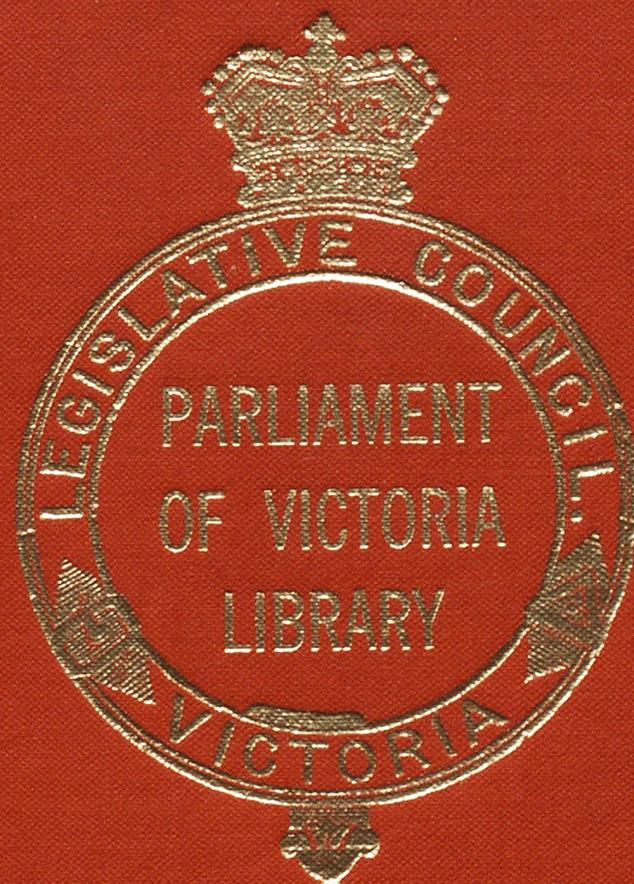


VICTORIA

MINUTES
OF THE
PROCEEDINGS
OF THE
LEGISLATIVE
COUNCIL

SESSION
1994-96

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MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL OF VICTORIA

**Session
1994-96**

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 1

Wednesday, 7 September 1994

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

BUSINESS TO TAKE PRECEDENCE

ORDER OF THE DAY

- 1 SPEECH OF HIS EXCELLENCY THE GOVERNOR — Motion for Address-in-Reply —
Resumption of debate. (Hon. C.J. Hogg).

GOVERNMENT BUSINESS

NOTICES OF MOTION

- 1 THE HON. R.I. KNOWLES — To move, That unless otherwise ordered by the House, in each week of the present Session —
 - (a) the days and hours of meeting of the Council shall be Tuesday at 2.30 p.m., Wednesday at 10.00 a.m. and Thursday at 10.00 a.m.;
 - (b) the transaction of Government business shall take precedence of all other business, except business governed by Standing Orders Nos. 20A, 68A and 86, on Tuesday and Thursday, and at 2.00 p.m. on Wednesday;
 - (c) the transaction of 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.
- 2 THE HON. R.I. KNOWLES — To move, That he have leave to bring in a Bill to make various amendments to the *Dentists Act 1972* and for other purposes.
- 3 THE HON. HADDON STOREY — To move, That he have leave to bring in a Bill to amend the *Emerald Tourist Railway Act 1977*.
- 4 THE HON. W.R. BAXTER — To move, That he have leave to bring in a Bill to amend the *Royal Agricultural Show-grounds Act 1931*.

GENERAL BUSINESS

NOTICE OF MOTION

- 1 THE HON. T.C. THEOPHANOUS — To move, That this House calls on the Government to ensure that in any restructure or privatization of the various sections of the former State Electricity Commission of Victoria prices and services to country consumers and country businesses, including service and supply charges, are no greater than those in the city in the future including after the year 2000.

GOVERNMENT BUSINESS

ORDER OF THE DAY

- 1 PROPERTY LAW (AMENDMENT) BILL — (*Hon. M.A. Birrell*) — Second reading.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

* * * *

COMMITTEES

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

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

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

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

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

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

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

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

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

SESSIONAL ORDERS

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 5 December 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 2

Tuesday, 4 October 1994

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

BUSINESS TO TAKE PRECEDENCE

NOTICE OF MOTION

- *1 THE HON. D.E. HENSHAW — To move, That Amendment R77 to the Greater Geelong Planning Scheme be revoked. [Notice given 7 September 1994; 10 sitting days remain for resolving†]

ORDER OF THE DAY

- 1 SPEECH OF HIS EXCELLENCY THE GOVERNOR — Motion for Address-in-Reply — Resumption of debate. (Hon. C.J. Hogg).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 PROPERTY LAW (AMENDMENT) BILL — (Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *2 DENTISTS (AMENDMENT) BILL — (Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- *3 EMERALD TOURIST RAILWAY (AMENDMENT) BILL — (Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. P. Power).
- *4 ROYAL AGRICULTURAL SHOW-GROUNDS (AMENDMENT) BILL — (Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. P. Power).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

*Indicates new entry.

†Indicates sitting days remaining, including this day for resolution of motion to be within statutory disallowance provisions.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

* * * *

COMMITTEES

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

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

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

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

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

Tuesday, 4 October 1994

SESSIONAL ORDERS

*BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 5 December 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 1 and 2

No. 1 – Tuesday, 6 September 1994

- 1 The Council met pursuant to the Proclamation of His Excellency the Governor dated 11 August 1994, 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-SECOND PARLIAMENT OF VICTORIA**

PROCLAMATION

By the Governor of the State of Victoria

The Parliament of Victoria is adjourned until the day and hour fixed by the President of the Legislative Council and the Speaker of the Legislative Assembly respectively.

I, the Governor of the State of Victoria, prorogue the Parliament until Tuesday, 6 September 1994, and fix Tuesday, 6 September 1994 at 2.30 p.m. as the time for the commencement and holding of the next Session of Parliament, for the despatch of business, in the Parliament Houses, situated in Spring Street, Melbourne.

The Honourable the Members of the Legislative Council and the Members of the Legislative Assembly are required to give their attendance at that time and place.

Given under my Hand and the Seal of Victoria,
on 11 August 1994
R.E. McGARVIE
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 my Government is within a month of the midpoint of this term of Parliament. The opening of the Second Session of the Fifty-Second Parliament therefore provides a means to reflect and review the progress achieved in what has been the most extensive reform program undertaken by any Australian government in the post-War era.

We are to use this historic opportunity to pause and set anew the direction for Victoria in the remainder of the current Parliament.

Importantly, the objectives set out before us all as Victorians are not confined to this coming two-year period, but fit within a longer term framework running beyond the turn of the century. This therefore is not a political agenda, but a meticulously crafted plan for Victoria's future welfare, for the welfare of all Victorians.

The fundamental premise on which my Government's agenda continues to be motivated is the integral link between financial, economic and social outcomes: none of these three can be satisfied in isolation.

From October 1992, the Government acted with speed and precision to take advantage of a window of opportunity to correct Victoria's desperate problems as well as to forge lasting change and benefit for all Victorians. The reforms have moulded a generational change in that Victorians are now working to longer timeframes, and this goes to the heart of the Government's economic management.

It is being done in order to build a competitive business sector, a secure employment market and effective, quality services in the central areas of education, health, community services, services to women and young people, public transport and law and order.

When I last spoke to the Parliament, I emphasised that all sectors of the community had accepted the Government's challenge to join in a partnership to rebuild the State. The Government recognises and applauds the whole community for taking its role as an active partner in this historic cultural change for Victoria.

Victorians have shouldered the responsibility for energising the economy and underpinning opportunity for coming generations. They have continued to make it clear they want a commonsense, efficient and decisive government. Victorians support reforms which deliver sound financial management and better services in education, health and community services.

Substantial progress has been made in restoring the State's economy and lifting its outlook. Victoria has led Australia in employment growth this year and the steadily increasing participation rate signals growing confidence in the job market. Victoria's exports have been growing at double the national average. And in the third key criteria of investment, Victoria is far outstripping the national average for new capital investment in the private sector.

We can point to significant improvements in financial management, in the structure of the budget process, early forward planning and in outcomes. The Government continues to work towards its objective to bring the budget into sustainable surplus and once that has been achieved, the \$100 State deficit levy will be removed.

Victoria will continue to improve its standing in the major financial markets. The credit agencies have already lifted Victoria's rating. Through responsible financial management, the Government will continue to lay the groundwork for further credit ratings upgrades, with the objective of a return to a Triple-A rating.

My Government remains committed to securing the best opportunities for our children and grandchildren. Such a sense of security derives not just from economic growth and financial probity. It derives also from confidence in Victorian institutions, in our health care system, in education, in our personal safety, from the preservation of a clean, natural environment, and in the integrity of our public servants and elected representatives.

As the Government continues to drive home its reforms, the emphasis, as always, will be to ensure families have accessibility to affordable services, the driving goals of which are efficiency, responsiveness to need, and high quality.

Policy initiatives for service delivery will be particularly sensitive to the needs of women in the care of their families, and in this regard special attention will be paid to cost containment for services to families and in the charges levied on households.

The Government has been meticulous in redirecting education to meet the standards and course requirements that families expect as their children prepare for life in the workforce and as responsible citizens. The changes in education are providing our children the knowledge base and skills to help them grasp the newly emerging opportunities of the technological revolution that will be the hallmark of the 21st century.

Technology is being employed increasingly in our schools to enhance the learning experience. Satellite television has just begun broadcasting programs to schools across the State and the Government is establishing science and technology centres to enable more intensive study in this field.

Victoria has also set the lead for Australia in health care reform. The State has made enormous progress in developing a high quality health service that is responsive to patient demand and cost-effective. The casemix system operating in Victoria has now been introduced in South Australia and exported to Hong Kong in modified form. The Commonwealth is also considering adopting it as the national standard.

Similarly, priority will be given to support and security for the elderly, the needy and homeless youth, as well as to the question of personal safety in the home and on our streets. Victoria has earned a reputation as the safest State in Australia and the Government is committed to improving on our record to date, particularly with regard to safety for women and children.

To this end, the Premier has personally taken charge of the taxi reform program which will lift the profile and service quality of the State's taxi industry and ensure increased safety for passengers and taxi drivers.

These are the essential human elements of a vibrant society that require a prospering economy to underpin them. The Government's reform objectives, therefore, are critical to provide the care our society needs.

While much has been achieved in turning Victoria around, it is important to sound a note of caution and to emphasise the imperative of continuing discipline. There is no room for complacency this early in such an enormous task of recovery. The national economic recovery remains fragile and uneven. We cannot afford to repeat the past mistake of relying on cyclical upswings to avoid our responsibility to implement reform.

My Government has tried to be an honest government - to discuss with Victorians the problems we face and their expectations as to how those problems would be addressed. The Government will continue its practice of communicating directly with Victorians to provide them with a full account of its stewardship, and will soon be sending all households a midterm report.

The rule that has been steadfastly followed is based on the need to provide decisive, good government for all Victorians.

The Government has not been content to let others carry the responsibility for thinking through our problems and their solutions. This will continue to be an active and vigorous Government with ideas, energy and still a fresh enthusiasm for reform.

My Government has devoted considerable effort to securing improved fiscal relations with the Federal Government and better program delivery by seeking an overall improvement in our financial relations and a clear definition of the roles and responsibilities of the three tiers of government.

In areas such as health and housing and the Federal Government's public support for our electricity industry reforms, there have been positive signs. Regrettably, in other areas the Commonwealth has shown a preparedness to override the States and Territories regardless of what might be in the best interests of all Australians.

In Victoria, we are working therefore to develop and implement proposals which by the time we reach the year 2001 will see an effective sharing of power and resources. To this end, Victoria has been instrumental in the establishment of a national leadership

group through which the States and Territories are co-ordinating their approach to national issues and playing a much stronger role in defining the agenda and course of the Council of Australian Governments.

In particular, my Government believes the nature of the Australian Federation must change significantly up to the centenary of Federation to provide a greater sense of national cohesiveness and direction, a better living standard and level of services for all Australians. To achieve maximum benefit from the type of reforms initiated in Victoria, complementary action will be required nationally.

Continuing public sector reform has been a key element underpinning the Government's progress over the past two years and has been accompanied by a wide ranging and detailed analysis of the core responsibilities of government. The Government and its departments now operate on a corporate structure with a firm focus on outcomes.

The Government's initial step in the reform of the public sector was to reduce the number of departments from 22 to 13. It is now completing arrangements for a further reduction to 12 departments through a merger of Treasury and the Department of Finance.

Through the Management Improvement Initiative, the Government is addressing impediments in the public sector which have slowed or blocked innovation and efficient practice for generations. Progress in public sector reform is most apparent to the community in the implementation of new modes of service delivery, but its most significant outcome is that the Government itself is now part of the competitive equation.

The Government has also provided the framework for the investigation of new models for service delivery, including contracting out, corporatisation and privatisation. An accelerated corporatisation, privatisation and contracting out program will be one of the features of the second half of the first term and there will be a concerted effort to encourage private sector investment in major infrastructure projects.

By the end of January, the Government will receive submissions from the two shortlisted private consortiums for two major road projects, the Southern and Western bypasses, and determine a timetable for construction of the road links and for the Domain Tunnel.

These decisions will mark the fulfilment of a long held Melbourne dream and are part of a broader program to consolidate Melbourne's position as Australia's transport centre and to use infrastructure development to facilitate expansion in the transport sector and broader economic growth.

Local Government reform is integral to the Government's framework for revitalising the State economy and in the delivery of services to Victorians. My Government is well advanced with the most far reaching restructure of our Local Government system in more than a century and by the end of next year the State will have less than 100 councils delivering better, cheaper services to their residents. These larger councils will also have the capacity to act as strong forces for regional development.

The Government's highly successful industry policy will be subject to some redefinition in the coming year with special emphasis on its primary role to attract high quality investors in key industry sectors and to provide further assistance for exporters.

Victoria's WorkCover scheme has been one of the shining lights of the Government's reforms. Its remaining \$200 million liability is expected to be eliminated by the end of the current financial year and the 0.25% surcharge on premiums will then be removed.

The Government's broad industry strategy, along with the specific regional development program and the Food Victoria strategy, are playing a significant role in encouraging new business investment in country Victoria, giving new direction to our traditional farming industries and impetus for the rapidly expanding food processing sector.

Agricultural programs are to be redirected and receive a substantial injection of new funds in tomorrow's Budget. A sum of \$18.3 million recurrent expenditure will be allocated over the next three years to provide for more effective delivery of programs to boost farm productivity, accelerate Victoria's fresh food export program and give extra impetus to the development of food processing as one of our major industries of the future. There will also be an additional \$4 million in capital investment for agriculture.

Revenue from Victoria's gaming industry is being devoted to major projects of lasting value to the Victorian community - the Agenda 21 program - so they can be undertaken without adding a dollar to State debt. The banner of Agenda 21 will fly over Melbourne's new exhibition centre, world class casino, stage one refurbishment of the State Library and the refurbished Regent Theatre, which are all scheduled for completion in the next two years.

In the next two years, there will also be significantly increased funding for Agenda 21 projects in regional Victoria.

The Gas and Fuel Corporation towers on Flinders Street will come down in 1996, signalling also the start of work on the Federation Square project.

The Government's quest for new major events will bring two outstanding drawcards to Melbourne in 1995-96 - the Australian premiere of the musical *Sunset Boulevard* and the running of the first Melbourne Formula One Grand Prix.

Collectively, these measures have brought new heart and vitality to Victoria.

In the coming years, Victoria's role as an international centre for the arts will be given much greater emphasis through a strategy to develop further our arts infrastructure and foster the enormous depth of talent that exists in our arts community.

Parliament, as the supreme law giving body of the State, is requested to grant the essential passage of the legislation put before it to maintain the march of progress towards sustainable economic growth and a secure future for all Victorians.

It is with deep regret I advise that since the Parliament was last opened, five former members have died: the Honourable Allen Robert Bateman, MLA for Essendon; the Honourable Sir Murray Victor Porter, MLA for Sandringham, who served variously as Minister for Forests, Local Government and Public Works, and for periods as Assistant Chief Secretary and Assistant Attorney General; the Honourable Sir George Oswald Reid, MLA for Box Hill, who held the positions of Assistant Chief Secretary and Attorney-General, Minister of Labour and Industry and Electrical Undertakings, Fuel and Power and Immigration; the Honourable Joseph Henry Smith, MLA for Goulburn, who served as Minister for Lands, Soldier Settlement and Conservation; the Honourable Ivan Archie Swinburne, MLC for North Eastern, who served as Minister for Housing and Materials; and the Honourable John Malcolm Walton, MLC for Melbourne, who died in recent days.

I charge Government Ministers and Members of both Houses to continue providing good government, good parliament in Victoria's interests.

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

6 September 1994

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 3.05 p.m. until 5.03 p.m.]

- 4 **THE LATE HONOURABLE IVAN ARCHIE SWINBURNE, C.M.G.** — The Honourable M.A. Birrell moved, That this House expresses its sincere sorrow at the death, on 12 August 1994, of the Honourable Ivan Archie Swinburne, C.M.G., 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 North Eastern Province from 1946 to 1976 and Minister in charge of Housing and Minister in charge of Materials from June 1950 to October 1952 and from October 1952 to December 1952.

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.

* * * * *

- 5 **THE LATE HONOURABLE JOHN MALCOLM WALTON** — The Honourable M.A. Birrell moved, That this House expresses its sincere sorrow at the death, on 31 August 1994, of the Honourable John Malcolm Walton, 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 Melbourne North Province from 1958 to 1982.

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.

- 6 **ADJOURNMENT** — The Honourable M.A. Birrell moved, That as a further mark of respect to the memory of the late Honourables Ivan Archie Swinburne, C.M.G., and John Malcolm Walton 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 5.39 p.m., adjourned until this day at 8.00 p.m.

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- 1 The President took the Chair.

- 2 **PRIVILEGE BILL — PROPERTY LAW (AMENDMENT) BILL** — On the motion of the Honourable M.A. Birrell, leave was given to bring in a Bill to make minor amendments to the *Property Law Act 1958*, 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.

- 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 George Henry Cox
The Honourable James Vincent Chester Guest
The Honourable Peter Ronald Hall
The Honourable David Ernest Henshaw
The Honourable Robert Stuart Ives and
The Honourable Licia Kokocinski -

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 sixth day of September, One thousand nine hundred and ninety-four.

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 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.

6 **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.

7 **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.

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

Upon any matter of privilege arising —

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

Question—put and resolved in the affirmative.

- 9 **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.

- 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 2 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 5 December 1994 may be taken through all stages; and
 - (b) this Order shall have effect until 31 December 1994.

Question—put and resolved in the affirmative.

11 **PAPERS** —

BLF CUSTODIAN — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of Report No. 28 dated 31 August 1994, given to Mr. President pursuant to section 7A of the *BLF (De-recognition) Act 1985* by the Custodian appointed under section 7(1) of that Act.

Question — put and resolved in the affirmative.

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

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — HOUSING GUARANTEE FUND LIMITED — The Honourable P.R. Hall presented a Report from the Public Accounts and Estimates Committee upon the Housing Guarantee Fund Limited, 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:

Agricultural Industry Development Act 1990 — Murray Valley Wine Grape Industry Development Order in Council of 16 June 1994.

Capital Works Authority — Report, 1993-94.

Central Gippsland College of TAFE —

Minister for Tertiary Education and Training's report of 1 September 1994 of failure of College to submit 1993 annual report to him within the prescribed period and the reasons therefor.

Report, 1993 (two papers).

Crimes Act 1958 — Authorities of the Chief Commissioner of Police made under section 464Z of the Act (two papers).

Drugs, Poisons and Controlled Substances Act 1981 — Poisons Code, together with the notice of 26 August 1994 of its preparation, and a copy of the Standard for the Uniform Scheduling of Drugs and Poisons, No. 8, 24 December 1993, National Health and Medical Research Council, together with Amendments Nos. 1 to 3.

Electoral Commissioner —

Reports on the Broadmeadows District and Dousta Galla Province By-elections, 18 September 1993 (two papers).

Statement of functions conferred, 7 June 1994.

Employee Relations Commission — Report of the President, 1 March 1993 to 31 October 1993.

Flora and Fauna Guarantee Act 1988 — Order in Council of 16 August 1994 adding an item to Schedule 3 — List of Potentially Threatening Processes.

Interpretation of Legislation Act 1984 — Amended and replacement documents to accompany Statutory Rule No. 119/1992 (pursuant to the *Gas and Fuel Corporation Act 1958*) tabled on 12 August 1992 which, by section 32 (4) (b), are required to be laid upon the Table:

AS 1210 — 1989 — SAA Unfired Pressure Vessels Code (as amended).

AS 1530.1 — 1994 — Methods for fire tests on building materials, components and structures — Part 1: Combustibility test for materials.

AS 1796 — 1993 — Certification of welders and welding supervisors (as amended).

AS 2129 — 1994 — Flanges for pipes, valves and fittings.

AS 2207 — 1994 — Non-destructive testing — Ultrasonic testing of fusion welded joints in carbon and low alloy steel.

AS 2700 — 1985 — Colour standards for general purposes (as amended).

AS 3688 — 1994 — Water supply — Copper and copper alloy body compression and capillary fittings and threaded-end connectors.

A 53 — 93a — Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless.

- A 105/A 105M — 93b — Standard Specification for Forgings, Carbon Steel, for Piping Components.
- AG 501 — 1994 — Code for Industrial and Commercial Gas Fired Appliances.
- Land Conservation Council — Final recommendations to the Minister regarding the Melbourne and District 2 Review.
- Law Foundation — Report, year ended 30 September 1993.
- Parliamentary Officers Act 1975 — Statements of appointments, alterations of classifications and of persons temporarily employed in the Parliamentary departments for the year 1993-94 (ten papers).
- Patriotic Funds Council — Report, 1993.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Alexandra Planning Scheme — Amendments L30 and L32.
 - Altona Planning Scheme — Amendment RL156.
 - Avoca Planning Scheme — Amendment L14.
 - Bacchus Marsh Planning Scheme — Amendments L33 Part 2 and L37.
 - Bairnsdale (Shire) Planning Scheme — Amendments L37 and L41.
 - Ballaarat (City) Planning Scheme — Amendment L44.
 - Bannockburn Planning Scheme — Amendments L14, L15 and R11.
 - Barrabool Planning Scheme — Amendments RL10, R17 and RL1-SC.
 - Bass Planning Scheme — Amendments L30 and L32 Part 1.
 - Beechworth Planning Scheme — Amendment L24.
 - Benalla (City) Planning Scheme — Amendment L23 Part 1.
 - Bendigo Amalgamation Amendment.
 - Bendigo — Greater Bendigo Planning Scheme — Amendment L10.
 - Bendigo Planning Scheme — Amendments L41 and L44.
 - Berwick Planning Scheme — Amendments L61 Part 1, L63 and L69.
 - Box Hill Planning Scheme — Amendment L15.
 - Bright Planning Scheme — Amendment L38.
 - Broadford Planning Scheme — Amendment L12 Part 1A.
 - Broadmeadows Planning Scheme — Amendments L56 and L58.
 - Brunswick Planning Scheme — Amendment L10.
 - Bulla Planning Scheme — Amendments L70, L85, L90 and L99 to L101.
 - Camberwell Planning Scheme — Amendment RL156.
 - Castlemaine Planning Scheme — Amendments L8, L9 and L11.
 - Caulfield Planning Scheme — Amendments L15 and L31.
 - Charlton Planning Scheme — Amendment L3.
 - Chelsea Planning Scheme — Amendment L10.
 - Cobram Planning Scheme — Amendment L15.
 - Coburg Planning Scheme — Amendment L38.
 - Collingwood Planning Scheme — Amendments L18 Part 1, L19, L24, L27 and L29.
 - Cranbourne Planning Scheme — Amendments L49 Part 1, L91 and L102.
 - Croydon Planning Scheme — Amendment RL156.
 - Dandenong Planning Scheme — Amendments L31 and L32.
 - Deakin Planning Scheme — Amendments L23, L27 and L29.
 - Diamond Valley Planning Scheme — Amendments L54 and L55.
 - Doncaster and Templestowe Planning Scheme — Amendment L58 Part 3, L68 and L69.
 - Echuca Planning Scheme — Amendments L21, L27 and L28.
 - Eltham Planning Scheme — Amendments L36 Part 2, L41, L43 and L44.
 - Essendon Planning Scheme — Amendments L47 and L48.

Planning and Environment Act 1987 — (continued)

- Flinders Planning Scheme — Amendment L125.
- Geelong Planning Scheme — Amendment L37.
- Geelong — Greater Geelong Planning Scheme — Amendments L12, L52, L76, R41, R51, R60, R61 Part 1, R67, R68, R77, R79, R81, R88, RL42, RL78, RL89 and RL1-SC.
- Geelong Regional Planning Scheme — Amendments RL149 and RL1-SC.
- Grenville Planning Scheme — Amendment L11 Part 1.
- Hampden Planning Scheme — Amendment L9.
- Hastings Planning Scheme — Amendments L71 and L98.
- Hawthorn Planning Scheme — Amendment L26.
- Healesville Planning Scheme — Amendments L42, L44 and L47.
- Heidelberg Planning Scheme — Amendment L65.
- Heywood Planning Scheme — Amendment L11.
- Horsham Planning Scheme — Amendment L49.
- Huntly Planning Scheme — Amendment L30.
- Karkaroc Planning Scheme — Amendment L2.
- Keilor Planning Scheme — Amendments L58, L65, L70, L72, L74, L77, L78 and RL156.
- Kilmore Planning Scheme — Amendment L71.
- Knox Planning Scheme — Amendments L63, L65 and L74.
- Kyabram Planning Scheme — Amendment L13.
- Lillydale Planning Scheme — Amendments L71, L107, L109, L122, L130, L135, L138 and L139.
- Lowan Planning Scheme — Amendment L15.
- Maffra Planning Scheme — Amendments L25 and L26.
- Maldon Planning Scheme — Amendment L7.
- Malvern Planning Scheme — Amendments L22 and L28.
- Maryborough Planning Scheme — Amendment L21.
- Melbourne Planning Scheme — Amendments L107 Part 2, L147, L152, L154, L157, L159 and L170.
- Melton Planning Scheme — Amendments L37, L42 and L46.
- Metropolitan Region Planning Scheme — Amendments R120 and R121.
- Mildura (City) Planning Scheme — Amendments L43 and L46.
- Mirboo Planning Scheme — Amendment L12.
- Moorabbin Planning Scheme — Amendments L37, L40, L42 and L47.
- Mornington Planning Scheme — Amendments L49 and L50.
- Morwell Planning Scheme — Amendment L45.
- Myrtleford Planning Scheme — Amendments L29 and L30.
- Nathalia (Shire) Planning Scheme — Amendment L5.
- Northcote Planning Scheme — Amendments L29 to L31.
- Numurkah Planning Scheme — Amendment L4.
- Nunawading Planning Scheme — Amendments L42, L60, L67, L74 and L76.
- Oakleigh Planning Scheme — Amendments L30 Part 2, L32, L33 and L36.
- Otway Planning Scheme — Amendment L24.
- Oxley Planning Scheme — Amendments L8 and L10.
- Phillip Island Planning Scheme — Amendments L44, L45 and L52 Part A.
- Port Fairy Planning Scheme — Amendments L8 Part 2 and L11.
- Port Melbourne Planning Scheme — Amendments L11, L12 and L18.
- Portland (City) Planning Scheme — Amendment L35.
- Prahran Planning Scheme — Amendments L24, L26, L33, L38, L41, L45, L49 and L53.
- Preston Planning Scheme — Amendments L45, L49 and L52.
- Queenscliffe Planning Scheme — Amendments L12, R8 and R11.

