995 – Order in Council of 20 April 1999 varying the project area of land pursuant to section 8(4) of the Act.

Melbourne Institute of Textiles – Report, 1998.

Northern Melbourne Institute of TAFE – Report, 1998.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes and new planning schemes:

Bairnsdale (City) Planning Scheme – Amendment L45.

Bendigo – Greater Bendigo Planning Scheme – Amendment L86.

Berwick Planning Scheme – Amendment L143.

Boroondara Planning Scheme – Amendment L51.

Brimbank Planning Scheme – Amendment L65.

Corangamite Planning Scheme – Amendment L12.

Glen Eira Planning Scheme – Amendment L25.

Knox Planning Scheme – Amendment L182.

Macedon Ranges Planning Scheme – Amendment L25.

Monash Planning Scheme – Amendment L55.

Planning and Environment Act 1987 – *continued*

Phillip Island Planning Scheme – Amendment L77.

Sherbrooke Planning Scheme – Amendment L137.

Victoria – State Section Planning Schemes – Amendment S74.

Warrnambool Planning Scheme.

Whitehorse Planning Scheme – Amendment L46.

Wodonga Rural City Planning Scheme – Amendment L23.

South West Institute of TAFE – Report, 1998 (two papers).

Sunraysia Institute of TAFE – Report, 1998.

Statutory Rules under the following Acts of Parliament:

House Contracts Guarantee Act 1987 – No. 41.

Physiotherapists Registration Act 1998 – No. 43.

Tobacco Act 1987 – No. 42.

Subordinate Legislation Act 1994 – Minister's exemption certificates under section 9(6) in respect of Statutory Rules Nos. 42 and 43/1999.

William Angliss Institute of TAFE – Report, 1998 (two papers).

Wodonga Institute of TAFE – Report, 1998.

\* \* \* \* \*

**PROCLAMATIONS** – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 17 February 1998:

Electricity Industry Acts (Amendment) Act 1998 – Sections 5, 7 to 12, 13(1), 22 and 27 to 30 – 3 May 1999 (*Gazette No. G17, 29 April 1999*).

Electricity Safety Act 1998 – Remaining provisions of Part 3, Parts 4, 5 and Part 6 (except section 70(4)), Part 9, section 128, Division 1 of Part 12, sections 152 to 156, 160, 161 and 163(1)(d) and Schedule 1 – 3 May 1999 (*Gazette No. G17, 29 April 1999*).

Rail Corporations (Amendment) Act 1997 – Remaining provisions (except sections 4, 36 and 37) – 29 April 1999 (*Gazette No. G17, 29 April 1999*).

Rail Corporations (Amendment) Act 1998 – Section 10 – 29 April 1999 (*Gazette No. G17, 29 April 1999*).

Rail Corporations (Further Amendment) Act 1998 – Part 2 (except section 16), sections 20, 21, 23, 24, 34, 35, 37 to 39, and the remaining provisions of Part 4 (except section 48) – 29 April 1999 (*Gazette No. G17, 29 April 1999*).

State Taxation (Further Amendment) Act 1998 – Sections 22 and 23 – 1 May 1999 (*Gazette No. G16, 22 April 1999*).

**9 WATER ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable G.R. Craige made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**10 AMBULANCE SERVICES (FURTHER AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

**11 MAGISTRATES' COURT (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 30

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis (*Teller*)  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins (*Teller*)  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

NOES, 9

The Hon. M.M. Gould  
 C.J. Hogg  
 J. McLean (*Teller*)  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen (*Teller*)  
 T.C. Theophanous  
 D.T. Walpole

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 PUBLIC SECTOR REFORM (FURTHER AMENDMENTS) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 31

The Hon. L. Asher  
 G.B. Ashman (*Teller*)  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden (*Teller*)  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

NOES, 9

The Hon. Tayfun Eren (*Teller*)  
 M.M. Gould  
 C.J. Hogg  
 J. McLean (*Teller*)  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen  
 D.T. Walpole

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 RURAL FINANCE (AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Rural Finance Act 1988 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**14 STATE TRUSTEES (STATE OWNED COMPANY) (AMENDMENT) BILL –**

The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the State Trustees (State Owned Company) Act 1994 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**15 BUSINESS OF THE HOUSE –** The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**16 OFFICE OF THE REGULATOR-GENERAL (AMENDMENT) BILL –** The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until such time as industry stakeholders have been consulted regarding the proposal to narrow the grounds on which a decision of the Regulator-General may be reviewed by the appeal panel".

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 33

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
M.A. Birrell  
B.W. Bishop (*Teller*)  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti (*Teller*)  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan

NOES, 10

The Hon. Tayfun Eren (*Teller*)  
M.M. Gould  
C.J. Hogg  
J. McLean  
D.A. Nardella  
S.M. Nguyen  
P. Power  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole (*Teller*)

P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**17 YEAR 2000 INFORMATION DISCLOSURE BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

*And the Council having continued to sit until after 12 midnight –*

WEDNESDAY, 5 MAY 1999

Debate continued.

Question – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**18 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 12.35 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY  
*Clerk of the Legislative Council*

## No. 35 – Wednesday, 5 May 1999

- 1 The President took the Chair and read the Prayer.
- 2 **FAIR TRADING (INSPECTORS POWERS AND OTHER AMENDMENTS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for inspectors' powers in various Acts and to make other amendments to various Acts as a consequence of the Fair Trading Act 1999 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 3 **PETITIONS – LIQUOR LICENCE, MOUNT WAVERLEY** – The Honourable A.R. Brideson presented a Petition bearing 100 signatures from certain citizens of Victoria praying that the village atmosphere and shopping amenity of the Hamilton Place Shopping Centre, Mount Waverley, be not further eroded by the granting of another packaged liquor licence to Liquorland Australia Pty Ltd.

Ordered to lie on the Table.

\* \* \* \* \*

**SUNSHINE AVENUE** – The Honourable M.M. Gould presented a Petition bearing 1,673 signatures from certain citizens of Victoria requesting that duplication of Sunshine Avenue be undertaken without delay, and that traffic lights be installed at the corners of Sunshine Avenue with Apollo Road and Copernicus Way.

Ordered to lie on the Table.

- 4 **PAPERS – BUDGET PAPERS 1999-2000** – The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the following 1999-2000 Budget Papers:
- (a) Treasurer's Speech (Budget Paper No. 1);
  - (b) Budget Statement (Budget Paper No. 2);
  - (c) Budget Estimates (Budget Paper No. 3); and
  - (d) Budget Overview.

Question – put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

The Honourable R.M. Hallam moved, by leave, That the papers tabled pursuant to the foregoing Order be taken into consideration later this day.

Question – put and resolved in the affirmative.

- 5 **BUSINESS POSTPONED** – Ordered – That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.
- 6 **AMBULANCE SERVICE** – The Honourable M.M. Gould moved, That this House condemns the Kennett Government for its mismanagement of the ambulance service and in particular its total failure to take legal action against those persons involved in the ambulance scandal as identified by the Gaudion Report.