Planning and Environment Act 1987 — *(continued)*

- Richmond Planning Scheme — Amendments L25, L29 and L30.
- Ringwood Planning Scheme — Amendments L23, L24, L31 and L34.
- Ripon Planning Scheme — Amendment L12.
- Rochester Planning Scheme — Amendment L6.
- Rodney Planning Scheme — Amendments L55 and L67.
- Romsey Planning Scheme — Amendment L35.
- Sale Planning Scheme — Amendments L23 and L25.
- Seymour Planning Scheme — Amendments L31 and L32.
- Shepparton (City) Planning Scheme — Amendments L39 and L45.
- Shepparton (Shire) Planning Scheme — Amendments L57, L61, L66 and L68.
- Sherbrooke Planning Scheme — Amendments L61, L78 and L79.
- South Gippsland Planning Scheme — Amendment L29.
- South Melbourne Planning Scheme — Amendments L69, L82, L84 and L88.
- Springvale Planning Scheme — Amendments L37, L65, L69 and RL156.
- Stawell (City) Planning Scheme — Amendments L25 Parts 1 and 2.
- Stawell (Shire) Planning Scheme — Amendment L17.
- Strathfieldsaye Planning Scheme — Amendments L2A Part 1B and L17.
- Sunshine Planning Scheme — Amendments L59, L70 and RL156.
- Surf Coast Planning Scheme — Amendments L12, L26, R21, R24 and RL22.
- Swan Hill (City) Planning Scheme — Amendment L15.
- Swan Hill (Shire) Planning Scheme — Amendments L10, L12 and L13.
- Tambo Planning Scheme — Amendments L60 Part 1 and L61.
- Traralgon (City) Planning Scheme — Amendment L50.
- Traralgon (Shire) Planning Scheme — Amendment L47.
- Tullaroop Planning Scheme — Amendment L7.
- Tungamah Planning Scheme — Amendment L3.
- Victoria — State Section Planning Schemes — Amendment S31.
- Violet Town Planning Scheme — Amendment L5.
- Wangaratta (City) Planning Scheme — Amendment L20.
- Wangaratta (Shire) Planning Scheme — Amendment L15.
- Waranga Planning Scheme — Amendment L11.
- Warragul Planning Scheme — Amendment L28.
- Warrambool (City) Planning Scheme — Amendments L46 and L57.
- Waverley Planning Scheme — Amendments L27, L44, L45 and L47.
- Werribee Planning Scheme — Amendments L65 and L72.
- Whittlesea Planning Scheme — Amendment L88.
- Williamstown Planning Scheme — Amendments L18, L28 and L29.
- Wimmera Planning Scheme — Amendment L15.
- Winchelsea Planning Scheme — Amendment L2-SC.
- Wodonga Planning Scheme — Amendments L57 and L66.
- Wonthaggi Planning Scheme — Amendments L19 Part 1 and L21.
- Yarrawonga Planning Scheme — Amendments L18 and L23.

Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Public Display and Exhibition of Animals.

Queen Victoria Medical Centre (Guarantees) Act 1982 — Treasurer's notice of guarantees executed, 9 June 1994.

Richmond College of TAFE —

Minister for Tertiary Education and Training's report of 26 July 1994 of failure of College to submit 1993 annual report to him within the prescribed period and the reasons therefor.
Report, 1993.

Statutory Rules under the following Acts of Parliament:

Alpine Resorts Act 1983 — No. 109.

Annual Reporting Act 1983 — No. 71, together with a copy of Australian Accounting Standard AAS 4 — Depreciation of Non-Current Assets which, by section 32 of the *Interpretation of Legislation Act 1984*, is also required to be laid upon the Table.

Architects Act 1991 — No. 100.

Bees Act 1971 — No. 78.

Building Act 1993 — No. 81, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:

AS 1613 — 1974 — Colours for Marking Stress Graded Timber.

AS 1720.1 — 1988 — SAA Timber Structures Code — Part 1 Design methods (as amended).

AS 1748 — 1978 and AS 1749 — 1978 — Mechanically stress-graded timber and Rules for mechanical stress grading of timber.

AS 1926.1 — 1993 — Swimming Pool Safety — Part 1: Fencing for swimming pools (as amended).

AS 2082 — 1979 — Visually stress-graded hardwood for structural purposes.

AS 2601 — 1991 — The demolition of structures.

AS 2858 — 1986 — Timber — Softwood — Visually stress-graded for structural purposes.

Victorian Code for Residential Development — Subdivision and single dwellings, Department of Planning and Housing, April 1992.

Victorian Code for Residential Development — Multi-dwellings, Department of Planning and Development, November 1993.

Building Code of Australia, 1990 — Amendment No. 5.

Business Franchise (Tobacco) Act 1974 — No. 104.

Co-operative Housing Societies Act 1958 — No. 76.

County Court Act 1958 — No. 75.

Court Security Act 1980 — No. 112.

Financial Institutions Duty Act 1982 — Nos. 99 and 128.

Financial Management Act 1994 — Nos. 67 to 69.

Firearms Act 1958 — No. 120.

Fisheries Act 1968 — No. 115.

Food Act 1984 — No. 103.

Gaming and Betting Act 1994 — Nos. 122 and 123.

Land Act 1958 — No. 101.

Legal Profession Practice Act 1958 — No. 98.

Magistrates' Court Act 1989 — No. 125.

Marine Act 1988 — No. 111.

Meat Industry Act 1993 — No. 84.

Medical Practice Act 1994 — No. 116.

Melbourne and Metropolitan Board of Works Act 1958 — Nos. 85 to 87.

Mineral Resources Development Act 1990 — No. 105.

Nurses Act 1993 — Nos. 117 to 119.

Occupational Health and Safety Act 1985 — No. 108, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:

Statutory Rules — (continued)

- National Occupational Health and Safety Certification Standard for Users and Operators of Industrial Equipment [NOHSC: 1006 (1992)].
- National Guidelines for Occupational Health and Safety Competency Standards for the Operation of Loadshifting Equipment and Other Types of Specified Equipment [NOHSC: 7019 (1992)].
- Australian Miniature Boiler Safety Committee Code —
- Part 1 — Copper Boilers, 1992.
- Part 2 — Steel Boilers — Briggs Type, 1987 (as amended).
- AS 2593 — 1990 — Boilers — Unattended and limited attendance (as amended).
- Parole Orders (Transfer) Act 1983 — No. 89.
- Pay-roll Tax Act 1971 — No. 82.
- Prisoners (Interstate Transfer) Act 1983 — No. 88.
- Racing Act 1958 — Nos. 72 to 74 and 121.
- Road Safety Act 1986 — Nos. 110, 126 and 127.
- Royal Botanic Gardens Act 1991 — No. 113.
- Stamps Act 1958 — No. 124.
- State Electricity Commission Act 1958 — No. 102.
- State Superannuation Act 1988 — No. 107.
- Stock Diseases Act 1968 — No. 79.
- Supreme Court Act 1986—Administration and Probate Act 1958 — No. 97.
- Teaching Service Act 1981 — No. 114.
- Tertiary Education Act 1993 — No. 96.
- Transfer of Land Act 1958 — No. 65.
- Transport Accident Act 1986 — No. 83.
- Transport Act 1983 —
- Nos. 90 to 92;
- No. 93, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:
- Australian Design Rules —
- 15/01 — Demisting of Windscreens.
- 18/02 — Instrumentation.
- 42/02 — General Safety Requirements (as amended).
- 58/00 — Requirements for Omnibuses designed for Hire and Reward.
- No. 94, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:
- Australian Design Rules —
- 18/02 — Instrumentation.
- 42/02 — General Safety Requirements (as amended).
- 44/02 — Specific Purpose Vehicle Requirements (as amended).
- Valuation of Land Act 1960 — Nos. 77 and 106.
- Water Act 1989 — No. 70, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:
- Australian Standards —
- AS 3500 — National Plumbing and Drainage Code —
- Part 1 — 1992 — Water supply.

Statutory Rules — (continued)

- Part 2 — 1990 — Sanitary plumbing and sanitary drainage.
- Part 4 — 1990 — Hot water supply systems.
- AS 1056 — Storage water heaters —
 - Part 1 — 1991 — General requirements.
 - Part 2 — 1985 — Specific requirements for water heaters with single shells.
 - Part 3 — 1991 — Specific requirements for water heaters with composite shells.
 - Part 4 — 1990 — Calculations of energy consumption.
- AS 1074 — 1989 — Steel tubes and tubulars for ordinary service.
- AS 1111 — 1980 — ISO metric hexagon commercial bolts and screws.
- AS 1112 — 1980 — ISO metric hexagon nuts, including thin nuts, slotted nuts and castle nuts.
- AS 1159 — 1988 — Polyethylene pipes for pressure applications.
- AS 1167 — Welding and brazing — Filler metals.
 - Part 1 — 1993 — Filler metal for brazing and braze welding.
 - Part 2 — 1986 — Filler metal for welding.
- AS 1170 — 1989 — SAA Loading Code —
 - Part 1 — Dead and live loads and load combinations (as amended).
 - Part 2 — Wind loads (as amended).
- AS 1172 — 1993 — Water closets of 6/3 L capacity —
 - Part 1 — Pans.
 - Part 2 — Cisterns.
- AS 1210 — 1989 — SAA Unfired Pressure Vessels Code (as amended).
- AS 1218 — 1990 — Flushing cisterns.
- AS 1229 — 1991 — Laundry troughs.
- AS 1252 — 1983 — High-strength steel bolts with associated nuts and washers for structural engineering.
- AS 1260 — 1984 — Unplasticized PVC (UPVC) pipes and fittings for sewerage applications — Part 1 — Pipes; Part 2 — Moulded Fittings; Part 3 — Fabricated Fittings; Part 4 — Rubber Ring Joints (as amended).
- AS 1275 — 1985 — Metric screw threads for fasteners (as amended).
- AS 1302 — 1991 — Steel reinforcing bars for concrete (as amended).
- AS 1304 — 1991 — Welded wire reinforcing fabric for concrete.
- AS 1319 — 1983 — Safety signs for the occupational environment (as amended).
- AS 1321.10 — 1980 — Part 10 — Methods for the sampling and testing of adhesives — Determination of non-volatile matter (solids content) of adhesives.
- AS 1345 — 1982 — Identification of the contents of piping, conduits and ducts (as amended).
- AS 1357 — 1992 — Water supply — Valves for use with unvented water heaters —
 - Part 1 — Protection valves.
 - Part 2 — Control valves.
- AS 1361 — 1973 — Automatic electric heat exchange water heaters (metric units) (as amended).

Statutory Rules — (continued)

- AS 1371 — 1973 — Toilet seats of moulded plastics (metric units).
- AS 1379 — 1991 — The specification and manufacture of concrete.
- AS 1397 — 1993 — Steel sheet and strip — Hot-dipped zinc-coated or aluminium/zinc-coated.
- AS 1415 — 1984 — Unplasticized PVC (UPVC) pipes and fittings for soil, waste and vent (SWV) applications — Part 1 — Pipes; Part 2 — Moulded Fittings; Part 3 — Fabricated Fittings; Part 4 — Rubber Ring Expansion Joints (as amended).
- AS 1428 — Design for access and mobility —
Part 1 — 1993 — General requirements for access — Buildings (as amended).
Part 2 — 1992 — Enhanced and additional requirements — Buildings and facilities.
Part 3 — 1992 — Requirements for children and adolescents with physical disabilities.
Part 4 — 1992 — Tactile ground surface indicators for the orientation of people with vision impairment.
- AS 1432 — 1990 — Copper tubes for plumbing, gasfitting and drainage applications.
- AS 1446 — 1981 — Carbon steels and carbon-manganese steels — Hot-rolled slab, plate and strip based on chemical composition.
- AS 1449 — 1980 — Wrought alloy steels — Stainless and heat-resisting steel plate, sheet and strip.
- AS 1460 — 1989 — Fittings for use with polyethylene pipes —
Part 1 — Mechanical jointing fittings.
Part 2 — Electrofusion fittings.
- AS 1477 — Unplasticized PVC (UPVC) pipes and fittings for pressure applications —
Part 1 — 1988 — Pipes (as amended).
Part 2 — 1990 — Moulded fittings.
Part 4 — 1988 — Post-formed bends.
Part 6 — 1989 — Rubber ring joints.
- AS 1478 — 1992 — Chemical admixtures for concrete.
- AS 1546 — 1990 — Small septic tanks.
- AS 1566 — 1985 — Copper and copper alloys — Rolled flat products.
- AS 1589 — 1987 — Copper and copper alloy waste fittings.
- AS 1604 — 1980 — Preservative treatment for sawn timber, veneer and plywood.
- AS 1628 — 1977 — Copper alloy gate valves and non-return valves for use in water supply and hot water services (as amended).
- AS 1631 — 1974 — Cast iron non-pressure pipes and pipe fittings.
- AS 1646 — 1992 — Elastomeric seals for waterworks purposes (as amended).
- AS 1650 — 1989 — Hot-dipped galvanized coatings on ferrous articles.
- AS 1657 — 1992 — Fixed Platforms, Walkways, Stairways and Ladders — Design, construction and installation.

Statutory Rules — (continued)

- AS 1684 — 1992 — National Timber Framing Code (as amended).
- AS 1690 — 1975 — SAA Domestic Oil-fired Appliances Safe Design Code (metric units).
- AS 1691 — 1985 — Domestic Oil-fired Appliances — Installation (as amended).
- AS 1718 — 1992 — Water supply — Copper alloy screw-down pattern taps — Specified by dimensions.
- AS 1722.1 — 1975 — Pipe threads of Whitworth form — Part 1 — Sealing pipe threads (metric units).
- AS 1724 — 1975 — Cast Grey iron pressure pipes and fittings with bolted gland joints (metric units).
- AS 1724.2 — 1983 — Grey iron pressure pipes and fittings with bolted gland joints — Part 2 — Soft metric series for maintenance purposes.
- AS 1726 — 1993 — Geotechnical site investigations.
- AS 1730 — 1989 — Washbasins.
- AS 1734 — 1986 — Aluminium and aluminium alloys — Flat sheet, coiled sheet and plate.
- AS 1741 — 1991 — Vitrified clay pipes and fittings with flexible joints — Sewer quality.
- AS 1756 — 1989 — Household sinks.
- AS 1769 — 1975 — Welded stainless steel tubes for plumbing applications (metric units).
- AS 1804 — 1976 — Soft lead sheet and strip.
- AS 1830 — 1986 — Iron castings — Grey cast iron.
- AS 1834 — Material for soldering —
Part 1 — 1991 — Solder alloys.
Part 2 — 1986 — Flux-cored solders.
- AS 1910 — 1976 — Copper alloy float control valves for use in water supply and hot water services.
- AS 1976 — 1992 — Vitreous china used in sanitary appliances.
- AS 2023 — 1989 — Baths for ablutionary purposes (as amended).
- AS 2032 — 1977 — Code of practice for installation of UPVC pipe systems.
- AS 2033 — 1980 — Installation of polyethylene pipe systems.
- AS 2118 — 1982 — SAA Code for Automatic Fire Sprinkler Systems (as amended).
- AS 2123 — 1978 — Slow delivery type automatic electric storage water heaters for dairies.
- AS 2129 — 1982 — Flanges for pipes, valves and fittings (as amended).
- AS 2280 — 1991 — Ductile iron pressure pipes and fittings.
- AS 2345 — 1992 — Dezincification resistance of copper alloys.
- AS 2396 — 1980 — Performance of household food waste disposal units.
- AS 2419 — 1991 — Fire hydrant installations —
Part 1 — System design, installation and commissioning.
Part 2 — Fire hydrant valves.
- AS 2441 — 1988 — Installation of fire hose reels.
- AS 2492 — 1981 — Crosslinked polyethylene (XLPE) pipe for hot and cold water applications (as amended).

Statutory Rules — (continued)

- AS 2537 — 1982 — Mechanical jointing fittings for use with crosslinked polyethylene (XLPE) pipes for hot and cold water applications.
- AS 2544 — 1982 — Grey iron pressure pipes and fittings.
- AS 2566 — 1982 — Plastics pipelaying design.
- AS 2634 — 1983 — Chemical plant equipment made from glass-fibre reinforced plastics (GRP) based on thermosetting resins.
- AS 2638 — 1991 — Sluice valves for waterworks purposes (as amended).
- AS 2642 — Polybutylene pipe systems —
Part 1 — 1989 — Polybutylene (PB) pipe extrusion compounds.
Part 2 — 1989 — Polybutylene (PB) pipe for hot and cold water applications.
Part 3 — 1983 — Mechanical jointing fittings for use with polybutylene (PB) pipes for hot and cold water applications.
- AS 2712 — 1993 — Solar water heaters — Design and construction.
- AS 2758.1 — 1985 — Aggregates and rock for engineering purposes — Part 1 — Concrete aggregates.
- AS 2813 — 1985 — Solar water heaters — Method of test for thermal performance — Simulator method.
- AS 2837 — 1986 — Wrought alloy steels — Stainless steel bars and semi-finished products.
- AS 2845 — Water supply — Backflow prevention devices —
Part 1 — 1991 — Materials, design and performance requirements.
Part 3 — 1993 — Field testing and maintenance.
- AS 2878 — 1986 — Timber — Classification into strength groups.
- AS 2887 — 1993 — Plastic waste fittings.
- Methods of testing plastics waste fittings —
AS 2888.1 — 1993 — Method 1 — Method of determining the suitability of connection threads of BSP form.
AS 2888.6 — 1986 — Method 6 — Method for load testing of plastics waste outlets.
- AS 2941 — 1987 — Fixed fire protection installation — Pumpset systems (as amended).
- AS 2950 — 1988 — Propylene copolymer pressure pipe.
- AS 2977 — Unplasticized PVC (UPVC) pipes for pressure applications — Compatible with cast iron pipe outside diameters —
Part 1 — 1988 — Pipes.
Part 2 — 1988 — Post-formed bends.
Part 3 — 1989 — Rubber ring joints.
- AS 2984 — 1987 — Solar water heaters — Method of test for thermal performance — Outdoor test method.
- AS 3142 — 1986 — Approval and test specification — Electric water heaters (as amended).
- AS 3498 (Int) — 1993 — Authorization requirements for plumbing products — Water heaters (all types).
- AS 3499 — 1992 — Authorization requirements for plumbing products — Flexible tubes.

Statutory Rules — (continued)

- AS 3500.0 — 1990 — National Plumbing and Drainage Code
Part 0 — Glossary of terms.
- AS 3517 — 1987 — Capillary fittings of copper and copper alloy
for non-pressure sanitary plumbing applications.
- AS 3518 — 1988 — Acrylonitrile butadiene styrene (ABS) pipes
and fittings for pressure applications —
Part 1 — Pipes.
Part 2 — Solvent cement fittings.
- AS 3558.5 — 1989 — Methods of testing plastics and composite
materials sanitary plumbing fixtures — Method 5 —
Determination of degradation by ultraviolet light.
- AS 3565 — 1988 — Meters for cold potable water.
- AS 3571 — 1989 — Glass filament reinforced thermosetting
plastics (GRP) pipes — Polyester based — Water supply,
sewerage and drainage applications.
- AS 3578 — 1993 — Cast iron non-return valves for general
purposes.
- AS 3579 — 1993 — Cast iron wedge gate valves for general
purposes.
- AS 3588 — 1989 — Shower bases and shower modules.
- AS 3600 — 1988 — Concrete structures (as amended).
- AS 3666 — 1989 — Air-handling and water systems of buildings
— Microbial control.
- AS 3672 — 1989 — Wrought steel threaded pipe fittings.
- AS 3673 — 1989 — Malleable cast iron threaded pipe fittings.
- AS 3688 — 1990 — Water supply — Copper and copper alloy
compression and capillary fittings and threaded end
connectors.
- AS 3707 — 1989 — Method for testing pressure cycling resistance
of pipes and fittings (as amended).
- AS 3718 — 1992 — Water supply — Metal-bodied taps —
Specified by performance.
- AS 3735 — 1991 — Concrete structures for retaining liquids.
- AS 3795 — 1990 — Copper alloy tubes for plumbing and
drainage applications.
- AS 3855 (Int) — 1992 — Suitability of plumbing products for
contact with potable water.
- AS 3861 — 1991 — Spa baths.
- AS 3879 (Int) — 1991 — Solvent cements and priming fluids for
use with unplasticized PVC (UPVC) pipes and fittings.
- AS 3952 — 1991 — Water supply — DN 80 spring hydrant valve
for general purposes (as amended).
- AS 3972 — 1991 — Portland and blended cements.
- AS 3982 — 1991 — Urinals (as amended).
- AS 4020 (Int) — 1992 — Products for use in contact with water
intended for human consumption with regard to their effect
on the quality of water (as amended).
- AS 4023 — 1992 — Non-vitreous china used in sanitary
appliances.
- AS 4032 — 1992 — Thermostatic mixing valves — Materials,
design and performance requirements (as amended).
- AS 4087 — 1993 — Metallic flanges for waterworks purposes (as
amended).

Statutory Rules — (continued)

AS CA56 — 1968 — Code of recommended practice for the construction of vitrified clay pipelines (up to and including 12 inch diameter with flexible or rigid joint systems).

SAA MP52 — 1993 — Manual of authorization procedures for plumbing and drainage products.

British Standards —

BS 1564 — 1975 — Specification for pressed steel sectional rectangular tanks (as amended).

BS 2598 — 1980 — Glass plant, pipeline and fittings — Part 4 — Specification for glass plant components.

BS 4994 — 1987 — Specification for design and construction of vessels and tanks in reinforced plastics.

BS 5412 and BS 5413 — 1976 — Specification for the performance of draw-off taps with metal bodies for water services and Specification for the performance of draw-off taps with plastic bodies for water services —

Part 4 — Mechanical and endurance characteristics (as amended).

Part 5 — Physio-chemical characteristics: materials, coatings (as amended).

BS 5422 — 1990 — Method for specifying thermal insulating materials on pipes, ductwork and equipment (in the temperature range -40°C to +700°C).

AG 102 — 1989 — Approval requirements for gas water heaters — The Australian Gas Association.

American National Standards Institute and the American Water Works Association —

ANSI/AWWA — C651 — 92 — Standard for disinfecting water mains.

ANSI/AWWA — C652 — 92 — Disinfection of water-storage facilities.

Guidelines for drinking water quality in Australia, 1987 — National Health and Medical Research Council and the Australian Water Resources Council.

Weights and Measures Act 1958 — No. 95.

Zoological Parks and Gardens Act 1967 — No. 80.

Sunraysia College of TAFE — Report, 1993.

Tobacco Leaf Marketing Board — Report, 1 April 1993 to 31 March 1994.

Transport Act 1983 — Order in Council of 26 July 1994 amending Schedule 8 of the Act.

* * * * *

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 6 September 1994:

Accident Compensation (Amendment) Act 1994 — Sections 3, 4, 5 (3), (4) and (6) (a), 10 to 12, 14, 21 to 25, 28, 31, 32 (2), 33 (2) and (3), 38 (1) (b), (d) and (e), and (3) (a), (d) and (f), 44, 46, 47, 54 (1) and (2), 55, 56, 59, 66, 68 to 75, 79, 80, 83 to 88, 90 (3) and (4), 92 (1), (4) and (5), 94 to 97, 100 to 105, 108 to 113, 114 (2), 115 to 117, 119 to 129 — 15 June 1994; sections 5 (2), (5), (6) (b), (8) and (9), 6 to 8, 9 (c), (d) and (e), 20, 26, 27, 29, 37, 38 (1) (a) and (c), (2), (3) (b), (c) and (e) and (4), 39, 40, 41 (3) and (5), 43, 45, 50, 51, 53, 54 (3), 58, 62 (10), 63, 78, 81, 82, 91, 93, 98, 99, 114 (1) and 118 — 1 July 1994 (*Gazette* No. S37, 24 June 1994).

- Building Act 1993 — Remaining provisions (except sections 24 (3), 57 (1) (b), 136 and 176 (1) (a) (iv) to (vii) and (d)) — 1 July 1994 (*Gazette* No. S42, 1 July 1994).
- Casino Control (Miscellaneous Amendments) Act 1994 — Remaining provisions (except sections 17 to 20) — 2 June 1994 (*Gazette* No. G22, 2 June 1994); remaining provisions — 17 June 1994 (*Gazette* No. G24, 16 June 1994).
- Drugs, Poisons and Controlled Substances (Amendment) Act 1994 — Sections 8, 11 and 18 — 10 September 1994; remaining provisions of Part 3 — 11 September 1994 (*Gazette* No. G33, 18 August 1994).
- Electricity Industry (Amendment) Act 1994 — Sections 4 (2), 14 (1), 21(1), 21(3), 22, 24, 26 (1) (other than paragraphs (a) and (b)), 26 (2) and (3), 27, 28 (1) (other than paragraphs (b) to (g), (k), (n) to (p), (s), (t) and (v) to (x)) and 29 (other than paragraphs (a), (b) and (h)) — 21 June 1994 (*Gazette* No. S39, 29 June 1994); section 12 — 3 October 1994 (*Gazette* No. S57, 23 August 1994).
- Environment Protection (General Amendment) Act 1994 — Remaining provisions (except sections 9 and 10) — 6 June 1994 (*Gazette* No. G22, 2 June 1994).
- Financial Institutions (Victoria) (Amendment) Act 1994 — Whole Act (except sections 1 and 2) — 5 July 1994 (*Gazette* No. S44, 5 July 1994).
- Financial Management (Consequential Amendments) Act 1994 — Section 3 and Schedule 1 (except item 60) — 1 July 1994 (*Gazette* No. G27, 7 July 1994); section 4 and Schedule 2 — 1 January 1995 (*Gazette* No. G30, 28 July 1994).
- Gaming and Betting Act 1994 — Section 62 — 7 June 1994 (*Gazette* No. G23, 9 June 1994); section 191 and Division 2 of Part 18 — 1 July 1994 (*Gazette* No. G25, 23 June 1994).
- Health and Community Services (General Amendment) Act 1993 — Sections 33, 34, 36, 38, 50, 56 and 60 — 21 August 1994; remaining provisions of Part 5 — 10 September 1994 (*Gazette* No. G33, 18 August 1994).
- Health (General Amendment) Act 1988 — Sections 16, 35, 44 and 47 — 1 September 1994 (*Gazette* No. G33, 18 August 1994).
- Meat Industry Act 1993 — Sections 6, 31, 32, 34(3), 39 and 81 — 1 July 1994 (*Gazette* No. G25, 23 June 1994).
- Medical Practice Act 1994 — Remaining provisions — 1 July 1994 (*Gazette* No. G25, 23 June 1994).
- Melbourne Exhibition Centre Act 1994 — Remaining provisions — 18 August 1994 (*Gazette* No. G33, 18 August 1994).
- Melbourne University (VCAH) Act 1992 — Section 13 — 16 June 1994 (*Gazette* No. G25, 23 June 1994).
- Nurses Act 1993 — Remaining provisions — 1 July 1994 (*Gazette* No. G24, 16 June 1994).
- Office of the Regulator-General Act 1994 — Whole Act (except sections 1 and 2) — 1 July 1994 (*Gazette* No. S39, 29 June 1994).
- State Bank of South Australia (Transfer of Undertaking) Act 1994 — 15 June 1994 (*Gazette* No. G25, 23 June 1994).
- State Trustees (State Owned Company) Act 1994 — Sections 4 to 26 and 28 to 42 — 1 July 1994 (*Gazette* No. S36, 23 June 1994).
- Swan Hill Pioneer Settlement Authority (Repeal) Act 1994 — Remaining provisions — 30 June 1994 (*Gazette* No. G26, 30 June 1994).