Debate ensued.

Question – put.

The Council divided.



AYES, 9

The Hon. Tayfun Eren  
M.M. Gould  
C.J. Hogg  
J. McLean (*Teller*)  
D.A. Nardella  
S.M. Nguyen  
P. Power  
B.T. Pullen (*Teller*)  
T.C. Theophanous

NOES, 32

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best (*Teller*)  
B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely (*Teller*)  
W. Forwood  
C.A. Furletti  
P.R. Hall  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding

And so it passed in the negative.

- 7 **SURVEILLANCE DEVICES BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 8 **SENTENCING (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 9 EDUCATION ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 10 FAIR TRADING BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

- 11 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 12 FAIR TRADING BILL** – The second reading speech continued.

The Honourable L. Asher made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 13 RURAL FINANCE (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 14 STATE TRUSTEES (STATE OWNED COMPANY) (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.A. Nardella (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 15 FAIR TRADING (INSPECTORS POWERS AND OTHER AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**16 LEGAL PRACTICE (PRACTISING CERTIFICATES) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**17 CORONERS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**18 SUPERANNUATION ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**19 GOVERNMENT SUPERANNUATION BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 30

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
R.M. Hallam

NOES, 8

The Hon. Tayfun Eren  
M.M. Gould  
J. McLean  
D.A. Nardella (*Teller*)  
S.M. Nguyen (*Teller*)  
P. Power  
B.T. Pullen  
D.T. Walpole

W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney (*Teller*)  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding (*Teller*)

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 20 THE CONSTITUTION ACT AMENDMENT (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend The Constitution Act Amendment Act 1958 and certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 21 BUDGET PAPERS 1999-2000** – The Order of the Day having been read for the consideration of the Budget Papers 1999-2000, the Honourable R.M. Hallam moved, That the Council take note of the Budget Papers 1999-2000.

Debate ensued.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 22 LOCAL GOVERNMENT (MELBOURNE CITY COUNCIL RATES) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Local Government Act 1989 to permit the Melbourne City Council to continue to apply differential rates and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**23 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next.

Question – put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.22 p.m., adjourned until Tuesday next.

A.V. BRAY

*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 36, 37 and 38

### No. 36 – Tuesday, 11 May 1999

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - Coroners (Amendment) Act*
  - Government Superannuation Act*
  - Legal Practice (Practising Certificates) Act*
  - Magistrates' Court (Amendment) Act*
  - Office of the Regulator-General (Amendment) Act*
  - Public Sector Reform (Further Amendments) Act*
  - Superannuation Acts (Further Amendment) Act*
  - Year 2000 Information Disclosure Act.*
- 3 **MENTAL HEALTH (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Mental Health Act 1986 in respect of community support services, to establish a quality assurance committee and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **STAMPS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make miscellaneous amendments to the Stamps Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **SHRINE OF REMEMBRANCE (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Shrine of Remembrance Act 1978 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

6 **QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

7 **COGNATE DEBATE** – The Honourable R.I. Knowles moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Fair Trading Bill and the Fair Trading (Inspectors Powers and Other Amendments) Bill to be taken concurrently.

Question – put and resolved in the affirmative.

8 **PETITIONS** –

**GIPPSLAND LAKES** – The Honourable P.R. Davis presented a Petition bearing 25 signatures from certain citizens of Victoria requesting immediate steps to control and manage the effects of the current Gippsland Lakes blue-green algae outbreak and immediate scientific investigations into the causes, followed by the enactment of appropriate legislation, together with the provision of finance and manpower, to ensure a manageable short and long term solution.

Ordered to lie on the Table.

\* \* \* \* \*

**LIQUOR LICENCE, MOUNT WAVERLEY** – The Honourable A.R. Brideson presented a Petition bearing 690 signatures from certain citizens of Victoria praying that the village atmosphere and shopping amenity of the Hamilton Place Shopping Centre, Mount Waverley, be not further eroded by the granting of another packaged liquor licence to Liquorland Australia Pty Ltd.

Ordered to lie on the Table.

\* \* \* \* \*

**THE CONSTITUTION ACT AMENDMENT (AMENDMENT) BILL** – The Honourable C.A. Strong presented a Petition bearing 56 signatures from certain citizens of Victoria praying that the provisions of clause 14 which require candidates for the Legislative Assembly and the Legislative Council to pay nomination fees of \$350 and \$700, respectively, and clause 26 of The Constitution Act Amendment (Amendment) Bill be removed.

Ordered to lie on the Table.

9 **PAPERS** –

**PRISON SUICIDES** – The Honourable R.I. Knowles (for the Honourable G.R. Craige) moved, by leave, That there be laid before this House a copy of the Review of Suicides and Self Harm in Victorian Prisons (excluding pages 36 to 81 inclusive), November 1998.

Question – put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable R.I. Knowles and ordered to lie on the Table.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Barwon Regional Waste Management Group – Minister for Conservation and Land Management's report of 6 May 1999 of receipt of the 1997-98 audit report.

Calder Regional Waste Management Group – Minister for Conservation and Land Management's report of 6 May 1999 of receipt of the 1997-98 audit report.

Central Murray Regional Waste Management Group – Minister for Conservation and Land Management's report of 6 May 1999 of receipt of the 1997-98 audit report.

Crown Land (Reserves) Act 1978 – Minister's Orders of 4 and 6 May 1999 giving approval to granting of leases and the variation of an existing lease at Albert Park and Parkville (three papers).

Gippsland Regional Waste Management Group – Minister for Conservation and Land Management's report of 6 May 1999 of receipt of the 1997-98 audit report.

Goulburn Valley Regional Waste Management Group – Minister for Conservation and Land Management's report of 6 May 1999 of receipt of the 1997-98 audit report.

North East Victorian Regional Waste Management Group – Minister for Conservation and Land Management's report of 6 May 1999 of receipt of the 1997-98 audit report.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes and new planning schemes:

Cranbourne Planning Scheme – Amendment L233.

Hume Planning Scheme – Amendment L62.

Kingston Planning Scheme – Amendment L49.

Melbourne Planning Scheme – Amendment C1.

Melton Planning Scheme – Amendment L101.

Moonee Valley Planning Scheme.

Moreland Planning Scheme – Amendment L63.

Mornington Peninsula Planning Scheme.

Murrindindi Planning Scheme.

Stonnington Planning Scheme – Amendment L77.

Surf Coast Planning Scheme – Amendment L54.

South Western Regional Waste Management Group – Minister for Conservation and Land Management's report of 6 May 1999 of receipt of the 1997-98 audit report.

Western Regional Waste Management Group – Minister for Conservation and Land Management's report of 6 May 1999 of receipt of the 1997-98 audit report.

Wonthaggi and District Hospital –

Minister's report of failure to submit 1997-98 report to him within the prescribed period and the reasons therefor.

Report, 1997-98 (two papers).

**10 THE CONSTITUTION ACT AMENDMENT (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.



**11 MARINE (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill not proceed until there has been adequate consultation with the port sector, especially sea pilots, maritime unions and maritime insurers, and it is redrafted to guarantee a continuance of very high standards for the provision of sea pilot services".

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

	AYES, 31		NOES, 9
The Hon.	L. Asher	The Hon.	Tayfun Eren
	G.B. Ashman		M.M. Gould
	B.N. Atkinson ( <i>Teller</i> )		C.J.Hogg
	W.R. Baxter		J. McLean
	R.A. Best		D.A. Nardella ( <i>Teller</i> )
	B.W. Bishop		S.M. Nguyen
	B.C. Boardman		P. Power ( <i>Teller</i> )
	R.H. Bowden		B.T. Pullen
	A.R. Brideson		D.T. Walpole
	I.J. Cover		
	G.R. Craige		
	D.M. Davis		
	P.R. Davis		
	R.S. de Fegely		
	W. Forwood		
	C.A. Furletti		
	R.M. Hallam		
	W.A.N. Hartigan		
	P.A. Katsambanis		
	R.I. Knowles		
	N.B. Lucas		
	M.T. Luckins		
	E.J. Powell		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney ( <i>Teller</i> )		
	C.A. Strong		
	Rosemary Varty		
	Dr. R.J.H. Wells		
	Sue deC Wilding		

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put.

The Council divided.

AYES, 31

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover (*Teller*)  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells (*Teller*)  
 Sue deC Wilding

NOES, 9

The Hon. Tayfun Eren  
 M.M. Gould  
 C.J.Hogg  
 J. McLean  
 D.A. Nardella  
 S.M. Nguyen (*Teller*)  
 P. Power  
 B.T. Pullen (*Teller*)  
 D.T. Walpole

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

**12 WATER ACTS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

**14 SURVEILLANCE DEVICES BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**15 SENTENCING (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

*And the Council having continued to sit until after 12 midnight –*  
WEDNESDAY, 12 MAY 1999

Debate continued.

Question – put and resolved in the affirmative.

And then the Council, at 12.04 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 37 – Wednesday, 12 May 1999**

**1** The Deputy President took the Chair and read the Prayer.

**2 PETITION – THE CONSTITUTION ACT AMENDMENT (AMENDMENT) BILL** – The Honourable C.A. Strong presented a Petition bearing 178 signatures from certain citizens of Victoria praying that the provisions of clause 14 which require candidates for the Legislative Assembly and the Legislative Council to pay nomination fees of \$350 and \$700, respectively, and clause 26 of The Constitution Act Amendment (Amendment) Bill be removed.

Ordered to lie on the Table.

**3 PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Ombudsman – Final Report on Allegations raised concerning the Activities of the Operations Intelligence Unit and Other Related Issues, May 1999.

Statutory Rules under the following Acts of Parliament:

Electricity Safety Act 1998 – Nos. 46 to 50.

Statutory Rules – *continued*

Health Act 1958 – No. 44.

Supreme Court Act 1986 – Corporations (Victoria) Act 1990 – No. 51.

Trans-Tasman Mutual Recognition (Victoria) Act 1998 – No. 45.

Valuation of Land Act 1960 – No. 52.

## Subordinate Legislation Act 1994 –

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 51/1999.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 44, 45 and 52 /1999.

**4 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.

**5 WORKPLACE SAFETY** — The Honourable T.C. Theophanous moved, That this House calls on the Kennett Government to accept responsibility for providing proper licensing, regulation and inspection of major hazard sites such as Longford, condemns Esso for its stupid and unhelpful acts of individual character assassination in attributing blame for the Longford disaster to its workforce and believes that there should be more safety inspectors and that they should be supported in enforcing workplace safety.

Debate ensued.

Question – put.

The Council divided.

AYES, 9

The Hon. Tayfun Eren (*Teller*)  
 M.M. Gould  
 J. McLean  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power (*Teller*)  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole

NOES, 31

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson (*Teller*)  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross

K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding (*Teller*)

And so it passed in the negative.

- 6 MENTAL HEALTH (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 7 STAMPS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 8 SHRINE OF REMEMBRANCE (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 9 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 10 EDUCATION ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable C.J. Hogg moved, as an amendment, That all after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until such time as the Government provides a guarantee that a professional teaching qualification is the central criterion in assessing the efficiency of all applicants for teaching positions in all schools".

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

<p>AYES, 28</p> <p>The Hon. L. Asher G.B. Ashman B.N. Atkinson W.R. Baxter R.A. Best M.A. Birrell B.C. Boardman R.H. Bowden A.R. Brideson G.R. Craige P.R. Davis (<i>Teller</i>) R.S. de Fegely W. Forwood C.A. Furletti R.M. Hallam P.A. Katsambanis (<i>Teller</i>) R.I. Knowles N.B. Lucas M.T. Luckins E.J. Powell Dr. J.W.G. Ross K.M. Smith W.I. Smith Graeme Stoney C.A. Strong Rosemary Varty Dr. R.J.H. Wells Sue deC Wilding</p>	<p>NOES, 9</p> <p>The Hon. Tayfun Eren M.M. Gould C.J. Hogg J. McLean D.A. Nardella S.M. Nguyen (<i>Teller</i>) P. Power B.T. Pullen D.T. Walpole (<i>Teller</i>)</p>
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And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 FAIR TRADING BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time [the **Fair Trading (Inspectors Powers and Other Amendments) Bill** having been authorized to be debated concurrently pursuant to an Order of the Council on 11 May 1999] and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**12 FAIR TRADING (INSPECTORS POWERS AND OTHER AMENDMENTS) BILL** – The concurrent second reading debate having concluded –

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 7 to 10 inclusive, be postponed until later this day.

**14 BUDGET PAPERS, 1999-2000** – The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 1999-2000 –

Debate resumed.

The Honourable I.J. Cover moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**15 DENTAL PRACTICE BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make further provision for the registration of dental care providers and investigations into the professional conduct and fitness to practise of registered dental care providers, to regulate dental care services, to establish a Dental Practice Board of Victoria and a Dental Practice Board Fund, to repeal the Dentists Act 1972 and the Dental Technicians Act 1972 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**16 ADJOURNMENT** – The Honourable L. Asher moved, That the House do now adjourn.

Debate ensued.

*And the Council having continued to sit until after 12 midnight –*

THURSDAY, 13 MAY 1999

Debate continued.

Question – put and resolved in the affirmative.

And then the Council, at 12.07 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY

*Clerk of the Legislative Council*

**No. 38 – Thursday, 13 May 1999**

1 The President took the Chair and read the Prayer.

2 **PETITION – SUNSHINE AVENUE** – The Honourable M.M. Gould presented a Petition bearing 674 signatures from certain citizens of Victoria requesting that duplication of Sunshine Avenue be undertaken without delay, and that traffic

lights be installed at the corners of Sunshine Avenue with Apollo Road and Copernicus Way.