Victorian Funds Management Corporation Act 1994 — Sections 5 to 42 — 19 July 1994 (*Gazette* No. S50, 19 July 1994).

Vocational Education and Training (Amendment) Act 1994 — Whole Act (except sections 13 and 14 and Parts 12 and 13) — 1 July 1994; Section 77 — 30 June 1994; Part 12 — 1 August 1994; Part 13 — 1 December 1994 (*Gazette* No. G25, 23 June 1994).

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

The Honourable P.R. Davis 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 Sue deC. Wilding.

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 tomorrow at 2.30 p.m.

Question — put and resolved in the affirmative.

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

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.33 p.m., adjourned until tomorrow at 2.30 p.m.

A.V. BRAY

Clerk of the Legislative Council

No. 2 — Wednesday, 7 September 1994

1 The President took the Chair and read the Prayer.

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

3 **PETITIONS** —

HUMAN RIGHTS — The Honourables L. Asher and J.V.C. Guest each presented a Petition bearing 23 and 157 signatures, respectively, from certain citizens of Victoria requesting that the Council move to protect the human rights of lesbian and gay constituents and citizens by amending the *Equal Opportunity Act 1984* to prohibit discrimination on the grounds of a person's sexuality.

Severally ordered to lie on the Table.

* * * * *

COMMUNITY RESOURCING PROGRAM, DEPARTMENT OF HOUSING — The Honourable B.T. Pullen presented a Petition bearing 565 signatures from certain citizens of Victoria praying that the wishes and rights of Department of Housing

tenants be recognised and protected through the continuation of the Community Resourcing Program.

Ordered to lie on the Table.

* * * * *

SODOMY — The Honourable B.N. Atkinson presented a Petition bearing 20 signatures from certain citizens of Victoria praying that legislation be enacted to make the commission of sodomy a criminal offence, to prevent its promotion in the media and education institutions as a valid form of sexual intercourse.

Ordered to lie on the Table.

- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day, Business to take Precedence, and Notice of Motion, Government Business, No. 1, be postponed until later this day.
- 5 **DENTISTS (AMENDMENT) BILL** — On the motion of the Honourable R.I. Knowles, leave was given to bring in a Bill to make various amendments to the *Dentists Act 1972* 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.
- 6 **EMERALD TOURIST RAILWAY (AMENDMENT) BILL** — On the motion of the Honourable Haddon Storey, leave was given to bring in a Bill to amend the *Emerald Tourist Railway Act 1977*, 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 **ROYAL AGRICULTURAL SHOW-GROUNDS (AMENDMENT) BILL** — On the motion of the Honourable W.R. Baxter, leave was given to bring in a Bill to amend the *Royal Agricultural Show-grounds Act 1931*, 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.
- 8 **ELECTRICITY CHARGES** — The Honourable T.C. Theophanous moved, That this House calls on the Government to ensure that in any restructure or privatization of the various sections of the former State Electricity Commission of Victoria prices and services to country consumers and country businesses, including service and supply charges, are no greater than those in the city in the future including after the year 2000.

Debate ensued.

Question — put.

The Council divided.

AYES, 10

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

NOES, 25

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

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

And so it passed in the negative.

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

- (a) the days and hours of meeting of the Council shall be Tuesday at 2.30 p.m., Wednesday at 10.00 a.m. and Thursday at 10.00 a.m.;
- (b) the transaction of Government business shall take precedence of all other business, except business governed by Standing Orders Nos. 20A, 68A and 86, on Tuesday and Thursday, and at 2.00 p.m. on Wednesday;
- (c) the transaction of 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.

The Honourable T.C. Theophanous moved, as amendments —

1. In paragraph (b), after "20A," insert "53,".
2. In paragraph (c), omit "until 2.00 p.m.".

Debate ensued.

Question — (in relation to Amendment No. 1) That the expression proposed to be inserted be so inserted — put .

The Council divided.

	AYES, 10		NOES, 25
The Hon.	D.E. Henshaw (<i>Teller</i>)	The Hon.	L. Asher
	C.J. Hogg		B.N. Atkinson
	R.S. Ives		W.R. Baxter
	L. Kokocinski		R.A. Best
	B.W. Mier		M.A. Birrell
	D.A. Nardella		B.W. Bishop
	B.T. Pullen		R.H. Bowden (<i>Teller</i>)
	T.C. Theophanous		A.R. Brideson
	D.T. Walpole (<i>Teller</i>)		G.H. Cox
	D.R. White		G.R. Craige
			P.R. Davis (<i>Teller</i>)
			R.S. de Fegely
			J.V.C. Guest
			P.R. Hall
			R.M. Hallam

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

And so it passed in the negative.

Question — (in relation to Amendment No. 2) That the expression proposed to be omitted stand part of the question — put and resolved in the affirmative.

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

- 10 **DENTISTS (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 **PROPERTY LAW (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

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

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

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

- 12 **EMERALD TOURIST RAILWAY (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

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

The Honourable C.J. Hogg (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 **ROYAL AGRICULTURAL SHOW-GROUNDS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable 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 Council, at its rising, adjourn until Tuesday, 4 October 1994.

Question — put and resolved in the affirmative.

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

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.55 p.m., adjourned until Tuesday, 4 October 1994.

A.V. BRAY

Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 3

Wednesday, 5 October 1994

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

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- *1 THE HON. T.C. THEOPHANOUS — To move, That this House calls on the Government to —
- (a) Ensure that small businesses pay no more under Victorian WorkCover's experience rating premium system than they paid under the bonus and penalty system of WorkCare; and
 - (b) Support greater competition in workers compensation by not opposing the introduction of a Commonwealth Government Workcover scheme to compete with Victorian WorkCover.
- *2 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.

BUSINESS TO TAKE PRECEDENCE

NOTICE OF MOTION

- 1 THE HON. D.E. HENSHAW — To move, That Amendment R77 to the Greater Geelong Planning Scheme be revoked. [*Notice given 7 September 1994; 9 sitting days remain for resolving*†]

ORDER OF THE DAY

- 1 SPEECH OF HIS EXCELLENCY THE GOVERNOR — Motion for Address-in-Reply — *Resumption of debate. (Hon. C.J. Hogg).*

*Indicates new entry.

† Indicates sitting days remaining, including this day for resolution of motion to be within statutory disallowance provisions.

GOVERNMENT BUSINESS

NOTICE OF MOTION

- *1 THE HON. R.M. HALLAM — To move, That he have leave to bring in a Bill to provide for and regulate the impounding of livestock, to repeal the *Pounds Act 1958*, to amend the *Crown Land (Reserves) Act 1978*, the *Forests Act 1958*, the *Land Act 1958*, the *National Parks Act 1975* and the *Wildlife Act 1975* and for other purposes.

ORDERS OF THE DAY

- *1 MARGARINE (REPEAL) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate. (Hon. P. Power).*
- *2 BUDGET PAPERS, 1994-95 — To be considered.

A.V. BRAY
Clerk of the Legislative Council

D.M. EVANS
Acting President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

* * * *

COMMITTEES

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

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

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

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

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 5 December 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 4

Thursday, 6 October 1994

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

BUSINESS TO TAKE PRECEDENCE

NOTICE OF MOTION

- 1 THE HON. D.E. HENSHAW — To move, That Amendment R77 to the Greater Geelong Planning Scheme be revoked. [*Notice given 7 September 1994; 8 sitting days remain for resolving*†]

ORDER OF THE DAY

- 1 SPEECH OF HIS EXCELLENCY THE GOVERNOR — Motion for Address-in-Reply — *Resumption of debate. (Hon. L. Asher).*

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 MARGARINE (REPEAL) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate. (Hon. P. Power).*
- 2 BUDGET PAPERS, 1994-95 — To be considered.
- *3 IMPOUNDING OF LIVESTOCK BILL — (*Hon. R.M. Hallam*) — Second reading — *Resumption of debate. (Hon. P. Power).*

GENERAL BUSINESS

NOTICE OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.

A.V. BRAY

Clerk of the Legislative Council

D.M. EVANS

Acting President

† Indicates sitting days remaining, including this day for resolution of motion to be within statutory disallowance provisions.

*Indicates new entry.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

* * * *

COMMITTEES

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

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

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

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Meetings—

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

Business to take precedence—

Tuesday	—	Government business.
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* * * *

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* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 5 December 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 5

Tuesday, 11 October 1994

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

BUSINESS TO TAKE PRECEDENCE

NOTICE OF MOTION

- 1 THE HON. D.E. HENSHAW — To move, That Amendment R77 to the Greater Geelong Planning Scheme be revoked. [*Notice given 7 September 1994; 7 sitting days remain for resolving†*]

ORDER OF THE DAY

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

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 AGRICULTURAL AND VETERINARY CHEMICALS (VICTORIA) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- 2 BUDGET PAPERS, 1994-95 — To be considered.
- 3 IMPOUNDING OF LIVESTOCK BILL — (*Hon. R.M. Hallam*) — Second reading — *Resumption of debate. (Hon. P. Power).*
- *4 AGRICULTURE (REGISTERED OCCUPATIONS) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate. (Hon. P. Power).*

GENERAL BUSINESS

NOTICE OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.

A.V. BRAY

Clerk of the Legislative Council

D.M. EVANS

Acting President

† Indicates sitting days remaining, including this day for resolution of motion to be within statutory disallowance provisions.

*Indicates new entry.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

* * * *

COMMITTEES

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

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

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

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

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 5 December 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 3, 4 and 5

No. 3 — Tuesday, 4 October 1994

- 1 The Acting President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE GEOFFREY PHILIP HAYES** — The Honourable M.A. Birrell moved, That this House expresses its sincere sorrow at the death, on 9 September 1994, of the Honourable Geoffrey Philip Hayes 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 Scoresby from 1967 to 1976 and for the Electoral District of Wantirna from 1976 to 1982, and as Minister of Housing from 1976 to 1979 and Minister for Planning from 1976 to 1978.

And other Honourable Members and the Acting 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 Geoffrey Philip Hayes the House do now adjourn until this day at 4.30 p.m.

Question — put and resolved in the affirmative.

And then the Council, at 3.13 p.m., adjourned until this day at 4.30 p.m.



- 1 The Acting President took the Chair.
- 2 **MARGARINE (REPEAL) BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to repeal the 'Margarine Act 1975' and for other purposes*" and desiring the concurrence of the Council therein.

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

- 3 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 4 **PETITIONS** —

HUMAN RIGHTS — The Honourables L. Asher, G.H. Cox, W. Forwood, B.A.E. Skeggs and Sue deC. Wilding each presented a Petition bearing 145, 44, 44, 45 and 99 signatures, respectively, from certain citizens of Victoria requesting that the Council move to protect the human rights of lesbian and gay constituents and citizens by amending the *Equal Opportunity Act 1984* to prohibit discrimination on the grounds of a person's sexuality.

Severally ordered to lie on the Table.

MINIBAH ADULT UNIT, PAKENHAM — The Honourable Dr. R.J.H. Wells presented a Petition bearing 282 signatures from certain citizens of Victoria requesting that no further funding cuts be directed to the Minibah Adult Unit in Pakenham.

Ordered to lie on the Table.

* * * * *

SODOMY — The Honourable Sue deC. Wilding presented a Petition bearing 122 signatures from certain citizens of Victoria praying that legislation be enacted to make the commission of sodomy a criminal offence, to prevent its promotion in the media and education institutions as a valid form of sexual intercourse.

Ordered to lie on the Table.

5 PAPERS —

AUSTRALIA AND NEW ZEALAND FISHERIES AND AQUACULTURE COUNCIL — The Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, by leave, That there be laid before this House a copy of the Resolutions of the 23rd Meeting of the Australian and New Zealand Fisheries and Aquaculture Council, 3 December 1993.

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.

* * * * *

BUDGET PAPERS, 1994-95 — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the following 1994-95 Budget papers:

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

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 DIGESTS — The Honourable B.A.E. Skeggs presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 8 of 1994, together with an Appendix.

Ordered to lie on the Table and to be printed.

Alert Digest No. 9 of 1994, together with an Appendix, Extracts from the Proceedings of the Committee, Minutes of Evidence and Submissions.

Ordered to lie on the Table and the Report, Appendix and Extracts from the Proceedings of the Committee to be printed.

* * * * *

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

Advanced Dental Technicians Qualifications Board — Reports, 1991-92 and 1992-93 (two papers).

- Ballarat University — Report, 1993.
- Chiropractors and Osteopaths Registration Board — Report, 1993.
- Dental Technicians Licensing Committee — Reports, 1991-92 and 1992-93 (two papers).
- Finance Department — Report, 1993-94.
- Land Conservation Council — Report, 1993-94.
- Medical Board — Report, 1992-93.
- Members of Parliament (Register of Interests) Act 1978 — Summary of Returns, June 1994 and Summary of Variations notified between 26 May and 30 September 1994.
- National Parks Act 1975 — Minister's notice of consent to the renewal of Extractive Industry Lease No. 286-1 to CSR Limited in Chiltern Park.
- Parliamentary Committees Act 1968 — Minister's response to recommendations in Crime Prevention Committee's Report upon Personal Safety on the Public Transport System.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Bacchus Marsh Planning Scheme — Amendment L38.
 - Bairnsdale (Shire) Planning Scheme — Amendment L42.
 - Ballaarat (City) Planning Scheme — Amendments L47 and L52.
 - Bannockburn Planning Scheme — Amendments R18 and R20.
 - Benalla (City) Planning Scheme — Amendments L23 Part 2 and L31.
 - Bendigo — Greater Bendigo Planning Scheme — Amendments L8 and L11.
 - Bulla Planning Scheme — Amendment L82.
 - Buln Buln Planning Scheme — Amendments L31, L33 and L36.
 - Buninyong Planning Scheme — Amendments L29 and L48.
 - Chiltern Planning Scheme — Amendment L21.
 - Colac (Shire) Planning Scheme — Amendment L9.
 - Cranbourne Planning Scheme — Amendments L49 Part 3, L87, L99 and L108.
 - Diamond Valley Planning Scheme — Amendment L46.
 - Flinders Planning Scheme — Amendments L114 and L116.
 - Frankston Planning Scheme — Amendment L57.
 - Geelong — Greater Geelong Planning Scheme — Amendments L101, RL46 and RL56.
 - Hastings Planning Scheme — Amendments L19 and L88 Part 1.
 - Keilor Planning Scheme — Amendment L66.
 - Kerang (Borough) Planning Scheme — Amendment L3.
 - Knox Planning Scheme — Amendment L79.
 - Korumburra Planning Scheme — Amendments L58 and L61.
 - Melton Planning Scheme — Amendments L31 and L40.
 - Moorabbin Planning Scheme — Amendment L51.
 - Nathalia Planning Scheme — Amendment L7.
 - Newham and Woodend Planning Scheme — Amendment L29.
 - Northcote Planning Scheme — Amendment L20.
 - Pakenham Planning Scheme — Amendment L90.
 - Phillip Island Planning Scheme — Amendment L49.
 - Prahran Planning Scheme — Amendments L54 and L55.
 - Rodney Planning Scheme — Amendments L68 and L76.
 - St Kilda Planning Scheme — Amendment L28.
 - Shepparton (Shire) Planning Scheme — Amendment L64.
 - South Gippsland Planning Scheme — Amendments L27 Part 2 and L30.
 - Springvale Planning Scheme — Amendments L49 and L66.

Planning and Environment Act 1987 — (*continued*)

- Sunshine Planning Scheme — Amendment L74.
- Swan Hill (City) Planning Scheme — Amendment L16.
- Swan Hill (Shire) Planning Scheme — Amendment L9.
- Traralgon (City) Planning Scheme — Amendment L49.
- Warragul Planning Scheme — Amendment L29.
- Werribee Planning Scheme — Amendment L69.
- Whittlesea Planning Scheme — Amendment L85.
- Wodonga Planning Scheme — Amendment L67.
- Wonthaggi Planning Scheme — Amendment L20.

Police Review Commission — Report for the period 26 August 1993 to 30 June 1994.

Psychological Council — Report, 1993.

Public Authorities Equal Employment Opportunity — Report, 1992-93.

State Owned Enterprises Act 1992 — Memorandum and Articles of Association of State Trustees Limited (as amended).

Statutory Rules under the following Acts of Parliament:

Building Control (Plumbers Gasfitters and Drainers) Act 1981 — No. 131.

County Court Act 1958 — Nos. 134, 135, 145 and 146.

Crimes Act 1958 — No. 129.

Drugs, Poisons and Controlled Substances Act 1981 — No. 130, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:

Poisons Code;

Standard for the Uniform Scheduling of Drugs and Poisons, No. 8, Appendices C and M and Schedule 9, December, 1993, together with Amendment No. 1, pages 4, 7 and 8, March, 1994, National Health and Medical Research Council.

Firearms Act 1958 — No. 144.

Health Act 1958 — No. 142.

Juries Act 1967 — No. 139.

Land Tax Act 1958 — No. 132.

Local Government Act 1989 — No. 143.

Magistrates' Court Act 1989 — No. 136.

Melbourne and Metropolitan Board of Works Act 1958 — No. 141.

Optometrists Registration Act 1958 — No. 133

Supreme Court Act 1986 — Juries Act 1967 — No. 138.

Supreme Court Act 1986 — No. 137.

Tobacco Act 1987 — No. 140.

Treasury Corporation of Victoria Act 1992 — No. 147.

Transport Superannuation Fund — Actuarial Investigation as at 30 June 1993.

Treasury Corporation — Report, 1993-94.

* * * * *

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 6 September 1994:

Agricultural Acts (Further Amendment) Act 1987 — Section 40 — 1 September 1994 (*Gazette* No. G35, 1 September 1994).

Catchment and Land Protection Act 1994 — Part 2, Schedule 1 and the remaining provisions of Part 1 — 30 September 1994 (*Gazette* No. G39, 29 September 1994).

Proclamations — (continued)

Electricity Industry (Amendment) Act 1994 — Sections 4 (1), (except paragraphs (c) and (d)), 4 (3) to 4 (5), 5 to 7, 10, 11, 13, 14 (2), 15 to 20, 21 (2), 25, 26 (1) (all remaining parts), 28 (all remaining parts), 29 (all remaining parts) and 30 to 34 — 3 October 1994 (*Gazette* No. S64, 27 September 1994).

Fire Authorities Act 1989 — Section 17(b) — 1 September 1994 (*Gazette* No. S58, 30 August 1994).

Fire Authorities (Contributions) Act 1989 — Section 7(a) — 1 September 1994 (*Gazette* No. S58, 30 August 1994).

Tobacco Leaf Industry (Deregulation) Act 1994 — Sections 3 to 10 — 30 September 1994 (*Gazette* No. G39, 29 September 1994).

Transport (Further Amendment) Act 1994 — Sections 5 to 7 — 1 September 1994 (*Gazette* No. S58, 30 August 1994).

Vocational Education and Training (Amendment) Act 1994 — Sections 13 and 14 — 15 September 1994 (*Gazette* No. G37, 15 September 1994).

6 BUSINESS POSTPONED —

Ordered — That the consideration of the Notice of Motion, Business to take Precedence, be postponed until the next day of meeting.

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

7 MARGARINE (REPEAL) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

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

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

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

8 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 the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

9 DENTISTS (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.

10 EMERALD TOURIST RAILWAY (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 **ROYAL AGRICULTURAL SHOW-GROUNDS (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 Acting President having ruled the Bill to be a Private Bill —

The Honourable W.R. Baxter moved, That this Bill be dealt with as a Public Bill.

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.

- 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 10.04 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 4 — Wednesday, 5 October 1994

- 1 The Acting President took the Chair and read the Prayer.

2 **PETITIONS** —

HUMAN RIGHTS — The Honourables L. Asher and J.V.C. Guest each presented a Petition bearing 126 and 54 signatures, respectively, from certain citizens of Victoria requesting that the Council move to protect the human rights of lesbian and gay constituents and citizens by amending the *Equal Opportunity Act 1984* to prohibit discrimination on the grounds of a person's sexuality.

Severally ordered to lie on the Table.

3 **PAPERS** —

ECONOMIC DEVELOPMENT COMMITTEE — SECURITY OF PAYMENTS — The Honourable G.B. Ashman presented a Report from the Economic Development Committee upon the Victorian Building and Construction Industry: Security of Payments, together with a Bibliography, Appendices, Extracts from the Proceedings of the Committee and a Minority Report.

Ordered to lie on the Table and to be printed.

- 4 **WORKCOVER** — The Honourable T.C. Theophanous moved, That this House calls on the Government to —

- (a) ensure that small businesses pay no more under Victorian WorkCover's experience rating premium system than they paid under the bonus and penalty system of WorkCare; and
- (b) support greater competition in workers compensation by not opposing the introduction of a Commonwealth Government Workcover scheme to compete with Victorian WorkCover.

Debate ensued.

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.

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

Question — put and resolved in the affirmative.

- 6 **WORKCOVER** — The Order of the Day having been read for the resumption of the debate on the question, That this House calls on the Government to —

- (a) ensure that small businesses pay no more under Victorian WorkCover's experience rating premium system than they paid under the bonus and penalty system of WorkCare; and
- (b) support greater competition in workers compensation by not opposing the introduction of a Commonwealth Government Workcover scheme to compete with Victorian WorkCover —

Debate resumed.

Question — put.

The Council divided.

AYES, 12

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

NOES, 26

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

And so it passed in the negative.

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

6 BUSINESS POSTPONED —

Ordered — That the consideration of the Notice of Motion, Business to take Precedence, be postponed until the next day of meeting.

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

7 IMPOUNDING OF LIVESTOCK BILL — On the motion of the Honourable R.M. Hallam, leave was given to bring in a Bill to provide for and regulate the impounding of livestock, to repeal the *Pounds Act 1958*, to amend the *Crown Land (Reserves) Act 1978*, the *Forests Act 1958*, the *Land Act 1958*, the *National Parks Act 1975* and the *Wildlife Act 1975* and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable R.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.

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 22 *ante*) —

Debate resumed.

The Honourable L. Asher moved, That the debate be now adjourned.

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

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

9 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 10.06 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 5 — Thursday, 6 October 1994

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

2 PETITION —

HUMAN RIGHTS — The Honourable L. Asher presented a Petition bearing 116 signatures from certain citizens of Victoria requesting that the Council move to protect the human rights of lesbian and gay constituents and citizens by amending the *Equal Opportunity Act 1984* to prohibit discrimination on the grounds of a person's sexuality.

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:
Small Business Victoria — Report, 1993-94.
- 4 **BUSINESS POSTPONED** —
Ordered — That the consideration of the Notice of Motion, Business to take Precedence, be postponed until the next day of meeting.
Ordered — That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.
- 5 **MARGARINE (REPEAL) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 6 **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 22 *ante*) —
Debate resumed.
Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —
- 7 **QUESTIONS** — Questions without notice were taken and 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** —
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 22 *ante*) —
The Honourable D.T. Walpole moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 9 **AGRICULTURE (REGISTERED OCCUPATIONS) BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Dried Fruits Act 1958' and the 'Prevention of Cruelty to Animals Act 1986', to repeal the requirement about registration of certain occupations and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.I. Knowles (for the Honourable W.R. Baxter), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 10 **AGRICULTURAL AND VETERINARY CHEMICALS (VICTORIA) BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to apply certain laws of the Commonwealth relating to agricultural and veterinary chemical products as laws of Victoria, and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.I. Knowles (for the Honourable W.R. Baxter), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

11 **AGRICULTURE (REGISTERED OCCUPATIONS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable W.R. Baxter) moved, That this Bill be now read a second time.

The Honourable 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 **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 6.20 p.m., adjourned until Tuesday next.

A.V. BRAY

Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 6

Wednesday, 12 October 1994

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

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- *2 THE HON. D.R. WHITE — To move, That this House —
- (a) notes with grave concern the totally conflicting assessment of the Minister for Gaming and the financial adviser to the Victorian Casino Control Authority in relation to the financial attributes of the Crown Casino Consortium's bid;
 - (b) notes that the Authority unexpectedly re-opened the bidding process after the final deadline on 16 August 1993, thereby enabling the Crown Casino Consortium to dramatically improve the financial quality of its bid;
 - (c) notes that the Government was aware that only the Crown Casino Consortium had knowledge that Melbourne had won the Grand Prix and was able to use such knowledge in determining its bid; and
 - (d) notes that the Premier met with a director of the Crown Casino Consortium prior to the acceptance of final bids —

and calls on the Government to immediately move for the establishment of a Select Committee to investigate all aspects of the tender process in relation to the Melbourne Casino, including — (i) why the bidding process was re-opened; (ii) whether Crown Casino was allowed to raise its bid after 16 August 1993 and whether the other bidder, Sheraton/Leighton, was given the same opportunity; (iii) whether Crown Casino had knowledge that gave it an unfair advantage in the bidding process; and (iv) whether any person within Government or the Casino Control Authority communicated details or information about the Sheraton/Leighton bid to Crown Casino.

BUSINESS TO TAKE PRECEDENCE

NOTICE OF MOTION

- 1 THE HON. D.E. HENSHAW — To move, That Amendment R77 to the Greater Geelong Planning Scheme be revoked. [*Notice given 7 September 1994; 6 sitting days remain for resolving*†]

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 AUSTRALIAN GRAND PRIX BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- 2 BUDGET PAPERS, 1994-95 — Motion to take note of papers — (*Hon. R.M. Hallam*) — Resumption of debate. (*Hon. T.C. Theophanous*).
- 3 AGRICULTURAL AND VETERINARY CHEMICALS (VICTORIA) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — Resumption of debate. (*Hon. P. Power*).
- 4 IMPOUNDING OF LIVESTOCK BILL — (*Hon. R.M. Hallam*) — Second reading — Resumption of debate. (*Hon. P. Power*).