Ordered to lie on the Table.

### 3 PAPERS –

**FEDERAL-STATE RELATIONS COMMITTEE – FEDERALISM AND THE ROLE OF THE STATES** – The Honourable B.T. Pullen presented a Report from the Federal-State Relations Committee upon Federalism and the Role of the States: Comparisons and Recommendations, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of an Act of Parliament, were laid upon the Table by the Clerk:

Melbourne City Link Act 1995 –

Melbourne City Link Fifth Amending Deed, 12 May 1999, pursuant to section 15 (2) of the Act.

Exhibition Street Extension Second Amending Deed, 12 May 1999, pursuant to section 15D(6) of the Act.

City Link and Extension Projects Integration and Facilitation Agreement First Amending Deed, 12 May 1999, pursuant to section 15B(5) of the Act.

### 4 DENTAL PRACTICE BILL –

The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P. Power (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

### 5 RURAL FINANCE (AMENDMENT) BILL –

The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

### 6 STATE TRUSTEES (STATE OWNED COMPANY) (AMENDMENT) BILL –

The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

### 7 LOCAL GOVERNMENT (MELBOURNE CITY COUNCIL RATES) BILL –

The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.



Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 8 THE CONSTITUTION ACT AMENDMENT (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 BUDGET PAPERS, 1999-2000** – The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 1999-2000 –

Debate resumed.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

- 10 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 11 BUDGET PAPERS, 1999-2000** – Debate continued on the question, That the Council take note of the Budget Papers, 1999-2000.

The Honourable Dr. R.J.H. Wells moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 12 ADJOURNMENT** – The Honourable L. Asher moved, That the Council, at its rising, adjourn until Tuesday, 25 May 1999.

Question – put and resolved in the affirmative.

The Honourable L. Asher moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 5.56 p.m., adjourned until Tuesday, 25 May 1999.

A.V. BRAY  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 39, 40 and 41

### No. 39 – Tuesday, 25 May 1999

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE STANLEY EDMOND GLEESON** – The Honourable M.A. Birrell moved, That this House expresses its sincere sorrow at the death, on 24 May 1999, of the Honourable Stanley Edmond Gleeson and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the South Western Province from 1965 to 1979.  
And other Honourable Members and the President having addressed the House – The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.
- 3 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented Messages from Her Excellency the Lieutenant-Governor as the Governor's Deputy informing the Council that she had, on the following dates, given the Royal Assent to the undermentioned Acts presented to her by the Clerk of the Parliaments:  
On 18 May 1999 –  
*Education Acts (Amendment) Act*  
*Fair Trading Act*  
*Fair Trading (Inspectors Powers and Other Amendments) Act*  
*Rural Finance (Amendment) Act*  
*Sentencing (Amendment) Act*  
*State Trustees (State Owned Company) (Amendment) Act*  
*Surveillance Devices Act*  
*Water Acts (Amendment) Act*  
On 25 May 1999 –  
*Local Government (Melbourne City Council Rates) Act*  
*The Constitution Act Amendment (Amendment) Act.*
- 4 **POLICE REGULATION AND FIREARMS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Police Regulation Act 1958 and the Firearms Act 1996 and for other purposes and desiring the concurrence of the Council therein.  
On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **LAND (RESERVATIONS AND OTHER MATTERS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to provide for the revocation of the reservations over certain pieces of land, to provide for

*the re-reservation of certain land and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 NEW TAX SYSTEM PRICE EXPLOITATION CODE (VICTORIA) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to apply certain laws of the Commonwealth relating to the New Tax System Price Exploitation Code as laws of Victoria, to make a consequential amendment to the Competition Policy Reform (Victoria) Act 1995 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 FINANCIAL SECTOR REFORM (VICTORIA) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make provision for the reform of the financial sector, to amend and repeal the Financial Institutions (Victoria) Act 1992 and the Friendly Societies (Victoria) Act 1996 and to amend the Co-operative Housing Societies Act 1958 and certain other Acts and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Guardianship and Administration Act 1986 and the Mental Health Act 1986 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 APPROPRIATION (PARLIAMENT 1999/2000) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 1999/2000 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 10 APPROPRIATION (1999/2000) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *for the appropriation of certain sums out of the Consolidated Fund in respect of the financial year 1999/2000 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 11 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**12 PAPERS –**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – ANNUAL REPORTING** – The Honourable N.B. Lucas presented a Report from the Public Accounts and Estimates Committee upon Annual Reporting in the Victorian Public Sector, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

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**FEDERAL-STATE RELATIONS COMMITTEE – SPECIFIC PURPOSE PAYMENTS** – The Honourable B.T. Pullen presented a Report from the Federal-State Relations Committee upon the Register of Specific Purpose Payments received by Victoria, together with Appendices.

Ordered to lie on the Table and to be printed.

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE –**

**ANNUAL REPORT** – The Honourable P.A. Katsambanis presented the Sixth Annual Report from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

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**STATUTORY RULES SERIES** – The Honourable P.A. Katsambanis presented the Eleventh Report from the Scrutiny of Acts and Regulations Committee upon Subordinate Legislation concerning Statutory Rules Series 1998, together with Appendices.

Ordered to lie on the Table and to be printed.

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**ALERT DIGEST** – The Honourable P.A. Katsambanis presented Alert Digest No. 5 of 1999 from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Electoral Commissioner – Report on the Northcote District By-Election, 15 August 1998.

Environment Protection Act 1970 – Order in Council of 28 April 1999 declaring the Industrial Waste Management Policy (Waste Acid Sulfate Soils) (*in lieu of that tabled on 13 April 1999*).

Melbourne City Link Act 1995 – Orders in Council of 11 and 18 May 1999 varying the project area of land pursuant to section 8(4) of the Act (two papers).

Osteopaths Registration Board – Minister for Health's report of 19 May 1999 of receipt of the 1997-98 report.

Parliamentary Committees Act 1968 – Minister's response to recommendations in Public Accounts and Estimates Committee's report upon the 1998-99 Budget Estimates.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes and a new planning scheme:

Bayside Planning Scheme – Amendments L11 and L23.

Brimbank Planning Scheme – Amendments L67 and L71.

Darebin Planning Scheme – Amendment L69.

Planning and Environment Act 1987 – *continued*

Doncaster and Templestowe Planning Scheme – Amendments L132 and L140.

Frankston Planning Scheme – Amendment L92.

Golden Plains New Planning Scheme.

Geelong – Greater Geelong Planning Scheme – Amendment R239.

Hume Planning Scheme – Amendment L60.

Knox Planning Scheme – Amendment L174.

Maroondah Planning Scheme – Amendments L25 and L31.

Mitchell Planning Scheme – Amendment C1.

Stonnington Planning Scheme – Amendment L76.

Whitehorse Planning Scheme – Amendment L48.

Prevention of Cruelty to Animals Act 1986 – Guidelines for Veterinary Inspection of Horses Competing at Bush Race Meetings.

Statutory Rules under the following Acts of Parliament:

Road Safety Act 1986 – No. 54.

Transport Act 1983 – No. 53.

Subordinate Legislation Act 1994 – Minister's exemption certificates under section 9(6) in respect of Statutory Rules Nos. 53 and 54/1999.

- 13 NEW TAX SYSTEM PRICE EXPLOITATION CODE (VICTORIA) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 14 POLICE REGULATION AND FIREARMS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craigie moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 15 APPROPRIATION (PARLIAMENT 1999/2000) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 16 LAND (RESERVATIONS AND OTHER MATTERS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craigie (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable P. Power) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**17 FINANCIAL SECTOR REFORM (VICTORIA) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**18 GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable L. Asher made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable M.M. Gould (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**19 MENTAL HEALTH (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**20 STAMPS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**21 AMBULANCE SERVICES (FURTHER AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

**22 SHRINE OF REMEMBRANCE (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**23 DENTAL PRACTICE BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**24 STATE TAXATION ACTS (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Debits Tax Act 1990*, the *Financial Institutions Duty Act 1982*, the *Gaming Machine Control Act 1991*, the *Pay-roll Tax Act 1971*, the *Stamps Act 1958*, the *Tattersall Consultations Act 1958*, the *Taxation Administration Act 1997* and the *Taxation (Interest on Overpayments) Act 1986* and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**25 BUDGET PAPERS, 1999-2000** – The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 1999-2000 –

Debate resumed.

*And the Council having continued to sit until after 12 midnight –*

WEDNESDAY, 26 MAY 1999

Debate continued.

The Honourable B.C. Boardman moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**26 PROSTITUTION CONTROL (AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Prostitution Control Act 1994*, the *Summary Offences Act 1966* and the *Confiscation Act 1997* and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable L. Asher), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

**27 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 12.42 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY

*Clerk of the Legislative Council*

## No. 40 – Wednesday, 26 May 1999

- 1 The President took the Chair and read the Prayer.
- 2 **BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence over other business until 2.30 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 3 **LIQUOR CONTROL REFORM (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable T.C. Theophanous, leave was given to bring in a Bill to amend the *Liquor Control Reform Act 1998*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

4 **PAPERS** –

**ECONOMIC DEVELOPMENT COMMITTEE – GOVERNMENT-FUNDED NATIONAL BROADCASTING** – The Honourable C.A. Strong presented the Final Report from the Economic Development Committee upon the Effects of Government-Funded National Broadcasting on Victoria, together with Appendices, Minority Reports and Minutes of Evidence.

Ordered to lie on the Table and the report, appendices and minority reports to be printed.

\* \* \* \* \*

**LAW REFORM COMMITTEE – SELF-INDUCED INTOXICATION** – The Honourable C.A. Furletti presented a Report from the Law Reform Committee upon Criminal Liability for Self-Induced Intoxication, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** – The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Auditor-General – Report on Ministerial Portfolios, May 1999.

5 **BUSINESS POSTPONED** –

Ordered – That the consideration of Notice of Motion, General Business, No. 1, be postponed until the next day of meeting.

Ordered – That the consideration of Notice of Motion, General Business, No. 2, be postponed until later this day.

- 6 **COMMUNITY SAFETY** – The Honourable D.A. Nardella moved, That this House condemns the Kennett Government for failing to ensure an adequate level of safety for all members of the Victorian community.

Debate ensued.

Question – put.

The Council divided.

AYES, 10

The Hon. Tayfun Eren  
M.M. Gould  
C.J. Hogg  
J. McLean (*Teller*)

NOES, 33

The Hon. L. Asher  
G.B. Ashman  
B.N. Atkinson  
W.R. Baxter



D.A. Nardella  
 S.M. Nguyen  
 P. Power (*Teller*)  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole

R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 R.H. Bowden  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan (*Teller*)  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell (*Teller*)  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it passed in the negative.

**7 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**8 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

**9 APPROPRIATION (1999/2000) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

**10 COGNATE DEBATE** – The Honourable R.M. Hallam moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Appropriation (1999/2000) Bill to be taken concurrently with further debate on the motion to take note of the Budget Papers, 1999-2000.

Question – put and resolved in the affirmative.

**11 STATE TAXATION ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable M.M. Gould) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**12 PROSTITUTION CONTROL (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

**14 LAND (RESERVATIONS AND OTHER MATTERS) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the government has:

- (a) reinstated the Melbourne City Council as the responsible planning authority for the University Square land;
- (b) provided the opportunity for public appeal in relation to the relevant planning scheme insofar as it affects the land; and
- (c) provided the opportunity to address the ongoing issues of demolitions, height limits, size, traffic problems, tree removal, overshadowing and appropriate urban context arising from the application of the scheme to the land".

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 30	NOES, 9
The Hon. L. Asher	The Hon. M.M. Gould
G.B. Ashman	C.J. Hogg
B.N. Atkinson	J. McLean
W.R. Baxter	D.A. Nardella ( <i>Teller</i> )

R.A. Best	S.M. Nguyen
M.A. Birrell	P. Power
B.W. Bishop	B.T. Pullen
B.C. Boardman	T.C. Theophanous ( <i>Teller</i> )
R.H. Bowden	D.T. Walpole
A.R. Brideson	
I.J. Cover	
G.R. Craigie	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti	
R.M. Hallam	
W.A.N. Hartigan	
P.A. Katsambanis	
N.B. Lucas ( <i>Teller</i> )	
M.T. Luckins	
E.J. Powell	
Dr. J.W.G. Ross ( <i>Teller</i> )	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC Wilding	

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**16 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos 6 to 9 inclusive, be postponed until later this day.

**17 APPROPRIATION (1999/2000) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the **Budget Papers 1999-2000** having been authorized to be debated concurrently pursuant to an Order of the Council on 26 May 1999] –

Debate resumed.

The Honourable B.N. Atkinson moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

**18 CRIMES (CRIMINAL TRIALS) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to improve the*

*efficiency of criminal trials, to amend the Crimes Act 1958, the Evidence Act 1958, the Magistrates' Court Act 1989 and the Sentencing Act 1991, to repeal the Crimes (Criminal Trials) Act 1993 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable G.R. Craige (for the Honourable L. Asher), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable D.A. Nardella moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 19 APPROPRIATION (1999/2000) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the **Budget Papers 1999-2000** having been authorized to be debated concurrently pursuant to an Order of the Council on 26 May 1999] –

Debate resumed.

The Honourable P.R. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

- 20 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 21 INTERACTIVE GAMING (PLAYER PROTECTION) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *relating to interactive gaming, to make certain consequential amendments and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 22 POLICE REGULATION AND FIREARMS (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable D.A. Nardella moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until all provisions relating to the *Police Regulation Act 1958* are withdrawn and subjected to extensive public consultation and debate".