A.V. BRAY

Clerk of the Legislative Council

D.M. EVANS

Acting President

† Indicates sitting days remaining, including this day for resolution of motion to be within statutory disallowance provisions.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

* * * *

COMMITTEES

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

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

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

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

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 5 December 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 7

Thursday, 13 October 1994

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

BUSINESS TO TAKE PRECEDENCE

NOTICE OF MOTION

- 1 THE HON. D.E. HENSHAW — To move, That Amendment R77 to the Greater Geelong Planning Scheme be revoked. [*Notice given 7 September 1994; 5 sitting days remain for resolving†*]

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 AUSTRALIAN GRAND PRIX BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 2 BUDGET PAPERS, 1994-95 — Motion to take note of papers — (*Hon. R.M. Hallam*) — *Resumption of debate. (Hon. B.N. Atkinson).*
- 3 AGRICULTURAL AND VETERINARY CHEMICALS (VICTORIA) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate. (Hon. P. Power).*
- 4 IMPOUNDING OF LIVESTOCK BILL — (*Hon. R.M. Hallam*) — Second reading — *Resumption of debate. (Hon. P. Power).*

GENERAL BUSINESS

NOTICE OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.

A.V. BRAY
Clerk of the Legislative Council

D.M. EVANS
Acting President

† Indicates sitting days remaining, including this day for resolution of motion to be within statutory disallowance provisions.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

* * * *

COMMITTEES

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

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

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

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

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

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

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

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

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

Thursday, 13 October 1994

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 5 December 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 8

Tuesday, 18 October 1994

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

BUSINESS TO TAKE PRECEDENCE

NOTICE OF MOTION

- 1 THE HON. D.E. HENSHAW — To move, That Amendment R77 to the Greater Geelong Planning Scheme be revoked. [*Notice given 7 September 1994; 4 sitting days remain for resolving†*]

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 AUSTRALIAN GRAND PRIX BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — To be committed.
- *2 APPROPRIATION (1994-95, No. 1) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 3 BUDGET PAPERS, 1994-95 — Motion to take note of papers — (*Hon. R.M. Hallam*) — *Resumption of debate.* (*Hon. B.N. Atkinson*).
- *4 APPROPRIATION (PARLIAMENT 1994-95, No. 1) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 5 AGRICULTURAL AND VETERINARY CHEMICALS (VICTORIA) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- 6 IMPOUNDING OF LIVESTOCK BILL — (*Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).

† Indicates sitting days remaining, including this day for resolution of motion to be within statutory disallowance provisions.

* Indicates new entry.

GENERAL BUSINESS

NOTICE OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.

A.V. BRAY

Clerk of the Legislative Council

D.M. EVANS

Acting President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

* * * *

COMMITTEES

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

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

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

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

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 5 December 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 6, 7 and 8

No. 6 — Tuesday, 11 October 1994

- 1 The Acting President took the Chair and read the Prayer.
- 2 **AUSTRALIAN GRAND PRIX BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to establish a body corporate to be known as the Australian Grand Prix Corporation, to amend the 'Borrowing and Investment Powers Act 1987' and the 'Liquor Control Act 1987' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 4 **PETITIONS** —
HUMAN RIGHTS — The Honourables L. Asher and Dr. R.J.H. Wells each presented a Petition bearing 44 and 13 signatures, respectively, from certain citizens of Victoria requesting that the Council move to protect the human rights of lesbian and gay constituents and citizens by amending the *Equal Opportunity Act 1984* to prohibit discrimination on the grounds of a person's sexuality.
Severally ordered to lie on the Table.
* * * * *
- SODOMY** — The Honourables Graeme Stoney and Dr. R.J.H. Wells each presented a Petition bearing 20 signatures from certain citizens of Victoria praying that legislation be enacted to make the commission of sodomy a criminal offence, to prevent its promotion in the media and education institutions as a valid form of sexual intercourse.
Severally ordered to lie on the Table.
- 5 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
 - Adult, Community and Further Education Board — Report, 1993-94.
 - Board of Studies — Report, 1993-94.
 - Broiler Industry Negotiation Committee — Report, 1993-94.
 - Debt Retirement Fund — Report, 1993-94.
 - Electric Light and Power Act 1958 — Chief Electrical Inspector's Report on Applications and Proceedings, 1993.
 - Emerald Tourist Railway Board — Report, 1993-94.
 - Government Employee Housing Authority — Report, 1993-94.
 - Latrobe Region Water Authority — Report, 1993-94.

- Marine Board — Report, 1993-94.
 Plumbers, Gasfitters and Drainers Registration Board — Report, 1993-94.
 Port of Melbourne Authority — Report, 1993-94.
 Port of Portland Authority — Report, 1993-94 (two papers).
 Renewable Energy Authority — Report, 1993-94.
 Rural Finance Corporation — Report, 1993-94.
 State Training Board — Report, 1993-94.
 Victorian Development Fund — Report, 1993-94.
 Young Farmers' Finance Council — Report, 1993-94.

* * * * *

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 6 September 1994:

Occupational Health and Safety Act 1985 — Item 53 in Schedule 2 — 1 October 1994 (*Gazette* No. S66, 29 September 1994).

6 BUSINESS POSTPONED —

Ordered — That the consideration of the Notice of Motion, Business to take Precedence, be postponed until the next day of meeting.

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

7 AGRICULTURAL AND VETERINARY CHEMICALS (VICTORIA) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

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

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

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

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

8 BUSINESS POSTPONED — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.

9 AGRICULTURE (REGISTERED OCCUPATIONS) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be 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 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 R.M. Hallam 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.

- 11 **BUDGET PAPERS, 1994-95** — The Order of the Day having been read for the consideration of the Budget Papers, 1994-95, the Honourable R.M. Hallam moved, That the Council take note of the Budget Papers, 1994-95.

Debate ensued.

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

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

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

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

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 9.48 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 7 — Wednesday, 12 October 1994

- 1 The Acting President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
 - Architects Registration Board — Report, 1993-94.
 - Tomato Industry Negotiating Committee — Report, 1993-94.
 - Wine Grape Industry Negotiating Committee — Report, 1993-94.
- 3 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.
- 4 **MELBOURNE CASINO TENDER PROCESS** — The Honourable D.R. White moved, That this House —
 - (a) notes with grave concern the totally conflicting assessment of the Minister for Gaming and the financial adviser to the Victorian Casino Control Authority in relation to the financial attributes of the Crown Casino Consortium's bid;
 - (b) notes that the Authority unexpectedly re-opened the bidding process after the final deadline on 16 August 1993, thereby enabling the Crown Casino Consortium to dramatically improve the financial quality of its bid;
 - (c) notes that the Government was aware that only the Crown Casino Consortium had knowledge that Melbourne had won the Grand Prix and was able to use such knowledge in determining its bid; and
 - (d) notes that the Premier met with a director of the Crown Casino Consortium prior to the acceptance of final bids —

and calls on the Government to immediately move for the establishment of a Select Committee to investigate all aspects of the tender process in relation to the Melbourne Casino, including — (i) why the bidding process was re-opened; (ii) whether Crown Casino was allowed to raise its bid after 16 August 1993 and whether the other bidder, Sheraton/Leighton, was given the same opportunity; (iii) whether Crown Casino had knowledge that gave it an unfair advantage in the bidding process; and (iv) whether any person within Government or the Casino Control Authority communicated details or information about the Sheraton/Leighton bid to Crown Casino.

Debate ensued.

The Honourable Haddon Storey 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) notes that in February 1992, the then Labor Government established the Victorian Casino Control Authority to, amongst other things, select a preferred applicant for the Casino licence to be granted in Melbourne;
- (b) notes that the Authority established a process to determine the preferred applicant;
- (c) notes that, upon its election, the present Government continued with the Authority and the process already established;
- (d) notes that both Governments instructed the Chairman of the Authority to proceed to its selection without fear or favour and to do it without interference or influence from Government, and these were the only instructions received from Governments;
- (e) notes that each of the final applicants, Crown Casino Limited and Melbourne Casino Limited, lodged proposals, including financial offers, on 30 April 1993, lodged further submissions on 16 August 1993 amending their April financial offers and made final submissions on 30 August 1993 containing minor revisions to the 16 August financial offers;
- (f) notes that in net present value terms the financial offer by Crown Casino Limited was greater than that of the Melbourne Casino Limited;
- (g) notes that the Authority's financial advisers, in their report on the final financial submissions of the two finalists, advised that in net present value terms the Crown Casino Limited offer of premium payments and offsite works to the State exceeded the Melbourne Casino Limited offer —

and commends the Authority and its successor the Victorian Casino and Gaming Authority on conducting a consultative evaluation process that — (i) was fair and equitable to each applicant; (ii) ensured confidentiality of all relevant information; (iii) was conducted at arms length from Government and its Ministers; and (iv) ensured that details of applicants' bids were not made available to the Members of the Cabinet Casino Sub-Committee until after the Authority had made its decision on the preferred applicant."

Debate ensued.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —

- 5 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. 2, taking precedence over all other business, other

than the asking of questions without notice and the giving of answers to questions on notice, during the sitting of the Council this day.

Question — put and resolved in the affirmative.

- 6 **MELBOURNE CASINO TENDER PROCESS** — Debate continued on the motion for the establishment of a Select Committee to investigate all aspects of the tender process in relation to the Melbourne Casino and on the amendment proposed thereto (for motion and amendment see Item 4).

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

- 7 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 8 **MELBOURNE CASINO TENDER PROCESS** — Debate continued on the motion for the establishment of a Select Committee to investigate all aspects of the tender process in relation to the Melbourne Casino and on the amendment proposed thereto (for motion and amendment see Item 4).

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

The Council divided.

AYES, 11

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

NOES, 25

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

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 this House —

- (a) notes that in February 1992, the then Labor Government established the Victorian Casino Control Authority to, amongst other things, select a preferred applicant for the Casino licence to be granted in Melbourne;

- (b) notes that the Authority established a process to determine the preferred applicant;
- (c) notes that, upon its election, the present Government continued with the Authority and the process already established;
- (d) notes that both Governments instructed the Chairman of the Authority to proceed to its selection without fear or favour and to do it without interference or influence from Government, and these were the only instructions received from Governments;
- (e) notes that each of the final applicants, Crown Casino Limited and Melbourne Casino Limited, lodged proposals, including financial offers, on 30 April 1993, lodged further submissions on 16 August 1993 amending their April financial offers and made final submissions on 30 August 1993 containing minor revisions to the 16 August financial offers;
- (f) notes that in net present value terms the financial offer by Crown Casino Limited was greater than that of the Melbourne Casino Limited;
- (g) notes that the Authority's financial advisers, in their report on the final financial submissions of the two finalists, advised that in net present value terms the Crown Casino Limited offer of premium payments and offsite works to the State exceeded the Melbourne Casino Limited offer —

and commends the Authority and its successor the Victorian Casino and Gaming Authority on conducting a consultative evaluation process that — (i) was fair and equitable to each applicant; (ii) ensured confidentiality of all relevant information; (iii) was conducted at arms length from Government and its Ministers; and (iv) ensured that details of applicants' bids were not made available to the Members of the Cabinet Casino Sub-Committee until after the Authority had made its decision on the preferred applicant — put and resolved in the affirmative.

9 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Business to take Precedence, be postponed until the next day of meeting.

10 **AUSTRALIAN GRAND PRIX BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

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

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

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

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

11 **BUDGET PAPERS, 1994-95** — 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, 1994-95 —

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 the next day of meeting.

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 10.36 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 8 — Thursday, 13 October 1994

- 1 The Acting 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:
 - Coal Corporation — Report, 1993-94.
 - Construction Industry Long Service Leave Board — Report, 1993-94.
 - Country Fire Authority — Report, 1993-94.
 - Dairy Industry Authority — Report, 1993-94.
 - Electricity Services Victoria — Report, 5 October 1993 to 30 June 1994.
 - Energy Brix Australia Corporation — Report, 5 October 1993 to 30 June 1994.
 - Gas and Fuel Corporation — Report, 1993-94.
 - Generation Victoria — Report, 5 October 1993 to 30 June 1994.
 - Historic Buildings Council — Report, 1993-94.
 - Latrobe Regional Commission — Report, 1993-94.
 - Legal Aid Commission — Report, 1993-94.
 - Libraries Board — Report, 1993-94.
 - Meat Authority — Report, 1993-94 and Corporate Plan, 1994 to 1999 [pursuant to section 64 (1) of the *Meat Industry Act 1993*] (two papers).
 - Melbourne Market Authority — Report, 1993-94 (two papers).
 - Melbourne Water Corporation — Report, 1993-94.
 - Melbourne Water Corporation Employees' Superannuation Fund — Report, 1993-94.
 - Metropolitan Fire Brigades Board — Report, 1993-94.
 - Museums Advisory Board — Report, 1993-94.
 - National Electricity — Report, 5 October 1993 to 30 June 1994.
 - National Parks Advisory Council — Report, 1993-94.
 - Port of Geelong Authority — Report, 1993-94.
 - Prison Industries Commission — Report, 1993-94.
 - Public Record Office — Report, 1993-94.
 - Public Transport Corporation — Report, 1993-94.
 - Roads Corporation — Report, 1993-94.
 - Rural Finance Act 1988 — Treasurer's directive of 3 October 1994 to the Rural Finance Corporation.
 - Rural Water Corporation — Report, 1993-94.
 - Stamps Act 1958 — Minister's report of 29 September 1994 of approved exemptions and partial exemptions and refunds made on corporate reconstructions for 1993-94.

State Electricity Commission — Report, 1993-94.

State Library Council — Report, 1993-94.

Tourism Victoria — Report, 1993-94.

Transport Accident Commission — Report, 1993-94.

Victorian Plantations Corporation — Report, 1993-94.

Victorian Relief Committee — Report, 1993-94.

- 3 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Business to take Precedence, be postponed until the next day of meeting.
- 4 **AUSTRALIAN GRAND PRIX BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable B.T. Pullen moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the Government —

- (a) releases all documents relevant to the Grand Prix;
- (b) undertakes an independent cost benefit analysis of the Grand Prix and details the extent of taxpayer liability for the event;
- (c) conducts a full and open inquiry into the health, planning and environmental effects of the Grand Prix at Albert Park, which gives residents, sporting clubs, businesses and any other person affected by the Grand Prix an opportunity to make submissions;
- (d) properly examines alternative sites for the Grand Prix, including the Dockland site; and
- (e) undertakes not to appoint to the Australian Grand Prix Corporation any person with a conflict of interest or who stands to make pecuniary gain as a result of the Grand Prix."

Debate ensued.

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

- 5 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 6 **AUSTRALIAN GRAND PRIX BILL** — Debate continued on the question, That this Bill be now read a second time and on the reasoned amendment (for text see item 4).

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

AYES, 24

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

NOES, 10

The Hon. M.M. Gould
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella (Teller)
 B.T. Pullen (Teller)
 T.C. Theophanous
 D.T. Walpole

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

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

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

Bill read a second time 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.

7 **APPROPRIATION (PARLIAMENT 1994-95, NO. 1) BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to appropriate moneys out of the Consolidated Fund for recurrent services and for certain works and services for the Parliament for the financial year 1994-95 and to appropriate the supplies granted for recurrent services and for certain works and services under the 'Appropriation (Parliament) (Interim 1994-95) 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 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.

8 **APPROPRIATION (1994-95, NO. 1) BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to appropriate certain sums out of the Consolidated Fund for recurrent services and for certain works and services for the financial year 1994-95 and to appropriate the supplies granted for recurrent services and for certain works and services under the 'Appropriation (Interim 1994-95) Act 1994' and other purposes*" and desiring the concurrence of the Council therein.

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

Accordingly, 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.

9 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 6.20 p.m., adjourned until Tuesday next.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 9

Wednesday, 19 October 1994

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

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- *2 THE HON. B.T. PULLEN — To move, That this House calls on the Government to abandon hasty plans to privatise water authorities and to reverse its plans to fragment Melbourne Water and to refer the whole question of water privatisation of rural water authorities and Melbourne Water to a full and open Parliamentary inquiry which would carefully examine the economic, social and environmental impacts of water privatisation on rural and urban communities.

GOVERNMENT BUSINESS

NOTICE OF MOTION

- *1 THE HON. HADDON STOREY — To move, That he have leave to bring in a Bill to make miscellaneous amendments to the *Melbourne University Act 1958*, the *Royal Melbourne Institute of Technology Act 1992* and the *Victoria University of Technology Act 1990* and for other purposes.

ORDERS OF THE DAY

- *1 DOMESTIC (FERAL AND NUISANCE) ANIMALS BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- 2 APPROPRIATION (1994-95, No. 1) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 3 BUDGET PAPERS, 1994-95 — Motion to take note of papers — (*Hon. R.M. Hallam*) — *Resumption of debate.* (*Hon. B.N. Atkinson*).

* Indicates new entry.

- 4 **APPROPRIATION (PARLIAMENT 1994-95, No. 1) BILL** — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).*
- 5 **AGRICULTURAL AND VETERINARY CHEMICALS (VICTORIA) BILL** — *(from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. P. Power).*
- 6 **IMPOUNDING OF LIVESTOCK BILL** — *(Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. P. Power).*

A.V. BRAY

Clerk of the Legislative Council

D.M. EVANS

Acting President

Wednesday, 19 October 1994

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

* * * *

COMMITTEES

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

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

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

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

*HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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

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

*PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

*PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 5 December 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 10

Thursday, 20 October 1994

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

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- ‡1 **APPROPRIATION (1994-95, No. 1) BILL** — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- ‡2 **BUDGET PAPERS, 1994-95** — *Motion to take note of papers — (Hon. R.M. Hallam) — Resumption of debate. (Hon. B.T. Pullen).*
- 3 **APPROPRIATION (PARLIAMENT 1994-95, No. 1) BILL** — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).*
- 4 **IMPOUNDING OF LIVESTOCK BILL** — *(Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. P. Power).*
- 5 **AGRICULTURAL AND VETERINARY CHEMICALS (VICTORIA) BILL** — *(from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. P. Power).*
- *6 **LOTTERIES GAMING AND BETTING (BETTING) BILL** — *(from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. D.R. White).*
- 7 **DOMESTIC (FERAL AND NUISANCE) ANIMALS BILL** — *(from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. P. Power).*
- *8 **UNIVERSITY ACTS (AMENDMENT) BILL** — *(Hon. Haldon Storey) — Second reading — Resumption of debate. (Hon. C.J. Hogg).*

‡ Cognate matters — To be debated concurrently pursuant to Order of the Council on 19 October 1994.

*Indicates new entry.

GENERAL BUSINESS

NOTICE OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.

A.V. BRAY

Clerk of the Legislative Council

D.M. EVANS

Acting President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.F. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

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

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

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

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

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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

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

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 5 December 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 11

Tuesday, 8 November 1994

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

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 THERAPEUTIC GOODS (VICTORIA) BILL — (*from Assembly — Hon. R.I. Knowles*)
— Second reading.
- 2 IMPOUNDING OF LIVESTOCK BILL — (*Hon. R.M. Hallam*) — Second reading —
Resumption of debate. (Hon. P. Power).
- 3 UNIVERSITY ACTS (AMENDMENT) BILL — (*Hon. Haddon Storey*) — Second
reading — *Resumption of debate. (Hon. C.J. Hogg).*
- 4 AGRICULTURAL AND VETERINARY CHEMICALS (VICTORIA) BILL — (*from*
Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate. (Hon.*
P. Power).
- 5 DOMESTIC (FERAL AND NUISANCE) ANIMALS BILL — (*from Assembly — Hon.*
W.R. Baxter) — Second reading — *Resumption of debate. (Hon. P. Power).*
- 6 LOTTERIES GAMING AND BETTING (BETTING) BILL — (*from Assembly — Hon.*
W.R. Baxter) — Second reading — *Resumption of debate. (Hon. D.R. White).*

GENERAL BUSINESS

NOTICE OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.

A.V. BRAY

Clerk of the Legislative Council

D.M. EVANS

Acting President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

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COMMITTEES

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

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

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

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

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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

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

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 5 December 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 9, 10 and 11

No. 9 — Tuesday, 18 October 1994

- 1 The Acting President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE SIR RAYMOND WILLIAM GARRETT, AFC, AEA** — The Honourable M.A. Birrell moved, That this House expresses its sincere sorrow at the death, on 12 October 1994, of the Honourable Sir Raymond William Garrett, AFC, AEA, 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 Southern Province from 1958 to 1970 and for the Templestowe Province from 1970 to 1976, and as President of the Legislative Council from 1968 to 1976.

And other Honourable Members having addressed the House —

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

- 3 **ADJOURNMENT** — The Honourable M.A. Birrell moved, That as a further mark of respect to the memory of the late Honourable Sir Raymond William Garrett, AFC, AEA, 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 2.57 p.m., adjourned until this day at 8.00 p.m.

-
- 1 The Acting 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:

Margarine (Repeal) Act

Agriculture (Registered Occupations) Act.

- 3 **DOMESTIC (FERAL AND NUISANCE) ANIMALS BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for the management of feral and nuisance domestic animals, the regulation of domestic animals and domestic animal businesses, to repeal the 'Dog Act 1970' and for other purposes*" and desiring the concurrence of the Council therein.

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

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

5 PETITIONS —

SODOMY — The Honourables A.R. Brideson and G.P. Connard each presented a Petition bearing 22 and 21 signatures, respectively, from certain citizens of Victoria praying that legislation be enacted to make the commission of sodomy a criminal offence, to prevent its promotion in the media and education institutions as a valid form of sexual intercourse.

Severally ordered to lie on the Table.

* * * * *

AUSTRALIAN GRAND PRIX — The Honourable L. Asher presented a Petition bearing 9040 signatures from certain citizens of Victoria praying that the Parliament enact legislation to prevent the conduct of the Australian Grand Prix or similar events at Albert Park.

Ordered to lie on the Table.

* * * * *

HUMAN RIGHTS — The Honourable A.R. Brideson presented a Petition bearing 86 signatures from certain citizens of Victoria requesting that the Council move to protect the human rights of lesbian and gay constituents and citizens by amending the *Equal Opportunity Act 1984* to prohibit discrimination on the grounds of a person's sexuality.

Ordered to lie on the Table.

6 **HOUSE COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That the Honourables R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith be members of the House Committee.

Question — put and resolved in the affirmative.

7 **JOINT PRINTING COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That the Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole be members of the Joint Printing Committee.

Question — put and resolved in the affirmative.

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

Question — put and resolved in the affirmative.

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

Question — put and resolved in the affirmative.

10 **STANDING ORDERS COMMITTEE** — The Honourable R.I. Knowles moved, by leave, That the Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella 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.

11 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 10 of 1994 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

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

Arts Centre Trust — Report, 1993-94.

Docklands Authority — Report, 1993-94.

Estate Agents Board — Report, 1993-94.

Film Victoria — Report, 1993-94.

Financial Institutions Commission — Report, 1993-94.

Geelong Performing Arts Centre Trust — Report, 1993-94.

Guardianship and Administration Board — Report, 1993-94.

Liquor Licensing Commission — Report, 1993-94.

Museum Council — Report, 1993-94.

National Gallery Council — Report, 1993-94.

Parliamentary Committees Act 1968 — Minister's response to recommendations in Public Accounts and Estimates Committee's Report on the 1992-93 Budget Estimates and Outcomes and the Interim Report on the 1993-94 Budget Estimates.

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

Ballaarat (City) Planning Scheme — Amendment L46.

Brighton Planning Scheme — Amendment L24.

Colac-Otway Amalgamation Amendment.

Corangamite Amalgamation Amendment.

Dandenong Planning Scheme — Amendment L28 Part 1.

Daylesford and Glenlyon Planning Scheme — Amendments L9, L10 and L12 Part 1A.

Flinders Planning Scheme — Amendment L104.

Frankston Planning Scheme — Amendment L18.

Lillydale Planning Scheme — Amendments L134 and L144.

Melbourne Planning Scheme — Amendment L172.

Melbourne Metropolitan Planning Scheme — Amendment R123.

Phillip Island Planning Scheme — Amendment L46.

Prahran Planning Scheme — Amendment L30 Part 2.

South Melbourne Planning Scheme — Amendment L87.

Springvale Planning Scheme — Amendment L63.

Stawell (City) Planning Scheme — Amendment L26.

Victoria — State Section Planning Schemes — Amendment S37.

Wodonga Planning Scheme — Amendment L65.

Public Advocate Office — Report, 1993-94.

State Film Centre Council — Report, 1993-94.

State Trust Corporation — Report, 1993-94.

Statutory Rules under the following Acts of Parliament:

Electricity Industry Act 1993 — No. 156.

Food Act 1984 — No. 152.

Marine Act 1988 —

No. 153, together with a copy of Australian Standard AS 2261 — 1990 — Rescue buoys which, by section 32 of the *Interpretation of Legislation Act 1984*, is also required to be laid upon the Table;

Nos. 154 and 155.

Melbourne and Metropolitan Board of Works Act 1958 — No. 158.

Optometrists Registration Act 1958 — No. 157.

Statutory Rules — *(continued)*

State Electricity Commission Act 1958 — Nos. 148 to 151.

Urban Land Authority — Report, 1993-94.

WorkCover Authority — Report, 1993-94.

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

13 **AUSTRALIAN GRAND PRIX BILL** — This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

The Acting 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.

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 11.30 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 10 — Wednesday, 19 October 1994

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

2 **PETITIONS** —

AUSTRALIAN GRAND PRIX — The Honourable J.V.C. Guest presented a Petition bearing 8673 signatures from certain citizens of Victoria praying that the Parliament enact legislation to prevent the conduct of the Australian Grand Prix or similar events at Albert Park.

Ordered to lie on the Table.

* * * * *

HUMAN RIGHTS — The Honourable J.V.C. Guest presented a Petition bearing 189 signatures from certain citizens of Victoria requesting that the Council move to protect the human rights of lesbian and gay constituents and citizens by amending the *Equal Opportunity Act 1984* to prohibit discrimination on the grounds of a person's sexuality.

Ordered to lie on the Table.

3 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

4 **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 **WATER PRIVATISATION** — The Honourable B.T. Pullen moved, That this House calls on the Government to abandon hasty plans to privatise water authorities and to reverse its plans to fragment Melbourne Water and to refer the whole question of water privatisation of rural water authorities and Melbourne Water to a full and open Parliamentary inquiry which would carefully examine the economic, social and environmental impacts of water privatisation on rural and urban communities.

Debate ensued.

Question — put.

The Council divided.

AYES, 12

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

NOES, 26

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

And so it passed in the negative.