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 30

The Hon. L. Asher

NOES, 8

The Hon. M.M. Gould

G.B. Ashman	C.J. Hogg
B.N. Atkinson	J. McLean ( <i>Teller</i> )
W.R. Baxter	D.A. Nardella
R.A. Best	S.M. Nguyen
B.W. Bishop	P. Power ( <i>Teller</i> )
B.C. Boardman	B.T. Pullen
R.H. Bowden	D.T. Walpole
A.R. Brideson	
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	
W. Forwood	
C.A. Furletti	
R.M. Hallam	
W.A.N. Hartigan	
P.A. Katsambanis	
R.I. Knowles	
N.B. Lucas	
M.T. Luckins	
E.J. Powell	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong ( <i>Teller</i> )	
Rosemary Varty ( <i>Teller</i> )	
Sue deC Wilding	

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put

The Council divided.

AYES, 29	NOES, 8
The Hon. L. Asher	The Hon. M.M. Gould
G.B. Ashman	C.J. Hogg
B.N. Atkinson	J. McLean
R.A. Best	D.A. Nardella
B.W. Bishop	S.M. Nguyen
B.C. Boardman	P. Power
R.H. Bowden	B.T. Pullen ( <i>Teller</i> )
A.R. Brideson	D.T. Walpole ( <i>Teller</i> )
I.J. Cover	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely	

W. Forwood (*Teller*)  
C.A. Furletti  
R.M. Hallam  
W.A.N. Hartigan  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith (*Teller*)  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**23 INTERACTIVE GAMING (PLAYER PROTECTION) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**24 APPROPRIATION (1999/2000) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the **Budget Papers 1999-2000** having been authorized to be debated concurrently pursuant to an Order of the Council on 26 May 1999] –

Debate resumed.

The Honourable C.J. Hogg (for the Honourable R.A. Best) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**25 ADJOURNMENT** – The Honourable R.M. Hallam moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.42 p.m., adjourned until tomorrow.

A.V. BRAY  
*Clerk of the Legislative Council*

## No. 41 – Thursday, 27 May 1999

- 1 The President took the Chair and read the Prayer.
- 2 **AUSTRALIA ACTS (REQUEST) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to request the amendment of the Australia Acts 1986 in connection with proposed constitutional arrangements to establish the Commonwealth of Australia as a republic* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 3 **MARINE (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
- 4 **PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:  
 Auditor-General – Report on Victoria's prison system: *Community protection and prisoner welfare*, May 1999.  
 Law Foundation – Report, 1997-98.  
 Members of Parliament (Register of Interests) Act 1978 – Summary of variations notified between 12 November 1998 and 26 May 1999.

- 5 **AUSTRALIA ACTS (REQUEST) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 6 **FINANCIAL SECTOR REFORM (VICTORIA) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable D.A. Nardella moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until it has considered a report from the Economic Development Committee relating to the issues of reduced service provision and job losses resulting from the State and Commonwealth financial sector reform legislation."

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put.

The Council divided.

<p style="text-align: center;">AYES, 31</p> <p>The Hon. L. Asher            G.B. Ashman            B.N. Atkinson (<i>Teller</i>)            W.R. Baxter            R.A. Best</p>	<p style="text-align: center;">NOES, 9</p> <p>The Hon. M.M. Gould            C.J. Hogg            J. McLean            D.A. Nardella (<i>Teller</i>)            S.M. Nguyen (<i>Teller</i>)</p>
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B.W. Bishop  
B.C. Boardman  
R.H. Bowden  
A.R. Brideson  
I.J. Cover  
G.R. Craige  
D.M. Davis  
P.R. Davis  
R.S. de Fegely  
W. Forwood  
C.A. Furletti  
R.M. Hallam  
W.A.N. Hartigan (*Teller*)  
P.A. Katsambanis  
R.I. Knowles  
N.B. Lucas  
M.T. Luckins  
E.J. Powell  
Dr. J.W.G. Ross  
K.M. Smith  
W.I. Smith  
Graeme Stoney  
C.A. Strong  
Rosemary Varty  
Dr. R.J.H. Wells  
Sue deC Wilding  
P. Power  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 7 GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 8 APPROPRIATION (PARLIAMENT 1999/2000) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*



- 9 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 10 APPROPRIATION (PARLIAMENT 1999/2000) BILL** – Debate continued on the question, That this Bill be now read a second time.  
Question – put and resolved in the affirmative.  
Bill read a second time and, by leave, read a third time and passed.  
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 11 COMMONWEALTH PLACES (MIRROR TAXES ADMINISTRATION) BILL** –  
The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the administration and operation of State taxing laws that are applied as Commonwealth laws in relation to Commonwealth places, to make consequential amendments to State taxing laws and for other purposes* and desiring the concurrence of the Council therein.  
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.  
Accordingly, the Honourable R.M. Hallam moved, That this Bill be now read a second time.  
The Honourable M.M. Gould moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 12 APPROPRIATION (1999/2000) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the **Budget Papers 1999-2000** having been authorized to be debated concurrently pursuant to an Order of the Council on 26 May 1999] –  
Debate resumed.  
The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.  
Question – That the debate be now adjourned – put and resolved in the affirmative.  
Ordered – That the debate be adjourned until the next day of meeting.
- 13 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next at 10.00 a.m.  
Question – put and resolved in the affirmative.  
The Honourable R.I. Knowles moved, That the House do now adjourn.  
Debate ensued.  
Question – put and resolved in the affirmative.  
And then the Council, at 6.09 p.m., adjourned until Tuesday next at 10.00 a.m.

A.V. BRAY  
*Clerk of the Legislative Council*

# LEGISLATIVE COUNCIL OF VICTORIA

## MINUTES OF THE PROCEEDINGS Nos. 42, 43 and 44

### No. 42 – Tuesday, 1 June 1999

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
  - Ambulance Services (Further Amendment) Act*
  - Dental Practice Act*
  - Land (Reservations and other Matters) Act*
  - Marine (Amendment) Act*
  - Mental Health (Amendment) Act*
  - Police Regulation and Firearms (Amendment) Act*
  - Shrine of Remembrance (Amendment) Act*
  - Stamps (Amendment) Act.*
- 3 **ROYAL PARK LAND BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make provision in relation to land at Royal Park* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **LONGFORD ROYAL COMMISSION (REPORT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make provision for the publication of the report of the Longford Royal Commission and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **RAIL CORPORATIONS AND TRANSPORT ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Rail Corporations Act 1996, the Transport Act 1983, the Public Transport Competition Act 1995 and certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable G.R. Craige, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **FREEDOM OF INFORMATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to*

*amend the Freedom of Information Act 1982 with respect to the disclosure of documents affecting personal privacy, to make a consequential amendment to the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable L. Asher, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 FOOD (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Food Act 1984 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 GAS INDUSTRY ACTS (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make further amendments to the Gas Industry Act 1994, the Gas Pipelines Access (Victoria) Act 1998, the Gas Safety Act 1997 and certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 ELECTRICITY INDUSTRY ACTS (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Electricity Industry Act 1993 and the Electricity Safety Act 1998 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 10 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent Government Business taking precedence of all other business from 12 noon during the sitting of the Council on Wednesday, 2 June 1999.

Question – put and resolved in the affirmative.

- 11 PETITION – WALKERVILLE BOATING FACILITY** – The Honourable R.H. Bowden presented a Petition bearing 180 signatures from certain citizens of Victoria requesting the establishment of a safe boating facility at Walkerville.

Ordered to lie on the Table.

**12 PAPERS –**

**LAW REFORM COMMITTEE – TECHNOLOGY AND THE LAW** – The Honourable M.M. Gould presented a Report from the Law Reform Committee upon Technology and the Law, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

\* \* \* \* \*

**ROAD SAFETY COMMITTEE – PEDESTRIAN SAFETY** – The Honourable Sue deC. Wilding presented a Report from the Road Safety Committee upon the Incidence and Prevention of Pedestrian Accidents, together with Minutes of Evidence.

Ordered to lie on the Table and the report to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE –**

**UNLAWFUL ASSEMBLIES AND PROCESSIONS ACT –** The Honourable M.T. Luckins presented a Report from the Scrutiny of Acts and Regulations Committee upon Redundant and Unclear Legislation concerning the Review of the Unlawful Assemblies and Processions Act 1958, together with Minutes of Evidence.

Ordered to lie on the Table and the report to be printed.

\* \* \* \* \*

**ALERT DIGEST –** The Honourable P.A. Katsambanis presented Alert Digest No. 6 of 1999 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE –** The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Australian Food Industry Science Centre – Report, 1997-98.

Border Groundwaters Agreement Review Committee – Report, 1997-98.

Deakin University – Report, 1998.

Environment Conservation Council Act 1997 – Minister for Conservation and Land Management's notice of amendment of request to the Environment Conservation Council to investigate Victoria's Marine, Coastal and Estuarine areas.

Forensic Leave Panel – Report, 1998.

La Trobe University – Report, 1998.

Melbourne City Link Act 1995 – Order in Council of 25 May 1999 varying the project area of land pursuant to section 8(4) of the Act.

Melbourne University – Report, 1998.

Monash University – Report, 1998.

North East Victorian Regional Waste Management Group – Minister for Conservation and Land Management's report of 27 May 1999 of receipt of the 1997-98 report.

Parliamentary Committees Act 1968 – Minister's response to recommendations in Scrutiny of Acts and Regulations Committee's report upon the *Carriers and Innkeepers Act 1958*.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes and new planning schemes:

Berwick Planning Scheme – Amendment L146.

Delatite Planning Scheme – Amendment L17.

Hume Planning Scheme – Amendments L50 and L52.

Melbourne Planning Scheme – Amendment C2.

Horsham Planning Scheme.

Yarra Planning Scheme.

Prevention of Cruelty to Animals Act 1986 – Codes of Practice for the Land Transport of Horses (Victoria), the Land Transport of Poultry (Victoria) and the Land Transport of Pigs (Victoria) and the variation of the Code of Accepted Farming Practice for the Welfare of Livestock – Transport of Livestock, 25 May 1999 (four papers).

Royal Melbourne Institute of Technology – Report, 1998.

Statutory Rules under the following Acts of Parliament:

Magistrates' Court Act 1989 – No. 58.

Melbourne City Link Act 1995 – Nos. 55 and 56.

Transport Act 1983 – No. 57.

Subordinate Legislation Act 1994 –

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 58/1999.

Minister's exemption certificates under section 9(6) in respect of Statutory Rules Nos. 55 to 57/1999.

Swinburne University of Technology – Report, 1998.

University of Ballarat – Report, 1998.

Victoria University of Technology – Report, 1998.

- 13 ROYAL PARK LAND BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable M.A. Birrell made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 14 LONGFORD ROYAL COMMISSION (REPORT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 15 RAIL CORPORATIONS AND TRANSPORT ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.R. Craige moved, That this Bill be now read a second time.

The Honourable G.R. Craige made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until later this day.

- 16 FREEDOM OF INFORMATION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable L. Asher moved, That this Bill be now read a second time.

The Honourable P. Power (for the Honourable D.A. Nardella) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 17 GAS INDUSTRY ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable R.M. Hallam made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**18 ELECTRICITY INDUSTRY ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable R.M. Hallam made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**19 NEW TAX SYSTEM PRICE EXPLOITATION CODE (VICTORIA) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**20 PROSTITUTION CONTROL (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**21 RAIL CORPORATIONS AND TRANSPORT ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

**22 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**23 RAIL CORPORATIONS AND TRANSPORT ACTS (AMENDMENT) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put.

The Council divided.

AYES, 30

The Hon. L. Asher  
G.B. Ashman (*Teller*)  
B.N. Atkinson  
W.R. Baxter  
R.A. Best  
B.W. Bishop  
B.C. Boardman (*Teller*)  
A.R. Brideson  
I.J. Cover

NOES, 8

The Hon. M.M. Gould  
J. McLean  
D.A. Nardella  
S.M. Nguyen (*Teller*)  
P. Power  
B.T. Pullen  
T.C. Theophanous  
D.T. Walpole (*Teller*)

G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**24 STATE TAXATION ACTS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**25 APPROPRIATION (1999/2000) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the **Budget Papers 1999-2000** having been authorized to be debated concurrently pursuant to an Order of the Council on 26 May 1999] –

Debate resumed.

The Honourable P. Power moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

**26 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 6, be postponed until later this day.

**27 INTERACTIVE GAMING (PLAYER PROTECTION) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**28 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.19 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 43 – Wednesday, 2 June 1999**

**1** The President took the Chair and read the Prayer.

**2 PETITION – SYDENHAM RAILWAY STATION** – The Honourable D.A. Nardella presented a Petition bearing 1,527 signatures from certain citizens of Victoria requesting:

- (a) The restoration of wickets to the Melton Highway crib crossing at Sydenham Railway Station;
- (b) Provision of a pedestrian crossing on the Melbourne-Bendigo railway line north of Melton Highway to Overnewton Anglican College;
- (c) A pedestrian crossing on the Melbourne-Bendigo railway line, opposite the Catholic Regional College in Sydenham Road with a footpath to bus stops at the Watergardens Regional Shopping Centre; and
- (d) Signalised pedestrian crossings of the Melton Highway on both sides of the level crossing.

Ordered to lie on the Table.

**3 PAPERS –**

**BLF CUSTODIAN** – The Honourable M.A. Birrell moved, by leave, That there be laid before this House a copy of Report No. 43 dated 31 May 1999, given to Mr. President pursuant to section 7A of the *BLF (De-recognition) Act 1985* by the Custodian appointed pursuant to section 7(1) of the Act.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.A. Birrell and ordered to lie on the Table.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** – The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Parliamentary Committees Act 1968 – Minister's response to recommendations in Public Accounts and Estimates Committee's report upon Information Technology and the Year 2000 Problem – *Is the Victorian Public Sector Ready?*



4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.