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

- 7 **UNIVERSITY ACTS (AMENDMENT) BILL** — On the motion of the Honourable Haddon Storey, leave was given to bring in a Bill to make miscellaneous amendments to the *Melbourne University Act 1958*, the *Royal Melbourne Institute of Technology Act 1992* and the *Victoria University of Technology Act 1990* and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable Haddon Storey moved, That this Bill be now read a second time.

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

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

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

- 8 **DOMESTIC (FERAL AND NUISANCE) ANIMALS BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

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

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

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

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

- 9 **COGNATE DEBATE** — The Honourable R.M. Hallam moved, by leave, That this House authorizes and requires the Honourable the Acting President to permit the second reading debate on the Appropriation (1994-95, No. 1) Bill to be taken concurrently with further debate on the motion to take note of the Budget Papers, 1994-95.

Question — put and resolved in the affirmative.

- 10 **APPROPRIATION (1994-95, 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 1994-95 Budget Papers having been authorized to be debated concurrently pursuant to an Order of the Council this day] —

Debate resumed.

Member named and suspended — The Honourable T.C. Theophanous having been named by the Acting President for wilfully disregarding the authority of the Chair —

The Honourable R.I. Knowles moved, That the Honourable T.C. Theophanous be suspended from the service of the Council during the remainder of the sitting.

Question — put.

The Council divided.

AYES, 27

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

NOES, 14

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

K.M. Smith (*Teller*)
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it was resolved in the affirmative.

Debate continued.

The Honourable B.W. Mier (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.

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

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

- 11 LOTTERIES GAMING AND BETTING (BETTING) BILL** — The Acting Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Lotteries Gaming and Betting Act 1966' and the 'Stamps Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey (for the Honourable W.R. Baxter), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable Haddon Storey (for the Honourable W.R. Baxter) moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.

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

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

- 12 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 9.44 p.m., adjourned until tomorrow.

A.V. BRAY
 Clerk of the Legislative Council

No. 11 — Thursday, 20 October 1994

- 1 The Acting President took the Chair and read the Prayer.
- 2 **PETITION — HUMAN RIGHTS** — The Honourable G.P. Connard presented a Petition bearing 114 signatures from certain citizens of Victoria requesting that the Council move to protect the human rights of lesbian and gay constituents and citizens by amending the *Equal Opportunity Act 1984* to prohibit discrimination on the grounds of a person's sexuality.

Ordered to lie on the Table.

3 PAPERS —

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

- (a) Clerk on the operations of the Department of the Legislative Council for the year 1993-94;
- (b) Librarian on the operations of the Library of the Parliament of Victoria for the year 1993-94; and
- (c) Chief Reporter on the operations of the Department of Victorian Parliamentary Debates for the year 1993-94.

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.

* * * * *

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

Auditor-General — Report on the Finance Statement 1993-94.

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, September 1994.

- 4 **APPROPRIATION (1994-95, 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 1994-95 Budget Papers having been authorized to be debated concurrently pursuant to an Order of the Council on 19 October 1994] —

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 **APPROPRIATION (1994-95, No. 1) BILL** — Debate continued on the question, That this Bill now be read a second time and on the motion to take note of the Budget Papers —
- Question — That this Bill be now read a second time — put and resolved in the affirmative.
- 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 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.
- 7 **BUDGET PAPERS 1994-95** — The concurrent debate having concluded —
- Question — That the Council take note of the Budget Papers 1994-95 — put and resolved in the affirmative.
- 8 **APPROPRIATION (PARLIAMENT 1994-95, 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.

9 **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:

Property Law (Amendment) Bill

Dentists (Amendment) Bill.

10 **THERAPEUTIC GOODS (VICTORIA) BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act relating to therapeutic goods, to make consequential amendments to certain Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.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 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 8 November 1994.

Question — put and resolved in the affirmative.

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

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.25 p.m., adjourned until Tuesday, 8 November 1994.

A.V. BRAY

Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 12

Wednesday, 9 November 1994

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

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- *2 THE HON. P. POWER — To move, That this House recognises that the Government has imposed unnecessary hardship and trauma on the local government industry, its councillors and officers and the communities whose best interests they represent by—
 - (a) imposition of inappropriate boundary structures; and
 - (b) removal of elected councillors and the politicisation of administration by the appointment of non-elected commissioners,

and calls on the Government to — (i) give absolute assurances of an early return to democracy in all municipalities; (ii) ensure non-elected commissioners make no decisions which are rightfully the province of ratepayers and the representatives they elect; and (iii) provide greater flexibility in compulsory competitive tendering to ensure service and job levels do not fall below an acceptable standard.
- *3 THE HON. D.A. NARDELLA — To move, That this House notes that 58.3 per cent of commissioners appointed by the Government in the South Western Group of Councils are Liberal Party members and calls on the Government to undertake an independent, open and accountable process for the appointment of commissioners based on merit, not political affiliation and patronage.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 DOMESTIC (FERAL AND NUISANCE) ANIMALS BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate. (Hon. P. Power).*

- 2 **LOTTERIES GAMING AND BETTING (BETTING) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. D.R. White).
- 3 **THERAPEUTIC GOODS (VICTORIA) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- *4 **ROAD SAFETY (FURTHER AMENDMENT) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. P. Power).
- *5 **FINANCIAL MANAGEMENT (AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- *6 **INTELLECTUALLY DISABLED PERSONS' SERVICES (AMENDMENT) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- *7 **LIQUOR CONTROL (AMENDMENT) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- *8 **BUSINESS FRANCHISE ACTS (AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

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COMMITTEES

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

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

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

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

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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

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

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 5 December 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 13

Tuesday, 15 November 1994

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

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 **TRANSPORT ACCIDENT (GENERAL AMENDMENT) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- 2 **ROAD SAFETY (FURTHER AMENDMENT) BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate. (Hon. P. Power).*
- 3 **FINANCIAL MANAGEMENT (AMENDMENT) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- 4 **INTELLECTUALLY DISABLED PERSONS' SERVICES (AMENDMENT) BILL** — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate. (Hon. C.J. Hogg).*
- 5 **LIQUOR CONTROL (AMENDMENT) BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- 6 **BUSINESS FRANCHISE ACTS (AMENDMENT) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- *7 **ENVIRONMENT EFFECTS (AMENDMENT) BILL** — (*Hon. R.I. Knowles*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo

*Indicates new entry.

to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.

- 2 THE HON. D.A. NARDELLA — To move, That this House notes that 58.3 per cent of commissioners appointed by the Government in the South Western Group of Councils are Liberal Party members and calls on the Government to undertake an independent, open and accountable process for the appointment of commissioners based on merit, not political affiliation and patronage.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

Tuesday, 15 November 1994

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

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COMMITTEES

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

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

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

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

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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

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

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 5 December 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 12 and 13

No. 12 — Tuesday, 8 November 1994

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE SIR VERNON HOWARD COLVILLE CHRISTIE** — The Honourable M.A. Birrell moved, That this House expresses its sincere sorrow at the death, on 4 November 1994, of the Honourable Sir Vernon Howard Colville Christie 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 Ivanhoe from 1955 to 1973, and as Speaker of the Legislative Assembly from 1967 to 1973.
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 Sir Vernon Howard Colville Christie, 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 2.57 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 the Administrator of Victoria informing the Council —
That he had, on 25 October 1994, given the Royal Assent to the undermentioned Acts presented to him by the Acting Speaker of the Legislative Assembly:
Appropriation (1994-95, No. 1) Act
Appropriation (Parliament 1994-95, No. 1) Act.
That he had, on 25 October 1994, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
Australian Grand Prix Act
Dentists (Amendment) Act
Emerald Tourist Railway (Amendment) Act
Property Law (Amendment) Act
Royal Agricultural Show-grounds (Amendment) Act.
 - 3 **ROAD SAFETY (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Road Safety Act 1986' and for other purposes*" and desiring the concurrence of the Council therein.

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

- 4 **FINANCIAL MANAGEMENT (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Financial Management Act 1994' in relation to supply management and various other matters, to amend 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 **INTELLECTUALLY DISABLED PERSONS' SERVICES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Intellectually Disabled Persons' Services Act 1986' and for other purposes*" and desiring the concurrence of the Council therein.

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

- 6 **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:

Royal Agricultural Show-grounds (Amendment) Bill
Emerald Tourist Railway (Amendment) Bill.

- 7 **QUESTIONS** — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

- 8 **PETITIONS** —

SODOMY — The Honourable R.A. Best presented a Petition bearing 12 signatures from certain citizens of Victoria praying that legislation be enacted to make the commission of sodomy a criminal offence, to prevent its promotion in the media and education institutions as a valid form of sexual intercourse.

Ordered to lie on the Table.

* * * * *

HUMAN RIGHTS — The Honourable Rosemary Varty presented a Petition bearing 42 signatures from certain citizens of Victoria requesting that the Council move to protect the human rights of lesbian and gay constituents and citizens by amending the *Equal Opportunity Act 1984* to prohibit discrimination on the grounds of a person's sexuality.

Ordered to lie on the Table.

- 9 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 11 of 1994 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

* * * * *

REDUNDANT LEGISLATION — The Honourable B.A.E. Skeggs presented the First 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:

Ambulance Officers' Training Centre — Report, 1993-94.

Ambulance Service Victoria —

Metropolitan Region — Report, 1993-94.

North Eastern Region — Report, 1993-94.

North Western Region — Report, 1993-94.

South Eastern Region — Report, 1993-94.

South Western Region — Report, 1993-94.

Western Region — Report, 1993-94.

Auditor-General's Office — Report, 1993-94.

Casino Control Authority — Report, 1993-94.

Casino (Management Agreement) Act 1993 — Authorised changes to Drawings relating to the Temporary Casino Complex pursuant to section 16(2) of the Act (nine papers).

Conservation Trust — Report, 1993-94.

Crimes Compensation Tribunal — Report, 1993-94.

Electoral Commissioner — Statement of functions conferred, 18 October 1994.

Environment Protection Authority — Report, 1993-94.

Equal Opportunity Board — Report, 1993-94.

Equal Opportunity Commission — Report, 1993-94.

Ethnic Affairs Commission — Report, 1993-94.

Forensic Pathology Institute — Report, 1993-94.

Murray Darling Basin Commission — Report, 1993-94.

National Parks — Report of the Director, 1993-94.

Optometrists Registration Board — Report, 1993-94.

Parliamentary Committees Act 1968 — Minister's response to recommendations in Environment and Natural Resources Committee's Report upon Eductor Dredging.

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

Altona Planning Scheme — Amendments L37 and L39.

Arapiles Planning Scheme — Amendment L16.

Bannockburn Planning Scheme — Amendments R12 and R16.

Barrabool Planning Scheme — Amendment R23.

Bass Planning Scheme — Amendment L34.

Beechworth Planning Scheme — Amendment L25.

Bendigo — Greater Bendigo Planning Scheme — Amendment L15.

Box Hill Planning Scheme — Amendment L25.

Bright Planning Scheme — Amendment L41.

Broadmeadows Planning Scheme — Amendment RL159.

Brunswick Planning Scheme — Amendment RL159.

Buln Buln Planning Scheme — Amendment L35.

Castlemaine Planning Scheme — Amendment L10.

Caulfield Planning Scheme — Amendment L25.

Coburg Planning Scheme — Amendment RL159.

Collingwood Planning Scheme — Amendments L15, L25 and RL159.

Cranbourne Planning Scheme — Amendment L92.

Croydon Planning Scheme — Amendment L55.

Diamond Valley Planning Scheme — Amendment L33.

Eltham Planning Scheme — Amendment L36 Part 3.

Planning and Environment Act 1987 — (continued)

- Fitzroy Planning Scheme — Amendment RL159.
 - Geelong — Greater Geelong Planning Scheme — Amendments L82, L96, R11, R59, R64, R75 Part 1, R85 and RL50.
 - Hastings Planning Scheme — Amendment L87.
 - Heidelberg Planning Scheme — Amendment RL159.
 - Horsham Planning Scheme — Amendment L47.
 - Keilor Planning Scheme — Amendments L71 and L73.
 - Kilmore Planning Scheme — Amendments L74, L76 and L77.
 - Knox Planning Scheme — Amendments L81 and L83.
 - Melbourne Planning Scheme — Amendment L143.
 - Melton Planning Scheme — Amendments L34 and L48.
 - Newham and Woodend Planning Scheme — Amendment L30.
 - Northcote Planning Scheme — Amendments L32 and RL159.
 - Nunawading Planning Scheme — Amendments L66 and L73.
 - Omeo Planning Scheme — Amendment L9.
 - Pakenham Planning Scheme — Amendment L88.
 - Port Melbourne Planning Scheme — Amendments L14 and L15.
 - Portland Planning Scheme — Amendment L37.
 - Prahran Planning Scheme — Amendments L40, L42 and L50.
 - Preston Planning Scheme — Amendment RL159.
 - Queenscliffe Planning Scheme — Amendment RL12.
 - Richmond Planning Scheme — Amendments L31 and L32.
 - Ringwood Planning Scheme — Amendment L33.
 - Rochester Planning Scheme — Amendment L11.
 - Romsey Planning Scheme — Amendment L32.
 - Rosedale Planning Scheme — Amendments L40 and L42.
 - St Kilda Planning Scheme — Amendment L33.
 - Sherbrooke Planning Scheme — Amendment L80.
 - South Melbourne Planning Scheme — Amendments L78, L83, L86, L90 and L91.
 - Springvale Planning Scheme — Amendments L28 Part 1, L70 and L73.
 - Stawell (City) Planning Scheme — Amendment L27.
 - Traralgon (Shire) Planning Scheme — Amendment L46.
 - Warracknabeal Planning Scheme — Amendment L6.
 - Warrnambool (City) Planning Scheme — Amendment L55.
 - Whittlesea Planning Scheme — Amendments L106, L112 and RL159.
- Recycling and Resource Recovery Council — Report, 1993-94.
- Sport, Recreation and Racing Department — Report, 1993-94.
- State Insurance Office — Report, 1993-94.
- Statutory Rules under the following Acts of Parliament:
- Casino Control Act 1991 — No. 159.
 - Cemeteries Act 1958 — No. 162.
 - Health Act 1958 — No. 161.
 - Tobacco Act 1987 — No. 160.
 - Weights and Measures Act 1958 — No. 163.
- Transport Act 1983 — Minister's Order of 11 October 1994 transferring certain assets and liabilities from the Public Transport Corporation to the Roads Corporation.
- Zoological Board — Report, 1993-94.

PROCLAMATIONS — Proclamations of His Excellency the Governor in Council and His Excellency the Administrator 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 6 September 1994:

Australian Grand Prix Act 1994 — Parts 2 to 5 — 28 October 1994 (*Gazette* No. G43, 27 October 1994).

Magistrates' Court (Amendment) Act 1994 — Whole Act (except sections 1, 2 and 27(5)) — 24 October 1994 (*Gazette* No. G42, 20 October 1994).

Public Records (Amendment) Act 1986 — Section 5 — 18 October 1994 (*Gazette* No. G42, 20 October 1994).

- 10 THERAPEUTIC GOODS (VICTORIA) 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 IMPOUNDING OF LIVESTOCK BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

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

- 12 UNIVERSITY 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.

- 13 AGRICULTURAL AND VETERINARY CHEMICALS (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.

- 14 LIQUOR CONTROL (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Liquor Control Act 1987' and for other purposes*" and desiring the concurrence of the Council therein.

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

- 15 **ROAD SAFETY (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable 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 **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.
- 17 **BUSINESS FRANCHISE ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the Business Franchise Acts and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.
Accordingly, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
The Honourable 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.
- 18 **INTELLECTUALLY DISABLED PERSONS' 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.
- 19 **LIQUOR CONTROL (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable T.C. Theophanous moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 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 9.57 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 13 — Wednesday, 9 November 1994

- 1 The President took the Chair and read the Prayer.
- 2 **ENVIRONMENT EFFECTS (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 *Environment Effects Act 1978* 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 PAPERS —

PRESIDING OFFICERS AND HOUSE COMMITTEE DEPARTMENT — The Honourable D.M. Evans moved, by leave, That there be laid before this House a copy of the Report of the —

- (a) Presiding Officers for the period October 1993 to September 1994; and
- (b) Secretary on the Operations of the Department of the House Committee for the year 1993-94.

Question — put and resolved in the affirmative.

The said reports were thereupon presented by the Honourable D.M. Evans and ordered to lie on the Table.

* * * * *

ROAD SAFETY COMMITTEE — DEMERIT POINTS SCHEME — The Honourable Sue deC. Wilding presented a Report from the Road Safety Committee upon the Demerit Points Scheme, 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:

Intellectually Disabled Persons' Services Act 1986 — Report on Community Visitors, 1993-94.

- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.
- 5 **LOCAL GOVERNMENT** — The Honourable P. Power moved, That this House recognises that the Government has imposed unnecessary hardship and trauma on the local government industry, its councillors and officers and the communities whose best interests they represent by —
 - (a) imposition of inappropriate boundary structures; and
 - (b) removal of elected councillors and the politicisation of administration by the appointment of non-elected commissioners,
 and calls on the Government to — (i) give absolute assurances of an early return to democracy in all municipalities; (ii) ensure non-elected commissioners make no decisions which are rightfully the province of ratepayers and the representatives they elect; and (iii) provide greater flexibility in compulsory competitive tendering to ensure service and job levels do not fall below an acceptable standard.

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.

- 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 — The Order of the Day having been read for the resumption of the debate on the question, That this House recognises that the Government has imposed unnecessary hardship and trauma on the local government industry, its councillors and officers and the communities whose best interests they represent by —

- (a) imposition of inappropriate boundary structures; and
- (b) removal of elected councillors and the politicisation of administration by the appointment of non-elected commissioners,

and calls on the Government to — (i) give absolute assurances of an early return to democracy in all municipalities; (ii) ensure non-elected commissioners make no decisions which are rightfully the province of ratepayers and the representatives they elect; and (iii) provide greater flexibility in compulsory competitive tendering to ensure service and job levels do not fall below an acceptable standard —

Debate resumed.

Question — put.

The Council divided.

AYES, 13

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

NOES, 28

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

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 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.
- 10 **LOTTERIES GAMING AND BETTING (BETTING) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be 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 **DOMESTIC (FERAL AND NUISANCE) ANIMALS BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill 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.H. Cox having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

- 12 **THERAPEUTIC GOODS (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.

- 13 **TRANSPORT ACCIDENT (GENERAL AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Transport Accident Act 1986', the 'Road Safety Act 1986', the 'Evidence Act 1958' and the 'Accident Compensation (WorkCover Insurance) Act 1993', to consequentially amend the 'Accident Compensation Act 1985' 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 **ENVIRONMENT EFFECTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

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

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

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

15 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 7.13 p.m., adjourned until Tuesday next.

A.V. BRAY

Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 14

Wednesday, 16 November 1994

Mr. President takes the Chair at 12.00 noon

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 THE HON. D.A. NARDELLA — To move, That this House notes that 58.3 per cent of commissioners appointed by the Government in the South Western Group of Councils are Liberal Party members and calls on the Government to undertake an independent, open and accountable process for the appointment of commissioners based on merit, not political affiliation and patronage.
- *3 THE HON. T.C. THEOPHANOUS — To move, That this House —
 - (a) condemns the Premier for breaking his own undertaking that the construction of the Western By-pass and Domain Tunnel would be funded by the 3 cents a litre petrol tax by now proposing to introduce road tolls to pay for these major projects; and
 - (b) condemns the Government for the proposal to impose tolls on the Tullamarine Freeway, Western By-pass, South Eastern Freeway and Domain Tunnel which will cost \$20 per week or \$1000 per year for many Victorians and will impact adversely on local communities as motorists seek alternative routes,

and calls on the Government to abandon all toll road proposals in recognition of the fact that car registration has doubled and that the 3 cents a litre levy was introduced to fund these major road projects.
- *4 THE HON. T.C. THEOPHANOUS — To move, That this House notes with grave concern that —
 - (a) the Government has created five Government owned electricity distribution businesses and four water businesses, each with its own management structure and with significant duplication of functions;

- (b) most of the new management positions arising from the restructure involve higher salaries and reduced responsibility;
- (c) the Government has had to reallocate debt away from electricity distribution and proposed generation companies to prepare them for privatisation and this, together with the costs of new managers, consultants and duplication, will cost Victorians billions of dollars; and
- (d) the Government is investigating sales to foreign interests of the new companies with little or no constraints on levels of foreign ownership,

and therefore calls on the Government to — (i) provide information as to the full cost of the restructure of electricity, including the amount of debt forgiven for each of the new businesses, the salary packages of the top managers, and the cost of duplication of functions; and (ii) provide a guarantee that foreign interests will not be entitled to gain majority ownership of any publicly owned electricity or water company.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 **FINANCIAL MANAGEMENT (AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. W. Forwood).
- 2 **INTELLECTUALLY DISABLED PERSONS' SERVICES (AMENDMENT) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- 3 **LIQUOR CONTROL (AMENDMENT) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- 4 **BUSINESS FRANCHISE ACTS (AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- 5 **TRANSPORT ACCIDENT (GENERAL AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- 6 **ENVIRONMENT EFFECTS (AMENDMENT) BILL** — (Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *7 **COMO PROJECT BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *8 **BORROWING AND INVESTMENT POWERS (PUBLIC TRANSPORT CORPORATION) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- *9 **EMPLOYEE RELATIONS (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. D.R. White).
- *10 **VALUATION OF LAND (AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- *11 **ESTATE AGENTS (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).

Wednesday, 16 November 1994

*12 HEALTH SERVICES (AMENDMENT) BILL — *(from Assembly — Hon. R.I. Knowles)*
— Second reading — *Resumption of debate. (Hon. C.J. Hogg).*

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

* * * *

COMMITTEES

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

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

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

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

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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

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

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 5 December 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 15

Thursday, 17 November 1994

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

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 LIQUOR CONTROL (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*)
— Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- 2 BUSINESS FRANCHISE ACTS (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- 3 TRANSPORT ACCIDENT (GENERAL AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- 4 COMO PROJECT BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 5 EMPLOYEE RELATIONS (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. D.R. White).*
- 6 ENVIRONMENT EFFECTS (AMENDMENT) BILL — (*Hon. R.I. Knowles*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 7 BORROWING AND INVESTMENT POWERS (PUBLIC TRANSPORT CORPORATION) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- 8 VALUATION OF LAND (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- 9 ESTATE AGENTS (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*)
— Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 10 HEALTH SERVICES (AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*)
— Second reading — *Resumption of debate. (Hon. C.J. Hogg).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo

to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.

- 2 THE HON. D.A. NARDELLA — To move, That this House notes that 58.3 per cent of commissioners appointed by the Government in the South Western Group of Councils are Liberal Party members and calls on the Government to undertake an independent, open and accountable process for the appointment of commissioners based on merit, not political affiliation and patronage.
- 3 THE HON. T.C. THEOPHANOUS — To move, That this House notes with grave concern that —
- (a) the Government has created five Government owned electricity distribution businesses and four water businesses, each with its own management structure and with significant duplication of functions;
 - (b) most of the new management positions arising from the restructure involve higher salaries and reduced responsibility;
 - (c) the Government has had to reallocate debt away from electricity distribution and proposed generation companies to prepare them for privatisation and this, together with the costs of new managers, consultants and duplication, will cost Victorians billions of dollars; and
 - (d) the Government is investigating sales to foreign interests of the new companies with little or no constraints on levels of foreign ownership,

and therefore calls on the Government to — (i) provide information as to the full cost of the restructure of electricity, including the amount of debt forgiven for each of the new businesses, the salary packages of the top managers, and the cost of duplication of functions; and (ii) provide a guarantee that foreign interests will not be entitled to gain majority ownership of any publicly owned electricity or water company.

ORDER OF THE DAY

- *1 ROAD TOLLS — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.A. Nardella*).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

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COMMITTEES

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

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

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

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

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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

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

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

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AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 5 December 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 16

Tuesday, 29 November 1994

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

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 CROWN LANDS ACTS (AMENDMENT) BILL — *(from Assembly — Hon. M.A. Birrell) — Second reading.*
- 2 ENVIRONMENT EFFECTS (AMENDMENT) BILL — *(Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 3 BORROWING AND INVESTMENT POWERS (PUBLIC TRANSPORT CORPORATION) BILL — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).*
- 4 ESTATE AGENTS (AMENDMENT) BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 5 HEALTH SERVICES (AMENDMENT) BILL — *(from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. C.J. Hogg).*
- 6 VALUATION OF LAND (AMENDMENT) BILL — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).*
- *7 FISHERIES (AMENDMENT) BILL — *(from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 THE HON. D.A. NARDELLA — To move, That this House notes that 58.3 per cent of commissioners appointed by the Government in the South Western Group of Councils are Liberal Party members and calls on the Government to undertake an independent, open and accountable process for the appointment of commissioners based on merit, not political affiliation and patronage.

*Indicates new entry.

3 THE HON. T.C. THEOPHANOUS — To move, That this House notes with grave concern that —

- (a) the Government has created five Government owned electricity distribution businesses and four water businesses, each with its own management structure and with significant duplication of functions;
- (b) most of the new management positions arising from the restructure involve higher salaries and reduced responsibility;
- (c) the Government has had to reallocate debt away from electricity distribution and proposed generation companies to prepare them for privatisation and this, together with the costs of new managers, consultants and duplication, will cost Victorians billions of dollars; and
- (d) the Government is investigating sales to foreign interests of the new companies with little or no constraints on levels of foreign ownership,

and therefore calls on the Government to — (i) provide information as to the full cost of the restructure of electricity, including the amount of debt forgiven for each of the new businesses, the salary packages of the top managers, and the cost of duplication of functions; and (ii) provide a guarantee that foreign interests will not be entitled to gain majority ownership of any publicly owned electricity or water company.

ORDER OF THE DAY

1 ROAD TOLLS — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.A. Nardella*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

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COMMITTEES

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

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

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

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

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

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Thursday	—	10.00 a.m.

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AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

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ADJOURNMENT OF BILLS [Effective until 31 December 1994]

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 14, 15 and 16

No. 14 — Tuesday, 15 November 1994

- 1 The Deputy President took the Chair and read the Prayer.
- 2 **BORROWING AND INVESTMENT POWERS (PUBLIC TRANSPORT CORPORATION) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make further provision for borrowing and investment powers of the Public Transport Corporation, to amend the 'Borrowing and Investment Powers Act 1987' 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.
- 3 **COMO PROJECT BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to repeal the 'South Yarra Project Act 1984' and to amend the 'South Yarra Project (Subdivision and Management) Act 1985' 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 **EMPLOYEE RELATIONS (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Employee Relations Act 1992' and make consequential amendments to certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **VALUATION OF LAND (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Valuation of Land Act 1960', the 'Administrative Appeals Tribunal Act 1984', the 'Local Government Act 1989' and certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.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 **ESTATE AGENTS (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Estate Agents Act 1980', to consequentially amend the 'Auction Sales Act*

1958' and the 'Stamps Act 1958' and for other purposes" and desiring the concurrence of the Council therein.

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

- 7 **HEALTH SERVICES (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "An Act to amend the 'Health Services Act 1988', to repeal the provisions relating to nursing homes and hostels and for other purposes" and desiring the concurrence of the Council therein.

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

- 8 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

9 **PAPERS** —

SOLICITORS' GUARANTEE FUND — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of the Report of the Solicitors' Guarantee Fund for the year 1993-94.

Question — put and resolved in the affirmative.

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

* * * * *

VISTEL LIMITED — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report of Vistel Limited for the year 1993-94.

Question — put and resolved in the affirmative.

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

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGESTS — The Honourable B.A.E. Skeggs presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 12 of 1994, together with an Appendix and Minutes of Evidence.

Ordered to lie on the Table and the Report and Appendix to be printed.

Alert Digest No. 13 of 1994, 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:

Anti-Cancer Council — Report, 1993-94.

Health and Community Services Department — Report, 1993-94.

Housing Guarantee Fund Limited — Report, 1993-94.

Mental Health Review Board and Psychosurgery Review Board — Report, 1993-94.

Physiotherapists Registration Board — Report, 1993-94.

Planning and Development Department — Report, 1993-94.

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

Cranbourne Planning Scheme — Amendment L105.

Planning and Environment Act 1987 — (continued)

- Frankston Planning Scheme — Amendment L63.
- Geelong — Greater Geelong Planning Scheme — Amendment L94.
- Kew Planning Scheme — Amendment L18.
- Lillydale Planning Scheme — Amendment L131.
- Port Melbourne Planning Scheme — Amendment L17.
- Rosedale Planning Scheme — Amendment L41.
- Whittlesea Planning Scheme — Amendments L99 and L105.

Public Service Commissioner's Office — Report, 1993-94.

Radiation Advisory Committee — Report for the year ended 30 September 1994.

Statutory Rules under the following Acts of Parliament:

Alpine Resorts Act 1983 — No. 166.

Health Act 1958 —

No. 165, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:

Code of Practice for the Safe Transport of Radioactive Substances 1990, The Department of the Arts, Sport, the Environment, Tourism and Territories.

Radiation Protection — Annual Limits on Intake of Radio nuclides by Workers Based on the 1990 Recommendations, ICRP Publication 61, Annals of the ICRP, Volume 21, No. 4.

Sealed radioactive sources —

Leak test methods — International Standards Technical Report, ISO /TR 4826 — 1979

Classification — International Standard, ISO 2919 — 1980;

and No. 169.

Melbourne and Metropolitan Board of Works Act 1958 — No. 164.

National Tennis Centre Act 1985 — No. 168.

Water Act 1989 — No. 167.

Tattersall Sweep Consultation — Financial Statements, 1993-94.

- 10 **COMO PROJECT BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

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

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

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

- 11 **HEALTH 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.

- 12 **BORROWING AND INVESTMENT POWERS (PUBLIC TRANSPORT 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 (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 **EMPLOYEE RELATIONS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.

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

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

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

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

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

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

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

- 16 **TRANSPORT ACCIDENT (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 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.

- 17 **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, by leave, read a third 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 **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 the next day of meeting.

19 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until tomorrow at 12 noon.

Question — put and resolved in the affirmative.

And then the Council, at 6.00 p.m., adjourned until tomorrow at 12 noon.

A.V. BRAY
Clerk of the Legislative Council

No. 15 — Wednesday, 16 November 1994

- 1 The President took the Chair and read the Prayer.
- 2 **DOMESTIC (FERAL AND NUISANCE) ANIMALS 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.
- 3 **PRESENTATION OF ADDRESS TO HIS EXCELLENCY THE GOVERNOR** — The President reported that, accompanied by Honourable Members, he had waited upon His Excellency the Governor this day and presented to him the Address of the Legislative Council adopted on 11 October 1994 in reply to His Excellency the Governor's speech at the Opening of Parliament, and that His Excellency had been pleased to make the following reply:

MR. PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL

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

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

- 4 **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, other than the asking of questions without notice and the giving of answers to questions on notice, until 4.30 p.m. during the sitting of the Council this day.

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:

Auditor-General — Report on a Competent Workforce — Professional Development, November 1994.

Building Control Act 1981 — Building Code of Australia, 1990 — Amendment No. 7, together with copies of the following documents which, by section 32 of the *Interpretation of Legislation Act 1984*, are also required to be laid upon the Table:

Minimum design loads on structures (SAA Loading Code) —

AS 1170.1 — 1989 — Dead and live loads and load combinations (as amended).

AS 1170.2 — 1989 — Wind loads (as amended).

AS 1170.4 — 1993 — Earthquake loads.

- AS 1288 — 1994 — Glass in buildings — Selection and installation.
- AS 1530.2 — 1993 — Methods for fire tests on building materials, components and structures — Test for flammability of materials (as amended).
- AS 1603.2 — 1990 — Automatic fire detection and alarm systems — Point type smoke detectors (as amended).
- AS 1657 — 1992 — Fixed platforms, walkways, stairways and ladders — Design, construction and installation.
- AS 1684 — 1992 — National Timber Framing Code (as amended).
- AS 1720.1 — 1988 — Timber structures (SAA Timber Structures Code) — Design Methods (as amended).
- AS 1735.2 — 1993 — Lifts, escalators and moving walks — Passenger and goods lifts — Electric.
- AS 1851.3 — 1985 — Maintenance of fire protection equipment — Automatic fire sprinkler systems.
- AS 1926.1 — 1993 — Swimming pool safety — Fencing for swimming pools.
- Emergency warning and intercommunication systems in buildings —
- AS 2220.1 — 1989 — Equipment design and manufacture (as amended).
 - AS 2220.2 — 1989 — System design, installation and commissioning (as amended).
- AS 2293.1 — 1987 — Emergency evacuation lighting in buildings — Design and installation (as amended).
- AS 2419.1 — 1994 — Fire Hydrant installations — System design, installation and commissioning.
- AS 2890.1 — 1993 — Parking facilities — Off-street car parking.
- AS 3013 — 1990 — Electrical installations — Wiring systems for specific applications.
- AS 3600 — 1994 — Concrete Structures.
- AS 3623 — 1993 — Domestic metal framing.
- AS 3740 — 1994 — Waterproofing of wet areas within residential buildings.
- AS 3786 — 1993 — Smoke alarms.
- AS 4072.1 — 1992 — Components for the protection of openings in fire resistant separating elements — Service penetrations and control joints.
- AS 4100 — 1990 — Steel structures (as amended).
- Pliable building membranes and underlays —
- AS/NZ 4200.1 — 1994 — Materials.
 - AS/NZ 4200.2 — 1994 — Installation requirements.
- SSL — Register of Accredited Products — Fire Protection Equipment.
- CAMS — Track Operators Safety Guide — Edition No. 2 — Confederation of Australian Motor Sport, June 1993.
- Code of practice for installation of residential life safety sprinkler systems in buildings of up to four storeys — Australian Fire Protection Association and Australian Assembly of Fire Authorities, 1992.
- House Energy Rating — Energy Victoria, June 1994.
- Timber Framing Manual — Timber Promotion Council, 1994.

Residential Care Design Guidelines — Health Department Victoria, 1991.

Practice Note 07 — Residential fire safety systems — Building Control Commission, 1994.

Practice Note 08 — Emergency communication systems — Building Control Commission, 1994.

Energy and Minerals Department — Report, 1993-94.

Gaming Commission — Report, 1 July 1993 to 2 June 1994.

Gas and Fuel Corporation Superannuation Fund — Report, 1993-94.

Health Promotion Foundation — Report, 1993-94.

Premier and Cabinet Department — Report, 1993-94.

State Electoral Office — Report, 1993-94.

Treasury Department — Report, 1993-94.

6 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.

7 ROAD TOLLS — The Honourable T.C. Theophanous moved, That this House —

(a) condemns the Premier for breaking his own undertaking that the construction of the Western By-pass and Domain Tunnel would be funded by the 3 cents a litre petrol tax by now proposing to introduce road tolls to pay for these major projects; and

(b) condemns the Government for the proposal to impose tolls on the Tullamarine Freeway, Western By-pass, South Eastern Freeway and Domain Tunnel which will cost \$20 per week or \$1000 per year for many Victorians and will impact adversely on local communities as motorists seek alternative routes,

and calls on the Government to abandon all toll road proposals in recognition of the fact that car registration has doubled and that the 3 cents a litre levy was introduced to fund these major road projects.

Debate ensued.

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

8 QUESTIONS — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

9 ROAD TOLLS — Debate continued on the motion condemning the Government for its proposal to introduce road tolls (*for motion see Item 7*).

General Business having been interrupted at 4.30 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of the Honourable D.A. Nardella.

10 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.

Question — put.

The Council divided.

AYES, 28

NOES, 13

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

The Hon. M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean

R.H. Bowden	B.W. Mier
A.R. Brideson	D.A. Nardella (<i>Teller</i>)
G.P. Connard	P. Power (<i>Teller</i>)
G.H. Cox	B.T. Pullen
G.R. Craige	T.C. Theophanous
P.R. Davis	D.T. Walpole
R.S. de Fegely	D.R. White
D.M. Evans	
W. Forwood	
J.V.C. Guest	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
R.I. Knowles	
B.A.E. Skeggs	
K.M. Smith	
Graeme Stoney	
Haddon Storey	
C.A. Strong (<i>Teller</i>)	
Rosemary Varty	
Dr. R.J.H. Wells (<i>Teller</i>)	
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 **INTELLECTUALLY DISABLED PERSONS' 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 committed to a Committee of the whole.

House in Committee.

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

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

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

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 9.42 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 16 — Thursday, 17 November 1994

- 1 The President took the Chair and read the Prayer.
- 2 **FISHERIES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Fisheries Act 1968' 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 Haddon Storey (for the Honourable M.A. Birrell), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

3 PAPERS —

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — IMPACT OF COMMONWEALTH ACTIVITIES — The Honourable B.T. Pullen presented a Report from the Environment and Natural Resources Committee upon the Environmental Impact of Commonwealth Activities and Places 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:

Adult Parole Board — Report, 1993-94.

Agriculture Department — Report, 1993-94.

Bright District Water Board — Report, 1993-94.

Campaspe Region Water Authority — Report, 1993-94.

Central Highlands Region Water Authority — Report, 1993-94.

Colac Region Water Authority — Report, 1993-94.

Coliban Region Water Authority — Report, 1993-94.

Conservation and Natural Resources Department — Report, 1993-94.

Education Department — Report, 1993-94.

Euroa Nagambie Regional Water Authority — Report, 1993-94.

Justice Department — Report, 1993-94.

Korumburra Water Board — Report, 1993-94.

Leongatha Water Board — Report, 1993-94.

Local Authorities Superannuation Board — Report, 1993-94.

Macalister Water Board — Report, 1993-94.

Mallacoota Water Board — Report, 1993-94.

Mansfield District Water Board — Report, 1993-94.

Mid-Goulburn Regional Water Board — Report, 1993-94.

Mitchell Water Board — Report, 1993-94.

Ovens River Management Board — Report, 1993-94.

Parliamentary Committees Act 1968 — Minister's response to recommendations in Law Reform Committee's Report upon Reforming the Law of Wills.

Statutory Rules under the following Acts of Parliament:

Australian Grand Prix Act 1994 — No. 179.

Environment Protection Act 1970 — No. 172.

Road Safety Act 1986 — Nos. 175 and 178.

Swan Hill Water Board — Report, 1993-94.

Tarago Water Board — Report, 1993-94.

Town of St. Arnaud (Water and Wastewater Components) — Report, 1993-94.
 Transport Department — Report, 1993-94.
 Warracknabeal Water Board — Report, 1993-94.
 Westernport Water Board — Report, 1993-94.
 Wonthaggi-Inverloch Water Board — Report, 1993-94.

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

Debate resumed.

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 an appeal procedure against the assessment of fees under the Act."

Debate ensued.

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

AYES, 27

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

NOES, 13

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

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.

- 5 BUSINESS FRANCHISE 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.

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

House in Committee.

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

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

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

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

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

- 8 EMPLOYEE RELATIONS (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 and an answer was given to a question on notice pursuant to Standing Order No. 71A.

- 10 EMPLOYEE RELATIONS (AMENDMENT) BILL — Debate continued on the question, That this Bill be now read a second time.

Question — put.

The Council divided.

AYES, 27

The Hon. L. Asher (*Teller*)
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson (*Teller*)
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely

NOES, 13

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

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

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

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

- 11 CROWN LANDS ACTS (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Land Act 1958', the 'Crown Land (Reserves) Act 1978', the 'Conservation, Forests and Lands Act 1987' and the 'Forests Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

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

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

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

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

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

- 13 ADJOURNMENT — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 29 November 1994.

Question — put and resolved in the affirmative.

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

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.40 p.m., adjourned until Tuesday, 29 November 1994.

A.V. BRAY
 Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 17

Wednesday, 30 November 1994

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

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 THE HON. D.A. NARDELLA — To move, That this House notes that 58.3 per cent of commissioners appointed by the Government in the South Western Group of Councils are Liberal Party members and calls on the Government to undertake an independent, open and accountable process for the appointment of commissioners based on merit, not political affiliation and patronage.
- 3 THE HON. T.C. THEOPHANOUS — To move, That this House notes with grave concern that —
 - (a) the Government has created five Government owned electricity distribution businesses and four water businesses, each with its own management structure and with significant duplication of functions;
 - (b) most of the new management positions arising from the restructure involve higher salaries and reduced responsibility;
 - (c) the Government has had to reallocate debt away from electricity distribution and proposed generation companies to prepare them for privatisation and this, together with the costs of new managers, consultants and duplication, will cost Victorians billions of dollars; and
 - (d) the Government is investigating sales to foreign interests of the new companies with little or no constraints on levels of foreign ownership,

and therefore calls on the Government to — (i) provide information as to the full cost of the restructure of electricity, including the amount of debt forgiven for each of the new businesses, the salary packages of the top managers, and the cost of duplication of functions; and (ii) provide a guarantee that foreign interests will not be entitled to gain majority ownership of any publicly owned electricity or water company.

*4 THE HON. D.R. WHITE — To move, That this House —

- (a) notes with great concern the service on the Honourable D.R. White by Lloyd John Williams and others of a statement of claim dated 18 November 1994 claiming, in part, damages for the republication on Channel ATV10 on 12 October 1994 of extracts from his speech in the House that day on the Melbourne Casino tender process;
- (b) rejects the contention in the statement of claim that the Parliamentary privilege available to the Honourable D.R. White inside the Parliament is not available to him in respect of the republication outside the Parliament of filmed extracts from his speech;
- (c) is of the view that such legal action is a deliberate attempt to silence a Member, thereby undermining the independence and autonomy of the House;
- (d) reaffirms its strong commitment to the undoubted privilege of freedom of speech as bestowed by Article 9 of the Bill of Rights 1689 which states that "the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament"; and
- (e) mindful that attempts to obstruct Members in the discharge of their duties constitute a contempt, condemns any attempt to inhibit a Member in this way.

ORDER OF THE DAY

- 1 ROAD TOLLS — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.A. Nardella*).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 GAMING AND BETTING (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- *2 LOTTERIES GAMING AND BETTING (GENERAL AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- *3 VOCATIONAL EDUCATION AND TRAINING (STATE TRAINING WAGE) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- 4 BORROWING AND INVESTMENT POWERS (PUBLIC TRANSPORT CORPORATION) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 5 ESTATE AGENTS (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).

- *6 VICTORIAN PLANTATIONS CORPORATION (AMENDMENT) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 7 VALUATION OF LAND (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- *8 LAND (MISCELLANEOUS MATTERS) AND NATIONAL TENNIS CENTRE (AMENDMENT) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 9 CROWN LANDS ACTS (AMENDMENT) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *10 LOCAL GOVERNMENT (AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. P. Power).
- *11 CORRECTIONS (AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *12 EMERGENCY MANAGEMENT (AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *13 PROSTITUTION CONTROL BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *14 CRIMES (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

* * * *

COMMITTEES

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

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

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

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

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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

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

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

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*ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 (*as subsequently amended on 29 November 1994*) where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 9 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 12 December 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 18

Tuesday, 6 December 1994

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

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 CROWN LANDS ACTS (AMENDMENT) BILL — *(from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 2 LOCAL GOVERNMENT (AMENDMENT) BILL — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. P. Power).*
- 3 CORRECTIONS (AMENDMENT) BILL — *(from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- *4 QUEEN VICTORIA WOMEN'S CENTRE BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. C.J. Hogg).*
- 5 CRIMES (AMENDMENT) BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 6 VOCATIONAL EDUCATION AND TRAINING (STATE TRAINING WAGE) BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. C.J. Hogg).*
- 7 PROSTITUTION CONTROL BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 8 EMERGENCY MANAGEMENT (AMENDMENT) BILL — *(from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 9 GAMING AND BETTING (AMENDMENT) BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. D.R. White).*
- 10 LOTTERIES GAMING AND BETTING (GENERAL AMENDMENT) BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. D.R. White).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo

*Indicates new entry.

to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.

2 THE HON. T.C. THEOPHANOUS — To move, That this House notes with grave concern that —

- (a) the Government has created five Government owned electricity distribution businesses and four water businesses, each with its own management structure and with significant duplication of functions;
- (b) most of the new management positions arising from the restructure involve higher salaries and reduced responsibility;
- (c) the Government has had to reallocate debt away from electricity distribution and proposed generation companies to prepare them for privatisation and this, together with the costs of new managers, consultants and duplication, will cost Victorians billions of dollars; and
- (d) the Government is investigating sales to foreign interests of the new companies with little or no constraints on levels of foreign ownership,

and therefore calls on the Government to — (i) provide information as to the full cost of the restructure of electricity, including the amount of debt forgiven for each of the new businesses, the salary packages of the top managers, and the cost of duplication of functions; and (ii) provide a guarantee that foreign interests will not be entitled to gain majority ownership of any publicly owned electricity or water company.

ORDERS OF THE DAY

1 ROAD TOLLS — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.A. Nardella*).

*2 PRIVILEGE OF MEMBERS — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

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COMMITTEES

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

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

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

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

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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

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

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

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AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 (*as subsequently amended on 29 November 1994*) where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 9 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 12 December 1994 may be taken through all stages.

Tuesday, 6 December 1994

QUESTIONS ON NOTICE

Questions appearing for the first time and a list of all other questions remaining unanswered will appear in each edition of the Notice Paper. All unanswered questions will be printed and circulated separately towards the end of each sitting month.

The provisions of Standing Order No. 71AA [the "30 day rule"] apply in relation to answers to questions on notice.

<i>Notice Paper No.</i>	<i>Notice received</i>	<i>Questions remaining unanswered</i>
9	18 October 1994	— Nos. 30, 31, 32, 35, 36, 37, 38 and 39.
10	19 October 1994	— No. 48.
11	20 October 1994	— Nos. 51 and 55.
12	8 November 1994	— Nos. 61 and 62.
14	15 November 1994	— Nos. 63 and 64.
17	29 November 1994	— Nos. 65, 66, 67 and 68.

(Notice received 30 November 1994)

- *69 THE HON. D.E. HENSHAW — To ask the Honourable the Minister for Gaming: What are the details of the allocations made from the Community Support Fund since October 1992 specifically for the "Street Kids" programme.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 17 and 18

No. 17 — Tuesday, 29 November 1994

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented Messages from His Excellency the Governor informing the Council that he had, on the following days, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - On 22 November 1994 —
 - Agricultural and Veterinary Chemicals (Victoria) Act*
 - Como Project Act*
 - Financial Management (Amendment) Act*
 - Intellectually Disabled Persons' Services (Amendment) Act*
 - Lotteries Gaming and Betting (Betting) Act*
 - Road Safety (Further Amendment) Act*
 - Therapeutic Goods (Victoria) Act.*
 - On 29 November 1994 —
 - Business Franchise Acts (Amendment) Act*
 - Domestic (Feral and Nuisance) Animals Act*
 - Employee Relations (Amendment) Act*
 - Liquor Control (Amendment) Act*
 - Transport Accident (General Amendment) Act.*
- 3 **LOCAL GOVERNMENT (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Local Government Act 1989', the 'Environment Protection Act 1970' and the 'Transport Act 1983' and to repeal the 'Local Government (Miscellaneous) Act 1958' and the 'Prahran Market 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, by leave, to be read a second time later this day.
- 4 **CORRECTIONS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Corrections Act 1986' to provide for the powers of the Minister and the Chief Commissioner of Police in relation to certain agreements, to provide for leave of absence for prisoners to travel interstate and to provide for improvements to the administration of that Act and to amend the 'Prisoners (Interstate Transfer) Act 1983' and for other purposes*" and desiring the concurrence of the Council therein.

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

- 5 **VICTORIAN PLANTATIONS CORPORATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Victorian Plantations Corporation Act 1993' 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 **EMERGENCY MANAGEMENT (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Emergency Management Act 1986' and the 'Victoria State Emergency Service Act 1987' and for other purposes*" and desiring the concurrence of the Council therein.
- On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 7 **PROSTITUTION CONTROL BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to reform the law relating to prostitution, to repeal the 'Prostitution Regulation Act 1986' and the 'Town and Country Planning (Miscellaneous Provisions) Act 1961', to amend the 'Crimes Act 1958', the 'Evidence Act 1958' and the 'Travel Agents Act 1986' and make consequential amendments to certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.
- On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 8 **CRIMES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Crimes Act 1958', the 'Bail Act 1977' and the 'Crimes (Family Violence) Act 1987' and for other purposes*" and desiring the concurrence of the Council therein.
- On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 9 **LAND (MISCELLANEOUS MATTERS) AND NATIONAL TENNIS CENTRE (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'National Tennis Centre Act 1985' to make further provision with respect to national tennis centre land, to amend the 'Land (Revocation of Reservations) Act 1994' to continue leases over the Eastern Market Site, to remove several reservations over land, including land set aside for the Janefield Colony for the Treatment of Mental Defectives, to repeal the 'Mordialloc Public Hall and Courthouse Act 1965' the 'Buninyong (Recreation Reserve) Land Act 1971', to amend the 'Land (Further Miscellaneous Matters) 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.
- 10 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

11 **ADJOURNMENT OF BILLS** — The Honourable R.I. Knowles moved, by leave, That the Order of the Council of 6 September 1994 providing for the adjournment of debate on Bills received after 2 December 1994 until the first sitting day in 1995 be amended as follows:

- (a) Omit "2 December 1994" and insert "9 December 1994"; and
- (b) Omit "5 December 1994" and insert "12 December 1994".

Question — put and resolved in the affirmative.

12 **PETITION — SODOMY** — The Honourable P.R. Hall presented a Petition bearing 20 signatures from certain citizens of Victoria praying that legislation be enacted to make the commission of sodomy a criminal offence, to prevent its promotion in the media and education institutions as a valid form of sexual intercourse.

Ordered to lie on the Table.

13 **PAPERS** —

HEALTH COMPUTING SERVICES — VICTORIA LIMITED — The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Report of Health Computing Services — Victoria Limited for the year 1993-94.

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 — AUSTRALIAN FEDERALISM CONFERENCE — The Honourable B.A.E. Skeggs moved, by leave, That there be laid before this House a copy of the Report from the Scrutiny of Acts and Regulations Committee on the Australian Federalism Conference 1994.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable B.A.E. Skeggs and ordered to lie on the Table.

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ECONOMIC DEVELOPMENT COMMITTEE — VICTORIAN BUILDING AND CONSTRUCTION INDUSTRY — The Honourable G.B. Ashman presented the Final Report from the Economic Development Committee upon the Victorian Building and Construction Industry and a report upon the BLF Assets, together with a Bibliography and 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 B.A.E. Skeggs presented Alert Digest No. 14 of 1994 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

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

Alexandra District Hospital — Report, 1993-94 (two papers).

Alfred Group of Hospitals — Report, 1993-94.

Angliss Hospital — Report, 1993-94.

Anne Caudle Centre — Report, 1993-94 (two papers).

Apollo Bay and District Memorial Hospital — Report, 1993-94.

Ararat and District Hospital — Report, 1993-94 (two papers).

Arts, Sport and Tourism Department — Report, 1993-94.

Austin Hospital — Report, 1993-94.

- Bairnsdale Regional Health Service — Report, 1993-94.
Beeac and District Hospital — Report, 1993-94.
Benalla and District Memorial Hospital — Report, 1993-94.
Bendigo Hospital — Report, 1993-94 (two papers).
Bethlehem Hospital Incorporated — Report, 1993-94 (two papers).
Birregurra and District Community Hospital — Report, 1993-94.
Boort District Hospital — Report, 1993-94.
Box Hill Hospital — Report, 1993-94.
Bundoora Extended Care Centre — Report, 1993-94 (two papers).
Burwood and District Community Hospital — Report, 1993-94.
Business and Employment Department — Report, 1993-94.
Camperdown District Hospital — Report, 1993-94.
Casterton Memorial Hospital — Report, 1993-94.
City of Melbourne Superannuation Fund — Report, 1993-94.
Club Keno Act 1993 — Treasurer's report of 18 November 1994 of failure of the Totalizator Agency Board to submit 1993-94 financial statements to him within the prescribed period in respect of Club Keno and extension of time granted until 30 November 1994 and the reasons therefor.
Coal Mine Workers' Pensions Tribunal — Report, 1993-94.
Cobram District Hospital — Report, 1993-94.
Cohuna District Hospital — Report, 1993-94.
Colac District Hospital — Report, 1993-94.
Coleraine and District Hospital — Report, 1993-94.
Corryong District Hospital — Report, 1993-94.
Creswick District Hospital — Report, 1993-94 (two papers).
Dandenong Hospital — Report, 1993-94.
Daylesford District Hospital — Report, 1993-94.
Donald District Hospital — Report, 1993-94.
Dunmunkle Health Services — Report, 1993-94.
Echuca Regional Health — Report, 1993-94.
Edenhope and District Memorial Hospital — Report, 1993-94.
Elmore District Hospital — Report, 1993-94.
Fairfield Hospital — Report, 1993-94.
Geelong Hospital — Report, 1993-94.
Gippsland Base Hospital — Report, 1993-94.
Gippsland Southern Health Service — Report, 1993-94.
Glenview Community Care Incorporated — Report, 1993-94.
Goulburn Valley Base Hospital — Report, 1993-94 (two papers).
Grants Commission — Report, year ended 31 August 1994.
Greyhound Racing Control Board — Report, year ended 31 July 1994.
Hamilton Base Hospital — Report, 1993-94 (two papers).
Hampton Rehabilitation Hospital — Report, 1993-94.
Harness Racing Board — Report, year ended 31 July 1994.
Healesville and District Hospital — Report, 1993-94.
Health Services Act 1988 — Report of Community Visitors, 1993-94.
Heathcote District Hospital — Report, 1993-94.
Heywood and District Memorial Hospital — Report, 1993-94.
Hospitals Superannuation Board — Report, 1993-94.