5 **AUDITOR-GENERAL** — The Honourable T.C. Theophanous moved, That this House —

- (a) expresses its appreciation to Victoria's retiring Auditor-General for his contribution to enhancing public accountability and defending the independence of the office of the Auditor-General; and
- (b) supports the appointment of a new Auditor-General by way of a recommendation of the Public Accounts and Estimates Committee, in line with recommendations of independent reports to the Parliament by Fergus Ryan and Alan Talbot and that Committee.

Debate ensued.

The Honourable R.M. Hallam moved, as an amendment, That all the words and expressions after "That" be omitted with the view of inserting in place thereof ", on the occasion of his forthcoming retirement, this House places on record its sincere appreciation of the services rendered by Mr. C.A. Baragwanath as Auditor-General for the State of Victoria, particularly in the enhancement of public accountability and in the defence of the independence of that office."

Debate ensued.

Question — That the words and expressions proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 9

The Hon. M.M. Gould  
 C.J. Hogg  
 J. McLean  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power (*Teller*)  
 B.T. Pullen  
 T.C. Theophanous (*Teller*)  
 D.T. Walpole

NOES, 32

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop (*Teller*)  
 B.C. Boardman  
 A.R. Brideson (*Teller*)  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross

K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it passed in the negative.

Question – That the words and expressions proposed to be inserted be so inserted – put and resolved in the affirmative.

Question – That , on the occasion of his forthcoming retirement, this House places on record its sincere appreciation of the services rendered by Mr. C.A. Baragwanath as Auditor-General for the State of Victoria, particularly in the enhancement of public accountability and in the defence of the independence of that office – put and resolved in the affirmative.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 to 3 inclusive, be postponed until later this day.

**7 CRIMES (CRIMINAL TRIALS) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

*Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders –*

**8 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

**10 CRIMES (CRIMINAL TRIALS) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put.

The Council divided.

AYES, 29

The Hon. L. Asher  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis (*Teller*)  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti  
 W.A.N. Hartigan  
 P.A. Katsambanis

NOES, 8

The Hon. M.M. Gould  
 C.J. Hogg  
 J. McLean (*Teller*)  
 S.M. Nguyen  
 P. Power  
 B.T. Pullen (*Teller*)  
 T.C. Theophanous  
 D.T. Walpole

R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney (*Teller*)  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 FOOD (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable M.M. Gould moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 12 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.

- 13 FREEDOM OF INFORMATION (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 31	NOES, 8
The Hon. L. Asher	The Hon. M.M. Gould
G.B. Ashman	C.J. Hogg
B.N. Atkinson	J. McLean
W.R. Baxter	D.A. Nardella ( <i>Teller</i> )
R.A. Best	S.M. Nguyen
M.A. Birrell	P. Power
B.W. Bishop	T.C. Theophanous
B.C. Boardman	D.T. Walpole ( <i>Teller</i> )
A.R. Brideson	
I.J. Cover ( <i>Teller</i> )	
G.R. Craige	
D.M. Davis	
P.R. Davis	
R.S. de Fegely ( <i>Teller</i> )	

W. Forwood  
 C.A. Furletti  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan  
 P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honourable L. Asher moved, That the Bill be now read a third time.

Question – put.

The Council divided.

AYES, 32

The Hon. L. Asher  
 G.B. Ashman  
 B.N. Atkinson  
 W.R. Baxter  
 R.A. Best (*Teller*)  
 M.A. Birrell  
 B.W. Bishop  
 B.C. Boardman  
 A.R. Brideson  
 I.J. Cover  
 G.R. Craige  
 D.M. Davis  
 P.R. Davis  
 R.S. de Fegely  
 W. Forwood  
 C.A. Furletti (*Teller*)  
 P.R. Hall  
 R.M. Hallam  
 W.A.N. Hartigan

NOES, 9

The Hon. M.M. Gould  
 C.J. Hogg  
 J. McLean (*Teller*)  
 D.A. Nardella  
 S.M. Nguyen  
 P. Power (*Teller*)  
 B.T. Pullen  
 T.C. Theophanous  
 D.T. Walpole

P.A. Katsambanis  
 R.I. Knowles  
 N.B. Lucas  
 M.T. Luckins  
 E.J. Powell  
 Dr. J.W.G. Ross  
 K.M. Smith  
 W.I. Smith  
 Graeme Stoney  
 C.A. Strong  
 Rosemary Varty  
 Dr. R.J.H. Wells  
 Sue deC Wilding

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 BUSINESS OF THE HOUSE** – The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 15 AUSTRALIA ACTS (REQUEST) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 16 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 7 and 8, be postponed until later this day.

- 17 COMMONWEALTH PLACES (MIRROR TAXES ADMINISTRATION) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18 APPROPRIATION (1999/2000) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the **Budget Papers 1999-2000** having been authorized to be debated concurrently pursuant to an Order of the Council on 26 May 1999] and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

**19 BUDGET PAPERS, 1999-2000** – The concurrent debate having concluded –  
Question – That the Council take note of the Budget Papers, 1999-2000 – put and resolved in the affirmative.

**20 ADJOURNMENT** – The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.37 p.m., adjourned until tomorrow.

A.V. BRAY

*Clerk of the Legislative Council*

## **No. 44 – Thursday, 3 June 1999**

**1** The President took the Chair and read the Prayer.

**2 PAPERS –**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE –**

**AUDITOR-GENERAL PERFORMANCE AUDIT** – The Honourable W. Forwood presented a Report from the Public Accounts and Estimates Committee on a Review of the Report upon the Performance Audit of the Victorian Auditor-General's Office, together with a Minority Report and an Appendix.

Ordered to lie on the Table and to be printed.

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**AUDITOR-GENERAL'S REPORTS** – The Honourable W. Forwood presented a Report from the Public Accounts and Estimates Committee upon a Review of Auditor-General's Reports Nos. 39 to 41, together with Minority Reports.

Ordered to lie on the Table and to be printed.

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**ENVIRONMENTAL ACCOUNTING AND REPORTING** – The Honourable R.A. Best presented an Interim Report from the Public Accounts and Estimates Committee upon Environmental Accounting and Reporting, together with Minutes of Evidence.

Ordered to lie on the Table and the report to be printed.

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**PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Statutory Rules under the following Acts of Parliament:

Public Transport Competition Act 1995 – No. 60.

Road Safety Act 1986 – No. 59.

Transport Act 1983 – No. 61.

Subordinate Legislation Act 1994 – Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 59 and 61/1999.

**3 GAS INDUSTRY ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be

now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 4 ELECTRICITY INDUSTRY ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 5 ROYAL PARK LAND BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 6 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 7 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable R.I. Knowles moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 8 LONGFORD ROYAL COMMISSION (REPORT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 **ADJOURNMENT** – The Honourable M.A. Birrell moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

Question – put and resolved in the affirmative.

The Honourable M.A. Birrell moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 5.10 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

A.V. BRAY  
*Clerk of the Legislative Council*