- Inglewood Hospital — Report, 1993-94.
- Kaniva District Hospital — Report, 1993-94.
- Kerang and District Hospital — Report, 1993-94.
- Kilmore and District Hospital — Report, 1993-94.
- Kingston Centre — Report, 1993-94 (two papers).
- Koroit and District Memorial Hospital — Report, 1993-94.
- Kyabram and District Memorial Community Hospital — Report, 1993-94.
- Kyneton District Health Service — Report, 1993-94.
- Latrobe Regional Hospital — Report, 1993-94 (two papers).
- Lorne Community Hospital — Report, 1993-94.
- Lyndoch, Warrnambool Incorporated — Report, 1993-94.
- Macarthur and District Memorial Hospital — Report, 1993-94.
- Maffra District Hospital — Report, 1993-94.
- Maldon Hospital — Report, 1993-94.
- Manangatang and District Hospital — Report, 1993-94.
- Mansfield District Hospital — Report, 1993-94.
- Maroondah Hospital — Report, 1993-94 (two papers).
- Maryborough District Health Service — Report, 1993-94.
- Mental Health Act 1986 — Report of Community Visitors, 1993-94.
- Mildura Base Hospital — Report, 1993-94.
- Monash Medical Centre — Report, 1993-94.
- Mordialloc-Cheltenham Community Hospital — Report, 1993-94.
- Mornington Peninsula Hospital — Report, 1993-94.
- Mortlake District Hospital — Report, 1993-94.
- Mt Alexander Hospital — Report, 1993-94.
- Mount Eliza Centre — Report, 1993-94 (two papers).
- Murray Valley Citrus Marketing Board — Report, 1993-94.
- Myrtleford District War Memorial Hospital — Report, 1993-94.
- Nathalia District Hospital — Report, 1993-94.
- National Crime Authority — Report, 1993-94 (including comments on the report by the Inter-Governmental Committee) (two papers).
- Nhill Hospital — Report, 1993-94.
- Numurkah and District War Memorial Hospital — Report, 1993-94.
- Nursing Council — Report, 1993-94 (two papers).
- O'Connell Family Centre (Grey Sisters) Incorporated — Report, 1993-94.
- Ombudsman — Report of Deputy Ombudsman of investigation into alleged excessive force by the Victoria Police against demonstrators at the Richmond Secondary College on Monday, 13 December 1993 and investigation into crowd control methods used by the Victoria Police against demonstrators outside the Department of Conservation and Natural Resources headquarters, Victoria Parade, East Melbourne on Thursday, 10 February 1994 — November, 1994.
- Omeo District Hospital — Report, 1993-94.
- Orbost and District Hospital — Report, 1993-94.
- Ouyen and District Hospital — Report, 1993-94.
- Parliamentary Contributory Superannuation Fund — Report, 1993-94.
- Penshurst and District Memorial Hospital — Report, 1993-94.
- Peter MacCallum Cancer Institute — Report, 1993-94.
- Pharmacy Board — Report, 1 January 1994 to 30 June 1994.

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

- Alberton Planning Scheme — Amendment L38.
- Bacchus Marsh Planning Scheme — Amendment L39.
- Bairnsdale (City) Planning Scheme — Amendment L39.
- Bairnsdale (Shire) Planning Scheme — Amendments L36 and L49.
- Box Hill Planning Scheme — Amendment L21.
- Caulfield Planning Scheme — Amendment L32.
- Cranbourne Planning Scheme — Amendment L33.
- Dandenong Planning Scheme — Amendments L29 and L38.
- Deakin Planning Scheme — Amendment L30.
- Diamond Valley Planning Scheme — Amendment L39 Part 1.
- Doncaster and Templestowe Planning Scheme — Amendment L78.
- Essendon Planning Scheme — Amendment L49.
- Frankston Planning Scheme — Amendment L55.
- Hastings Planning Scheme — Amendment L21.
- Karkaroc Planning Scheme — Amendment L3.
- Keilor Planning Scheme — Amendments L40, L63 and L81.
- Lowan Planning Scheme — Amendment L11.
- Melbourne Planning Scheme — Amendments L128 Part 1 and L150.
- Melton Planning Scheme — Amendment L44.
- Metropolitan Region Planning Scheme — Amendments R119 and RL155.
- Mildura (City) Planning Scheme — Amendment L42.
- Morwell Planning Scheme — Amendments L31 and L38.
- Myrtleford Planning Scheme — Amendment L31.
- Narracan Planning Scheme — Amendment L39.
- Nathalia Planning Scheme — Amendment L6.
- Oxley Planning Scheme — Amendment L11.
- Pakenham Planning Scheme — Amendment L71.
- Port Melbourne Planning Scheme — Amendment L10.
- Rochester Planning Scheme — Amendment L12.
- Rodney Planning Scheme — Amendment L61.
- Rutherglen Planning Scheme — Amendment L6.
- Shepparton (City) Planning Scheme — Amendment L53.
- Shepparton (Shire) Planning Scheme — Amendment L65.
- South Melbourne Planning Scheme — Amendments L80 and L93.
- Springvale Planning Scheme — Amendment L81.
- Tambo Planning Scheme — Amendment L63.
- Upper Yarra Planning Scheme — Amendment L34.
- Victoria — State Section Planning Scheme — Amendment S26.
- Whittlesea Planning Scheme — Amendment L96.
- Wodonga Planning Scheme — Amendment L71.

Police — Chief Commissioner's Office — Report, 1993-94.

Port Fairy Hospital — Report, 1993-94.

Portland and District Hospital — Report, 1993-94.

Preston and Northcote Community Hospital — Report, 1993-94.

Queen Elizabeth Centre, Ballarat — Report, 1993-94 (two papers).

Ripon Peace Memorial Hospital — Report, 1993-94.

Rochester and Elmore District Health Service — Report, 1993-94 (two papers).

Royal District Nursing Service — Report, 1993-94.

Royal Victorian Eye and Ear Hospital — Report, 1993-94 (two papers).

St Arnaud District Hospital — Report, 1993-94.

- St George's Hospital and Inner Eastern Geriatric Service — Report, 1993-94.
- St Vincent's Hospital (Melbourne) Limited — Report, 1993-94 (two papers).
- Sandringham and District Memorial Hospital — Report, 1993-94 (two papers).
- Seymour District Memorial Hospital — Report, 1993-94 (two papers).
- Skipton and District Memorial Hospital — Report, 1993-94.
- South Gippsland Hospital — Report, 1993-94.
- Statutory Rules under the following Acts of Parliament:
- Alpine Resorts Act 1983 — No. 176.
 - Magistrates' Court Act 1989 — No. 181.
 - Metropolitan Fire Brigades Act 1958 — No. 174.
 - Optometrists Registration Act 1958 — No. 183.
 - State Electricity Commission Act 1958 — No. 173.
 - Supreme Court Act 1986 — Corporations (Victoria) Act 1990 — No. 170.
 - Supreme Court Act 1986 — No. 171.
 - Transport Act 1983 — Nos. 177 and 182.
 - Veterinary Surgeons Act 1958 — No. 180.
- Stawell District Hospital — Report, 1993-94.
- Strawberry Industry Development Committee — Report, 1993-94.
- Superannuation Board — Report, 1993-94 (incorporating the Victorian Superannuation, State Superannuation, Transport Superannuation, State Employees Retirement Benefits and State Casual Employees Superannuation Funds Reports).
- Swan Hill District Hospital — Report, 1993-94.
- Tallangatta Hospital — Report, 1993-94.
- Tawonga District General Hospital — Report, 1993-94.
- Terang and District (Norah Cosgrave) Community Hospital — Report, 1993-94.
- Timboon and District Hospital — Report, 1993-94.
- Totalizator Agency Board — Report, 1993-94.
- Wangaratta District Base Hospital — Report, 1993-94 (two papers).
- Waranga Memorial Hospital — Report, 1993-94.
- Warracknabeal District Hospital — Report, 1993-94.
- Warrnambool and District Base Hospital — Report, 1993-94.
- Water Act 1989 —
- Minister for Natural Resources' reasons of 23 November 1994 of his intention to constitute -
 - the Lower Murray Regional Water Authority to take over various responsibilities under the Act in place of the Swan Hill Water Board; and
 - the East Gippsland Region Water Authority to take over various responsibilities under the Act in place of the Mallacoota Water Board.
 - Minister for Natural Resources' reasons of 23 November 1994 for his decision to appoint the Mid-Goulburn Regional Water Board to take over various responsibilities under the Act in place of the Pyalong Water Board for the abolition of the Pyalong Water Board.
 - Minister for Natural Resources' reasons of 23 November 1994 for his intention to constitute the Kiewa-Murray Water Authority to take over various responsibilities under the Act in place of the Upper Murray Water Board and for the abolition of the Upper Murray Water Board.
- West Gippsland Hospital — Report, 1993-94 (two papers).
- Westernport Memorial Hospital — Report, 1993-94 (two papers).

- Willaura and District Hospital — Report, 1993-94 (two papers).
 Wimmera Base Hospital — Report, 1993-94.
 Winchelsea and District Hospital — Report, 1993-94.
 Wodonga District Hospital — Report, 1993-94 (two papers).
 Wonthaggi and District Hospital — Report, 1993-94 (two papers).
 Wycheproof District Hospital — Report, 1993-94.
 Yarra Bend Park Trust — Report, 1993-94.
 Yarram and District Health Service — Report, 1993-94.
 Yarrawonga District Hospital — Report, 1993-94.
 Yea and District Memorial Hospital — Report, 1993-94 (two papers).

- 14 **CROWN LANDS 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 C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.

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

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

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

The Honourable 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 later this day.

- 16 **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 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.

- 17 **CORRECTIONS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

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

The Honourable 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.

- 18 **EMERGENCY MANAGEMENT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

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

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

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

- 19 **PROSTITUTION CONTROL BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

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

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

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

- 20 **CRIMES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable 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.

- 21 **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 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 B.T. Pullen moved, That the debate be now adjourned.

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

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

- 22 **LAND (MISCELLANEOUS MATTERS) AND NATIONAL TENNIS CENTRE (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 B.T. Pullen moved, That the debate be now adjourned.

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

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

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

Debate resumed.

Question — put.

The Council divided.

AYES, 25

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best (Teller)
B.W. Bishop

NOES, 11

The Hon. B.E. Davidson (Teller)
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski

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

And so it 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.

Question — put.

The Council divided.

AYES, 26

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

NOES, 12

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

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

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

24 BUSINESS POSTPONED — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 and 4, be postponed until later this day.

25 HEALTH 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, 28

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

NOES, 13

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

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

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans 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 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 6, be postponed until later this day.

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 and, by leave, read a third 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 **IMPOUNDING OF LIVESTOCK 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.

29 **GAMING AND BETTING (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Gaming and Betting Act 1994', the 'Gaming Machine Control Act 1991', the 'Club Keno Act 1993', the 'Casino Control Act 1991' and the 'Racing Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

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

30 **LOTTERIES GAMING AND BETTING (GENERAL AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to reform the regulation of minor gambling, to amend 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.I. Knowles (for the Honourable Haddon Storey), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

31 **VOCATIONAL EDUCATION AND TRAINING (STATE TRAINING WAGE) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Vocational Education and Training Act 1990' and for other purposes*" and desiring the concurrence of the Council therein.

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

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

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.21 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 18 — Wednesday, 30 November 1994

- 1 The President took the Chair and read the Prayer.
- 2 **QUEEN VICTORIA WOMEN'S CENTRE BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to establish the Queen Victoria Women's Centre Trust to own and manage a women's centre and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 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:
 - Advanced Dental Technicians Qualifications Board — Report, 1993-94.
 - Albury-Wodonga Development Corporation — Report, 1993-94.
 - Altona District Hospital — Report, 1993-94.
 - Bacchus Marsh and Melton Memorial Hospital — Report, 1993-94.
 - Ballarat Base Hospital — Report, 1993-94 (two papers).
 - Beechworth Hospital — Report, 1993-94 (two papers).
 - Bright District Hospital — Report, 1993-94.
 - Caritas Christi Hospice Limited — Report, 1993-94.
 - Clunes District Hospital — Report, 1993-94.
 - Dental Technicians Licensing Committee — Report, 1993-94.
 - Dimboola District Hospital — Report, 1993-94.
 - Eastern Suburbs Geriatric Centre — Report, 1993-94.
 - Lismore and District Hospital — Report, 1993-94.
 - Mercy Public Hospitals Incorporated — Report, 1993-94.
 - North West Hospital — Report, 1993-94.
 - Northern Victorian Fresh Tomato Industry Development Committee — Report, 1993-94.
 - Ombudsman — Report of Deputy Ombudsman of investigation of police raid on the Commerce Club (Tasty Night Club) on Sunday, 7 August 1994 — November, 1994.
 - Queen Elizabeth Centre — Report, 1993-94.
 - Royal Children's Hospital — Report, 1993-94.
 - Royal Dental Hospital of Melbourne — Report, 1993-94.
 - Royal Melbourne Hospital — Report, 1993-94 (two papers).
 - Royal Women's Hospital — Report, 1993-94 (two papers).
 - Statutory Rules under the following Acts of Parliament:
 - Children and Young Persons Act 1989 — No. 187.
 - Meat Industry Act 1993 — No. 186.
 - Prevention of Cruelty to Animals Act 1986 — No. 185.
 - Racing Act 1958 — No. 189.
 - Tweddle Child and Family Health Service — Report, 1993-94 (two papers).
 - Western Hospital — Report, 1993-94 (three papers).
 - Williamstown Hospital — Report, 1993-94 (two papers).

PROCLAMATIONS — Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 6 September 1994:

Agriculture (Registered Occupations) Act 1994 — Sections 3 to 6 — 1 December 1994 (*Gazette* No. G47, 24 November 1994).

Royal Agricultural Show-grounds (Amendment) Act 1994 — Sections 3 to 6 — 1 December 1994 (*Gazette* No. G47, 24 November 1994).

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 **PRIVILEGE OF MEMBERS** — The Honourable D.R. White moved, That this House —

- (a) notes with great concern the service on the Honourable D.R. White by Lloyd John Williams and others of a statement of claim dated 18 November 1994 claiming, in part, damages for the republication on Channel ATV10 on 12 October 1994 of extracts from his speech in the House that day on the Melbourne Casino tender process;
- (b) rejects the contention in the statement of claim that the Parliamentary privilege available to the Honourable D.R. White inside the Parliament is not available to him in respect of the republication outside the Parliament of filmed extracts from his speech;
- (c) is of the view that such legal action is a deliberate attempt to silence a Member, thereby undermining the independence and autonomy of the House;
- (d) reaffirms its strong commitment to the undoubted privilege of freedom of speech as bestowed by Article 9 of the Bill of Rights 1689 which states that "the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament"; and
- (e) mindful that attempts to obstruct Members in the discharge of their duties constitute a contempt, condemns any attempt to inhibit a Member in this way.

Debate ensued.

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

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

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

6 **LOCAL GOVERNMENT COMMISSIONERS** — The Honourable D.A. Nardella moved, That this House notes that 58.3 per cent of commissioners appointed by the Government in the South Western Group of Councils are Liberal Party members and calls on the Government to undertake an independent, open and accountable process for the appointment of commissioners based on merit, not political affiliation and patronage.

Debate ensued.

Question — put.

The Council divided.

AYES, 11

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

NOES, 26

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

L. Kokocinski (*Teller*)
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power
 D.T. Walpole
 D.R. White

M.A. Birrell
 B.W. Bishop
 R.H. Bowden (*Teller*)
 A.R. Brideson (*Teller*)
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Haddon Storey
 C.A. Strong
 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, General Business, be postponed until later this day.
- 8 **GAMING AND BETTING (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.
 The Honourable P. Power (for the Honourable D.R. White) moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 9 **LOTTERIES GAMING AND BETTING (GENERAL AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
 The Honourable P. Power (for the Honourable D.R. White) moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 10 **VOCATIONAL EDUCATION AND TRAINING (STATE TRAINING WAGE) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
 The Honourable P. Power (for the Honourable C.J. Hogg) moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 11 **QUEEN VICTORIA WOMEN'S CENTRE BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

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

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

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

- 12 **BORROWING AND INVESTMENT POWERS (PUBLIC TRANSPORT 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 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 establishes appropriate and transparent guidelines for the contracting out of essential services, particularly in relation to what should be considered 'Commercial-in-confidence', what degree of transparency and disclosure is required by tenderers or bidders for public sector work and the process by which contracts should be renewed (so as not to unfairly favour the incumbent contract holder)."

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 **BORROWING AND INVESTMENT POWERS (PUBLIC TRANSPORT CORPORATION) BILL** — Debate continued on the question, That this Bill be now read a second time and on the reasoned amendment (*for text see item 12*).

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

AYES, 27

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

NOES, 13

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

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 ESTATE AGENTS (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 matter of pricing and regulation of the real estate industry, with particular reference to residential property transactions, has been referred to an all-party parliamentary committee for inquiry, consideration and report."

Debate ensued.

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

AYES, 24

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

NOES, 11

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

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

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

The Council divided.

AYES, 24

The Hon. L. Asher

NOES, 11

The Hon. B.E. Davidson

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

M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives (*Teller*)
 L. Kokocinski (*Teller*)
 B.W. Mier
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.R. White

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

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

- 16 **VICTORIAN PLANTATIONS CORPORATION (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.

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

Debate resumed.

Question — put.

The Council divided.

AYES, 26

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

NOES, 11

The Hon. B.E. Davidson (*Teller*)
 M.M. Gould (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 B.W. Mier
 D.A. Nardella
 B.T. Pullen

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

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.

- 18 LAND (MISCELLANEOUS MATTERS) AND NATIONAL TENNIS 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 with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

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

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

- 19 ADJOURNMENT — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday next.

Question — put and resolved in the affirmative.

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

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.58 p.m., adjourned until Tuesday next.

A.V. BRAY
 Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 19

Wednesday, 7 December 1994

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

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 THE HON. T.C. THEOPHANOUS — To move, That this House notes with grave concern that —
 - (a) the Government has created five Government owned electricity distribution businesses and four water businesses, each with its own management structure and with significant duplication of functions;
 - (b) most of the new management positions arising from the restructure involve higher salaries and reduced responsibility;
 - (c) the Government has had to reallocate debt away from electricity distribution and proposed generation companies to prepare them for privatisation and this, together with the costs of new managers, consultants and duplication, will cost Victorians billions of dollars; and
 - (d) the Government is investigating sales to foreign interests of the new companies with little or no constraints on levels of foreign ownership,

and therefore calls on the Government to — (i) provide information as to the full cost of the restructure of electricity, including the amount of debt forgiven for each of the new businesses, the salary packages of the top managers, and the cost of duplication of functions; and (ii) provide a guarantee that foreign interests will not be entitled to gain majority ownership of any publicly owned electricity or water company.

ORDERS OF THE DAY

- 1 ROAD TOLLS — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road

proposals — (Hon. T.C. Theophanous) — Resumption of debate. (Hon. D.A. Nardella).

- 2 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (Hon. D.R. White) — Resumption of debate. (Hon. M.A. Birrell).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 **ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading.
- *2 **WATER INDUSTRY BILL** — (from Assembly — Hon. M.A. Birrell) — Second reading.
- *3 **GAS INDUSTRY BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading.
- *4 **SUPERANNUATION ACTS (FURTHER AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading.
- *5 **MELBOURNE SPORTS AND AQUATIC CENTRE BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading.
- 6 **QUEEN VICTORIA WOMEN'S CENTRE BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- 7 **CRIMES (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 8 **VOCATIONAL EDUCATION AND TRAINING (STATE TRAINING WAGE) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- 9 **PROSTITUTION CONTROL BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 10 **EMERGENCY MANAGEMENT (AMENDMENT) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- 11 **GAMING AND BETTING (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. D.R. White).
- *12 **PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. D.R. White).

Wednesday, 7 December 1994

- *13 CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. D.R. White).
- 14 LOTTERIES GAMING AND BETTING (GENERAL AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. D.R. White).
- *15 SUBORDINATE LEGISLATION BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- *16 PLANNING AUTHORITIES REPEAL BILL — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

* * * *

COMMITTEES

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

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

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

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

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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

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

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

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

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

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

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

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

Wednesday, 7 December 1994

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 (*as subsequently amended on 29 November 1994*) where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 9 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 12 December 1994 may be taken through all stages.

#Suspended until the end of December 1994.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 20

Thursday, 8 December 1994

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

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 LIVESTOCK DISEASE CONTROL BILL — *(from Assembly — Hon. W.R. Baxter) — Second reading.*
- *2 CONSTITUTION (COURT OF APPEAL) BILL — *(from Assembly — Hon. Haddon Storey) — Second reading.*
- 3 EMERGENCY MANAGEMENT (AMENDMENT) BILL — *(from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 4 PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT BILL — *(from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. D.R. White).*
- 5 CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. D.R. White).*
- 6 LOTTERIES GAMING AND BETTING (GENERAL AMENDMENT) BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. D.R. White).*
- 7 SUBORDINATE LEGISLATION BILL — *(from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).*
- 8 ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).*
- 9 MELBOURNE SPORTS AND AQUATIC CENTRE BILL — *(from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. D.R. White).*
- *10 LAND TAX (AMENDMENT) BILL — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).*
- *11 STATE TAXATION (AMENDMENT) BILL — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).*
- 12 WATER INDUSTRY BILL — *(from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*

- 13 SUPERANNUATION ACTS (FURTHER AMENDMENT) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- 14 GAS INDUSTRY BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).
- 15 PLANNING AUTHORITIES REPEAL BILL — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- *2 THE HON. D.R. WHITE — To move, That this House disagrees with the ruling of Mr. President on Tuesday 6 December 1994 in which he ruled out of order a Notice of Motion from the Honourable D.R. White calling for a judicial inquiry into the decision to award the permanent and temporary casinos to Crown Consortium.
- *3 THE HON. D.R. WHITE — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to — (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
 - (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

ORDERS OF THE DAY

- 1 ROAD TOLLS — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for

Thursday, 8 December 1994

proposal to impose tolls on Tullamarine and South Eastern Freeways, Western Bypass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. D.A. Nardella).

- 2 PRIVILEGE OF MEMBERS — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (Hon. D.R. White) — *Resumption of debate.* (Hon. M.A. Birrell).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

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COMMITTEES

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

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

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

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HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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

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

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

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

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 21

Tuesday, 13 December 1994

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

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 MELBOURNE SPORTS AND AQUATIC CENTRE BILL — *(from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. D.R. White).*
- 2 LAND TAX (AMENDMENT) BILL — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).*
- 3 STATE TAXATION (AMENDMENT) BILL — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).*
- 4 CONSTITUTION (COURT OF APPEAL) BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 5 WATER INDUSTRY BILL — *(from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 6 SUPERANNUATION ACTS (FURTHER AMENDMENT) BILL — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).*
- 7 LIVESTOCK DISEASE CONTROL BILL — *(from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. P. Power).*
- 8 GAS INDUSTRY BILL — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. D.R. White).*
- 9 PLANNING AUTHORITIES REPEAL BILL — *(from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 THE HON. D.R. WHITE — To move, That this House disagrees with the ruling of Mr. President on Tuesday 6 December 1994 in which he ruled out of order a Notice of Motion from the Honourable D.R. White calling for a judicial inquiry into the decision to award the permanent and temporary casinos to Crown Consortium.

- 3 THE HON. D.R. WHITE — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
- (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to — (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
 - (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

ORDERS OF THE DAY

- 1 ROAD TOLLS — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.A. Nardella*).
- 2 PRIVILEGE OF MEMBERS — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

Tuesday, 13 December 1994

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

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COMMITTEES

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

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

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

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

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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

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

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 (*as subsequently amended on 29 November 1994*) where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 9 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 12 December 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 19, 20 and 21

No. 19 — Tuesday, 6 December 1994

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - Borrowing and Investment Powers (Public Transport Corporation) Act*
 - Estate Agents (Amendment) Act*
 - Fisheries (Amendment) Act*
 - Health Services (Amendment) Act*
 - Impounding of Livestock Act*
 - Land (Miscellaneous Matters) and National Tennis Centre (Amendment) Act*
 - Valuation of Land (Amendment) Act*
 - Victorian Plantations Corporation (Amendment) Act.*
- 3 **PLANNING AUTHORITIES REPEAL BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for the winding up of the Loddon-Campaspe Regional Planning Authority and the Upper Yarra Valley and Dandenong Ranges Authority, to repeal the 'Loddon-Campaspe Regional Planning Authority Act 1987' and the 'Upper Yarra Valley and Dandenong Ranges Authority Act 1976' and to amend the 'Planning and Environment Act 1987' to provide for the continuation of the approved regional strategy plan made under the 'Upper Yarra Valley and Dandenong Ranges Authority Act 1976' 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 **SUBORDINATE LEGISLATION BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to re-enact with amendments the law relating to subordinate legislation, to amend the 'Interpretation of Legislation Act 1984', to repeal the 'Subordinate Legislation Act 1962' and the 'Amendments Incorporation Act 1958', to make consequential amendments to certain Acts and for other purposes*" and desiring the concurrence of the Council therein.

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

- 5 **CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to ratify a Deed of Variation to the Management Agreement for the Melbourne Casino Project, 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 Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to facilitate certain development projects in Victoria, to provide for the setting of standards and the issuing of directions in relation to public construction, to establish the Secretary to the Department of Planning and Development as a body corporate, to provide for the transfer of certain matters from the Urban Land Authority to the Secretary to the Department of Planning and Development, to amend the 'Bayside Project Act 1988', to repeal the 'Public Lands and Works Act 1964', 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.
- 7 **ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act relating to further restructuring of the electricity industry, to make further amendments to the 'Electricity Industry Act 1993', to amend the 'Financial Management 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.
- 8 **WATER INDUSTRY BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for the reform of the water industry, to amend the 'Melbourne and Metropolitan Board of Works Act 1958', the 'Water Act 1989', the 'Melbourne Water Corporation Act 1992' and certain other Acts and for other purposes*" and desiring the concurrence of the Council therein. On the motion of the Honourable M.A. Birrell, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 9 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 10 **BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, by leave, That so much of the Sessional Orders as requires that no new business be taken after 10.00 p.m. be suspended until the end of December 1994, and that until the end of December 1994, unless otherwise ordered by the House, new business may be taken at any hour.
- Question — put and resolved in the affirmative.

- 11 **PETITION — AUSTRALIAN GRAND PRIX** — The Honourable B.T. Pullen presented a Petition bearing 12 signatures from certain citizens of Victoria praying that the Parliament enact legislation to prevent the conduct of the Australian Grand Prix or similar events at Albert Park.

Ordered to lie on the Table.

12 **PAPERS —**

BLF CUSTODIAN — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of Report No. 29 dated 30 November 1994, given to Mr. President pursuant to section 7A of the *BLF (De-recognition) Act 1985* by the Custodian appointed under section 7(1) of that Act.

Question — put and resolved in the affirmative.

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

* * * * *

WOMEN'S BUDGET — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of the Women's Budget for the year 1994-95.

Question — put and resolved in the affirmative.

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

* * * * *

POLICE SHOOTINGS — The Honourable W.R. Baxter moved, by leave, That there be laid before this House a copy of the Task Force Victor Report upon Police Shootings — A Question of Balance, October 1994.

Question — put and resolved in the affirmative.

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

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 1993-94 BUDGET ESTIMATES AND OUTCOMES — The Honourable P.R. Hall presented the Final Report from the Public Accounts and Estimates Committee upon the 1993-94 Budget Estimates and Outcomes, together with Appendices.

Ordered to lie on the Table and to be printed.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — SUBORDINATE LEGISLATION — The Honourable B.A.E. Skeggs presented an Annual Report from the Scrutiny of Acts and Regulations Committee on Subordinate Legislation concerning Statutory Rules Series 1993, 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:

Arts Victoria — Report, 1993-94.

Dietitians Board — Report, 1993-94.

Fair Trading — Report of Secretary to the Department of Justice, 1993-94.

National Tennis Centre Trust — Report, 1993-94.

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

Bairnsdale (Shire) Planning Scheme — Amendment L43.

Ballarat (Shire) Planning Scheme — Amendment L33.

Gisborne Planning Scheme — Amendment L23.

Planning and Environment Act 1987 — (continued)

- Hawthorn Planning Scheme — Amendment L25.
- Healesville Planning Scheme — Amendment L49.
- Korumburra Planning Scheme — Amendments L51 and L55.
- Kyneton Planning Scheme — Amendment L5.
- Lillydale Planning Scheme — Amendment L143.
- McIvor Planning Scheme — Amendment L18.
- Moe Planning Scheme — Amendment L31.
- Moorabbin Planning Scheme — Amendment L46.
- Newham and Woodend Planning Scheme — Amendment L31.
- Phillip Island Planning Scheme — Amendment L54.
- Sandringham Planning Scheme — Amendment L14.
- Shepparton (Shire) Planning Scheme — Amendment L69.
- South Melbourne Planning Scheme — Amendment L92.
- Sunshine Planning Scheme — Amendment L78.
- Werribee Planning Scheme — Amendment L73.
- Williamstown Planning Scheme — Amendment L33.
- South Gippsland Water Board — Report, 1993-94.
- Statutory Rules under the following Acts of Parliament:
 - Dried Fruits Act 1958 — No. 184.
 - Land Tax Act 1958 — No. 190.
 - Physiotherapists Act 1978 — No. 188.
- Stawell Water Board — Report, 1993-94.

* * * * *

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 6 September 1994:

- Control of Weapons (Amendment) Act 1994 — Whole Act (except section 2) — 30 November 1994 (*Gazette* No. S92, 30 November 1994).
- Lotteries Gaming and Betting (Betting) Act 1994 — Sections 3 to 6 — 1 December 1994 (*Gazette* No. G48, 1 December 1994).

13 PLANNING AUTHORITIES REPEAL BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

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

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

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

14 CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable B.W. Mier (for the Honourable D.R. White) moved, That the debate be now adjourned.

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

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

15 PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable B.W. Mier (for the Honourable D.R. White) moved, That the debate be now adjourned.

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

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

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

The Honourable C.J. Hogg (for the Honourable 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 **CROWN LANDS 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 B.T. Pullen moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the Minister has commissioned and received a detailed report from the Land Conservation Council on the current status and future options for Crown frontages to rivers, streams, lakes and coast reserved for public purposes and unused road reserves, including options for future public management."

Debate ensued.

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

AYES, 26

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

NOES, 11

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

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

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

Bill read a second time.

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

Question — put.

The Council divided.

AYES, 27

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

NOES, 12

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

18 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, 25

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

NOES, 11

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw (*Teller*)
 C.J. Hogg

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

- 19 **GAS INDUSTRY BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to restructure the gas industry, to amend the 'Gas and Fuel Corporation 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.

- 20 **SUPERANNUATION ACTS (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Emergency Services Superannuation Act 1986', the 'Hospitals Superannuation Act 1988', the 'Local Authorities Superannuation Act 1988', the 'Parliamentary Salaries and Superannuation Act 1968', the 'Police Regulation Act 1958', the 'Public Sector Superannuation (Administration) Act 1993', the 'State Casual Employees Superannuation Act 1989', the 'State Employees Retirement Benefits Act 1979', the 'State Superannuation Act 1988', the 'Superannuation (Portability) Act 1989', the 'Teaching Service Act 1981' 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 to be read a second time on the next day of meeting.

21 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.

The Honourable B.T. Pullen moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until an independent and public committee of inquiry has examined, considered and reported on the proposals contained in the Bill with particular emphasis on:

- (a) the likely economic costs and benefits of private sector management of prisons and other corrective services;
- (b) the likely social costs and benefits of private sector management of prisons and other corrective services;
- (c) the likely impact of privately managed prisons and other corrective services on the achievement of social objectives through the corrections system;
- (d) comparative safety and security considerations;
- (e) the likely impact of the creation of a commercially motivated penal and corrective industry on public debate and policy formulation in relation to crime and punishment issues; and
- (f) alternative financing methods for the construction of three new private prisons as required."

Debate ensued.

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

WEDNESDAY, 7 DECEMBER 1994

Debate continued.

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

AYES, 26

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

NOES, 11

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

Haddon Storey
 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.

22 **MELBOURNE SPORTS AND AQUATIC CENTRE BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for *"An Act to establish a Melbourne Sports and Aquatic Centre Trust to administer a Melbourne Sports and Aquatic Centre, and to provide for the use of certain Albert Park land and for other purposes"* and desiring the concurrence of the Council therein.

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

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 12.51 a.m., adjourned until this day at 10.00 a.m.

A.V. BRAY
Clerk of the Legislative Council

No. 20 — Wednesday, 7 December 1994

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

SUPREME COURT JUDGES — The Honourable Haddon Storey presented, by command of His Excellency the Governor, an Addendum to the Report of the Supreme Court Judges for the year 1993.

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:

Director of Public Prosecutions Office — Report, 1993-94.

Electricity Industry Superannuation Fund — Report, 1993-94.

Land Acquisition and Compensation Act 1986 — Attorney-General's certificate of 30 November 1994 made under section 7(1)(c) of the Act.

Land Protection Council — Report, 1 July 1993 to 30 October 1994.

Parliamentary Committees Act 1968 — Minister's response to recommendations in Economic Development Committee's report upon the Victorian Building and Construction Industry: Evidentiary Powers of Parliamentary Committees.

- 3 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.
- 4 **ELECTRICITY AND WATER BUSINESSES** — The Honourable T.C. Theophanous moved, That this House notes with grave concern that —
- (a) the Government has created five Government owned electricity distribution businesses and four water businesses, each with its own management structure and with significant duplication of functions;
 - (b) most of the new management positions arising from the restructure involve higher salaries and reduced responsibility;
 - (c) the Government has had to reallocate debt away from electricity distribution and proposed generation companies to prepare them for privatisation and this, together with the costs of new managers, consultants and duplication, will cost Victorians billions of dollars; and
 - (d) the Government is investigating sales to foreign interests of the new companies with little or no constraints on levels of foreign ownership,
- and therefore calls on the Government to — (i) provide information as to the full cost of the restructure of electricity, including the amount of debt forgiven for each of the new businesses, the salary packages of the top managers, and the cost of duplication of functions; and (ii) provide a guarantee that foreign interests will not be entitled to gain majority ownership of any publicly owned electricity or water company.

Debate ensued.

Question — put.

The Council divided.

AYES, 13

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

NOES, 27

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

C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 to 5 inclusive, be postponed until later this day.
- 6 **QUEEN VICTORIA WOMEN'S CENTRE 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 **QUEEN VICTORIA WOMEN'S CENTRE 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 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 7, be postponed until later this day.
- 10 **VOCATIONAL EDUCATION AND TRAINING (STATE TRAINING WAGE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be 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 **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 President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
 Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 12 **CONSTITUTION (COURT OF APPEAL) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act relating to the Supreme Court of Victoria, to amend the 'Constitution Act 1975', the 'Supreme Court Act 1986' and certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.
 On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 13 **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 D.R. White moved, That the debate be now adjourned.

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

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

- 14 **MELBOURNE SPORTS AND AQUATIC CENTRE BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

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

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

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

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

- 15 **WATER INDUSTRY 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 C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.

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

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

- 16 **LIVESTOCK DISEASE CONTROL BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for the monitoring and control of livestock diseases and to provide compensation for losses caused by certain livestock diseases, to repeal the 'Bees Act 1971', the 'Cattle Compensation Act 1967', the 'Stock (Artificial Breeding) Act 1962', the 'Stock Diseases Act 1968' and the 'Swine Compensation Act 1967', to amend the 'Stamps Act 1958' 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.M. Hallam (for the Honourable W.R. Baxter), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 17 **GAS INDUSTRY BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

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

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

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

- 18 **SUPERANNUATION 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.

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

Debate resumed.

Question — put.

The Council divided.

AYES, 27

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

NOES, 13

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

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

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

20 LAND TAX (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Land Tax Act 1958' and 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.

21 STATE TAXATION (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Debts Tax Act 1990', the 'Financial Institutions Duty Act 1982', the 'Pay-roll Tax Act 1971', the 'Stamps Act 1958' and certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.

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

- 22 **LAND TAX (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 D.R. White (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

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

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

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

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

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

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

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

- 24 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 10, be postponed until the next day of meeting.

- 25 **GAMING AND BETTING (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 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.56 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 21 — Thursday, 8 December 1994

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

- 2 **PAPERS** —

FARROW GROUP INQUIRY — The Honourable Haddon Storey moved, by leave, That there be laid before this House an edited copy of the Final Report of D.J. Habersberger, Q.C., on the Farrow Group Inquiry, dated 10 October 1994, Volumes 1 to 10.

Question — put and resolved in the affirmative.

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

* * * * *

LEGAL AID SERVICES — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of the Report of the Review of the Delivery of Legal Aid Services in Victoria, November 1994.

Question — put and resolved in the affirmative.

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

* * * * *

CLIENT DEATHS, PROTECTIVE SERVICES — The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Annual Report 1994 of Inquiries into Client Deaths, Protective Services.

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 1993 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.

* * * * *

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

Freedom of Information Act 1982 — Report on operation, 1993-94.

Legal Profession Practice Act 1958 — Report of the Lay Observer to the Solicitors' Board and Barristers' Disciplinary Tribunal, 1993.

Parliamentary Committees Act 1968 — Minister's response to recommendations in Environment and Natural Resources Committee's report upon Planning Issues for Extractive Industries.

Police Board — Report, 1993-94.

Royal Botanic Gardens Board —

Minister's report of failure to submit 1993-94 annual report to him within the prescribed period and the reasons therefor.

Report, 1993-94.

Trade Unions — Report of the Registrar, 1993.

3 LIVESTOCK DISEASE CONTROL BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

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

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

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

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

- 4 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.
- 5 EMERGENCY 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 PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable D.R. White moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted to include in the Bill stated standards of building construction, tendering, audit, quality assurance and other matters relating to public construction after the Minister has consulted with all interested parties involved with public construction."

Debate ensued.

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

The Council divided.

AYES, 27

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

NOES, 12

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

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

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

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

House in Committee.

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

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

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

Debate resumed.

Question — put.

The Council divided.

AYES, 26

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

NOES, 11

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

And so it was resolved in the affirmative — Bill read a second time.

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

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 re-drafted in such a manner as would ensure that businesses and other property in the area which may be adversely affected by the Casino construction are provided with a process for the resolution of their problems."

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

- 8 **QUESTIONS** — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.
- 9 **CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL** — Debate continued on the question, That the Bill be now read a third 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, 27

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

NOES, 12

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

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

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.

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

Bill read a second time and, by leave, read a third 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 **SUBORDINATE LEGISLATION BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be 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 **ELECTRICITY 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.

Question — put.

The Council divided.

AYES, 25

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

NOES, 11

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

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

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

- 13 **CONSTITUTION (COURT OF APPEAL) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

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

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

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

14 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 6.33 p.m., adjourned until Tuesday next at 10.00 a.m.

A.V. BRAY

Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 22

Wednesday, 14 December 1994

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

GENERAL BUSINESS

[To take precedence until 12 noon]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 THE HON. D.R. WHITE — To move, That this House disagrees with the ruling of Mr. President on Tuesday 6 December 1994 in which he ruled out of order a Notice of Motion from the Honourable D.R. White calling for a judicial inquiry into the decision to award the permanent and temporary casinos to Crown Consortium.
- 3 THE HON. D.R. WHITE — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to — (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
 - (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

- *4 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

ORDERS OF THE DAY

- 1 **ROAD TOLLS** — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.A. Nardella*).
- 2 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 **LIVESTOCK DISEASE CONTROL BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- 2 **SUPERANNUATION ACTS (FURTHER AMENDMENT) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- *3 **MELBOURNE CITY LINK AUTHORITY BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- *4 **CLASSIFICATION OF FILMS AND PUBLICATIONS (AMENDMENT) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 5 **PLANNING AUTHORITIES REPEAL BILL** — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

* * * *

COMMITTEES

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

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

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

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

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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

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

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1994]

By resolution of the Council on 6 September 1994 (*as subsequently amended on 29 November 1994*) where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 9 December 1994, and a motion is moved for the second reading of the Bill, debate on that motion shall be adjourned upon the conclusion of the speech of the mover until a day no earlier than the first sitting day in 1995: 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 12 December 1994 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 23

Tuesday, 7 March 1995

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

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 THE HON. D.R. WHITE — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to — (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
 - (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.
- 3 THE HON. C.J. HOGG — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

ORDERS OF THE DAY

- 1 **ROAD TOLLS** — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.A. Nardella*).
- 2 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

Tuesday, 7 March 1995

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

* * * *

COMMITTEES

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

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

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

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

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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

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

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 22 and 23

No. 22 — Tuesday, 13 December 1994

- 1 The President took the Chair and read the Prayer.
- 2 **MELBOURNE CITY LINK AUTHORITY BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to establish a body corporate to be known as the Melbourne City Link Authority, to amend the 'Borrowing and Investment 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 W.R. Baxter), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **LAND TITLES VALIDATION BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to validate, in accordance with the Native Title Act 1993 of the Commonwealth, certain past acts, to make certain other provisions, to repeal the 'Land Titles Validation Act 1993' 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 **CLASSIFICATION OF FILMS AND PUBLICATIONS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Classification of Films and Publications Act 1990' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **CONSTITUTION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Constitution Act 1975', the 'Interpretation of Legislation Act 1984' and 'The Constitution Act Amendment Act 1958' 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 **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:
 - University Acts (Amendment) Bill
 - Environment Effects (Amendment) Bill.

- 7 **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 tomorrow, Wednesday 14 December 1994.

Question — put and resolved in the affirmative.

- 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:

Parliamentary Committees Act 1968 — Minister's response to recommendations in Public Accounts and Estimates Committee's report upon the Performance Audit of the Auditor-General's Office.

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

- Ballaarat (City) Planning Scheme — Amendments L45 and L48.
- Bendigo — Greater Bendigo Planning Scheme — Amendment L5.
- Cranbourne Planning Scheme — Amendment L90.
- Croydon Planning Scheme — Amendments L69 and L70.
- Doncaster and Templestowe Planning Scheme — Amendment L60.
- Flinders Planning Scheme — Amendment L119.
- Hastings Planning Scheme — Amendment L24.
- Healesville Planning Scheme — Amendment L52.
- Korong Planning Scheme — Amendment L2.
- Malvern Planning Scheme — Amendment L33.
- Melbourne Planning Scheme — Amendment L156.
- Mildura (Shire) Planning Scheme — Amendment L28.
- Moorabbin Planning Scheme — Amendments L43 and L52.
- Pakenham Planning Scheme — Amendment L99.
- Prahran Planning Scheme — Amendment L47.
- Sunshine Planning Scheme — Amendment L66.
- Waranga Planning Scheme — Amendment L12.

Statutory Rules under the following Acts of Parliament:

- Control of Weapons Act 1990 — No. 193.
- County Court Act 1958 — No. 195.
- Health Act 1958 — No. 191.
- Lotteries Gaming and Betting Act 1966 — No. 194.
- Metropolitan Fire Brigades Act 1958 — No. 174 [*in lieu of that previously Tabled*].

- 9 **LAND TITLES VALIDATION BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable 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 **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 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 **CLASSIFICATION OF FILMS AND PUBLICATIONS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
The Honourable B.T. Pullen moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 12 **MELBOURNE CITY LINK 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 W.R. Baxter) moved, That this Bill be now read a second time.
The Honourable P. Power moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 13 **MELBOURNE SPORTS AND AQUATIC CENTRE BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 14 **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.
- 15 **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 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 **CONSTITUTION (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 Bill be withdrawn and re-drafted so as to —
(a) resolve legal doubt concerning the authority of the Governor to reject the advice of the Premier or the Executive Council if the Premier appears to

have lost the support of a majority of the Members of the Legislative Assembly and to provide that the Governor must give precedence to the advice of the Legislative Assembly; and

- (b) require the Governor, the Lieutenant-Governor, the Administrator, Members of the Legislative Council and Members of the Legislative Assembly to take an oath or affirmation of allegiance to Australia instead of Her Majesty and Her Majesty's heirs and successors."

Debate ensued.

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

17 **QUESTIONS** — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

18 **CONSTITUTION (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 16*).

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

AYES, 27

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

NOES, 12

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

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 **LAND TITLES VALIDATION BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

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 re-drafted to affirm the relationship of Aboriginal persons with the land and to minimize the social consequences of estrangement from the land such as black deaths in custody."

Mr. President having given his opinion on the admissibility of the amendment —
Amendment, by leave, withdrawn.

Debate continued.

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

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

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

- 20 **CONSTITUTION (COURT OF APPEAL) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 27

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

NOES, 13

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

K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 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.

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

Debate resumed.

Question — put.

The Council divided.

AYES, 27

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

NOES, 12

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

And so it was resolved in the affirmative — Bill read a second time and, by leave, read a third 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 POSTPONED — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 6 and 7, be postponed until later this day.

23 GAS INDUSTRY BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —
Debate resumed.

Question — put.

The Council divided.

AYES, 26

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

NOES, 12

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

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

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

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 10.43 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 23 — Wednesday, 14 December 1994

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, on 13 December 1994, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:

Casino (Management Agreement) (Amendment) Act
Corrections (Amendment) Act
Crimes (Amendment) Act
Crown Lands Acts (Amendment) Act
Emergency Management (Amendment) Act
Gaming and Betting (Amendment) Act
Local Government (Amendment) Act
Lotteries Gaming and Betting (General Amendment) Act
Project Development and Construction Management Act
Prostitution Control Act
Queen Victoria Women's Centre Act
Subordinate Legislation Act
University Acts (Amendment) Act
Vocational Education and Training (State Training Wage) Act.

- 3 **PETITION — RAILWAY CROSSING GATES, YARRAVILLE** — The Honourable J. McLean presented a Petition bearing 204 signatures from certain citizens of Victoria praying that works to be undertaken by the Public Transport Corporation to replace the historic railway crossing gates at Anderson Street, Yarraville, be abandoned and that any works to be carried out will preserve and enhance the historic nature, village character and amenity of the area.

Ordered to lie on the Table.

- 4 **PAPERS** —

INVESTMENTS BY MUNICIPALITIES — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report of Investigation into Investments by the City of Sunshine and the former City of Bendigo, December 1994.

Question — put and resolved in the affirmative.

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

The Honourable R.M. Hallam made a Ministerial Statement in connection with the tabling of the report.

* * * * *

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

Hopkins Region Water Authority —

Minister for Natural Resources' report of 12 December 1994 of failure of the Authority to submit 1993-94 annual report to him within the prescribed period and the reasons therefor.

Report, 1993-94.

Parliamentary Committees Act 1968 — Minister's response to recommendations in Law Reform Committee's Final Report upon Restitution for Victims of Crime.

West Moorabool Water Board —

Minister for Natural Resources' report of 12 December 1994 of failure of the Board to submit 1993-94 annual report to him within the prescribed period and the reasons therefor.

Report, 1993-94.

- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.
- 6 **RULING BY PRESIDENT** — The Honourable D.R. White moved, That this House disagrees with the ruling of Mr. President on Tuesday 6 December 1994 in which he ruled out of order a Notice of Motion from the Honourable D.R. White calling for a judicial inquiry into the decision to award the permanent and temporary casinos to Crown Consortium.

Debate ensued.

Question — put.

The Council divided.

AYES, 13

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

NOES, 28

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

And so it passed in the negative.

- 7 **LIVESTOCK DISEASE CONTROL BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill 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 **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.

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

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

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

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

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

The Honourable P. Power moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the Government has conducted extensive consultation on its provisions with all interested parties and the Victorian community generally."

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

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

- 13 **MELBOURNE CITY LINK AUTHORITY BILL** — Debate continued on the question, That this Bill be now read a second time and on the reasoned amendment (*for text see item 11*).

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

AYES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely

NOES, 11

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

D.M. Evans
 W. Forwood
 J.V.C. Guest
 R.M. Hallam
 W.A.N. Hartigan (*Teller*)
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong (*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.

The Council divided.

AYES, 26

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

NOES, 11

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

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 **PLANNING AUTHORITIES REPEAL BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 26

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

NOES, 11

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

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

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 7.40 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

A.V. BRAY

Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 24

Wednesday, 8 March 1995

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

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 THE HON. D.R. WHITE — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and

- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

*4 **THE HON. T.C. THEOPHANOUS** — To move, That this House —

- (a) endorses the caring stance taken by a number of Church and community groups and communicated in the Uniting Church's letter to the Premier on 3 March 1995, in which they express their deep disquiet about the Government's current strategies to privatise public utilities and services, particularly electricity generation and supply because it puts at risk not only the most vulnerable people in our community but also the ethic of community responsibility, and in particular the view that — (i) by privatising basic services such as fuel and water the Government is effectively disowning its responsibility and abdicating its legitimate role to ensure that safe and reliable services are provided for all at affordable prices; and (ii) based on reputable evidence and analysis there is no doubt that the sale of utilities and services to private enterprise will result in significant economic hardship for many members of the Victorian community; and
- (b) further expresses its concern at the proposals revealed in the leaked cabinet document to tailor the privatisation campaign to political considerations and to promote privatisation by conditioning Victorians.

*5 **THE HON. G.H. COX** — To move, That this House —

- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
- (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
- (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

ORDERS OF THE DAY

- 1 **ROAD TOLLS** — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.A. Nardella*).
- 2 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).

GOVERNMENT BUSINESS**ORDERS OF THE DAY**

- *1 **DEFENCE RESERVES RE-EMPLOYMENT BILL** — (*from Assembly* — *Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. D.A. Nardella*).
- *2 **SPORTS DRUG TESTING BILL** — (*from Assembly* — *Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. D.R. White*).
- *3 **OFFICE OF THE REGULATOR-GENERAL (AMENDMENT) BILL** — (*from Assembly* — *Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- *4 **FIRE AUTHORITIES (MISCELLANEOUS AMENDMENTS) BILL** — (*from Assembly* — *Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- *5 **PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL** — (*from Assembly* — *Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

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COMMITTEES

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

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

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

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

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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

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

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

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AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 25

Tuesday, 21 March 1995

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

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 COURTS (GENERAL AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- 2 OFFICE OF THE REGULATOR-GENERAL (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 3 PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 THE HON. D.R. WHITE — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;

* Indicates new entry

- (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
- (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
- (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
- (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

4 **THE HON. G.H. COX** — To move, That this House —

- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
- (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
- (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

ORDERS OF THE DAY

1 **ROAD TOLLS** — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.A. Nardella*).

Tuesday, 21 March 1995

- 2 PRIVILEGE OF MEMBERS — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate. (Hon. M.A. Birrell).*

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

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COMMITTEES

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

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

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

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

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

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

Business to take precedence—

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

*ADJOURNMENT OF BILLS [Effective until 30 June 1995]

By resolution of the Council on 8 March 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 June 1995, 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 1995: 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 5 June 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 24 and 25

No. 24 — Tuesday, 7 March 1995

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution, having fixed this day at 2.30 p.m. as the time of meeting.
- 2 The President took the Chair and read the Prayer.
- 3 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented a Message from His Excellency the Governor informing the Council that he had, on 20 December 1994, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - Classification of Films and Publications (Amendment) Act*
 - Constitution (Amendment) Act*
 - Constitution (Court of Appeal) Act*
 - Electricity Industry (Further Amendment) Act*
 - Environment Effects (Amendment) Act*
 - Gas Industry Act*
 - Land Tax (Amendment) Act*
 - Land Titles Validation Act*
 - Livestock Disease Control Act*
 - Melbourne City Link Authority Act*
 - Melbourne Sports and Aquatic Centre Act*
 - Planning Authorities Repeal Act*
 - State Taxation (Amendment) Act*
 - Superannuation Acts (Further Amendment) Act*
 - Water Industry Act.*
- 4 **OFFICE OF THE REGULATOR-GENERAL (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "An Act 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 FIRE AUTHORITIES (MISCELLANEOUS AMENDMENTS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Country Fire Authority Act 1958', the 'Metropolitan Fire Brigades Act 1958', the 'Fire Authorities (Contributions) Act 1989' and for other purposes*" and desiring the concurrence of the Council therein.
- On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 VICTORIAN ARTS CENTRE (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Victorian Arts Centre Act 1979' and for other purposes*" and desiring the concurrence of the Council therein.
- On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 7 DEFENCE RESERVES RE-EMPLOYMENT BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to protect the civilian employment of certain part-time members of the Reserve Forces, to continue the existing rights of certain discharged members of the Defence Force to preference in employment, to amend the 'Discharged Servicemen's Preference Act 1943' and for other purposes*" and desiring the concurrence of the Council therein.
- On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 8 SPORTS DRUG TESTING BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to enable the Australian Sports Drug Agency to carry out sports drug testing on State competitors, to confer related functions and powers on the Agency and for other purposes*" and desiring the concurrence of the Council therein.
- On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 9 PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Public Sector Management Act 1992' to improve the administration of that Act 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 QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 11 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 the 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.

12 PAPERS —

BLF CUSTODIAN — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of Report No. 30 dated 28 February 1995 given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question — put and resolved in the affirmative.

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

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST— The Honourable B.A.E. Skeggs presented Alert Digest No. 1 of 1995 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:

Alpine Resorts Commission — Report, year ended 31 October 1994.

Arts, Sport and Tourism Department— Report, 1993-94 (*in lieu of that tabled on 29 November 1994*).

Dental Board — Report, year ended 30 September 1994 [incorporating the Report of the Specialist Practitioners Qualifications Committee].

Drugs, Poisons and Controlled Substances Act 1981 — Poisons Code, together with copies of the following documents which are also required to be tabled pursuant to section 12H of the Act:

Drugs, Poisons and Controlled Substances (Carcinogenic Substances) (Amendment) Regulations 1994 — S.R. No. 218/1994.

Schedule 7 and Appendix M of the Standard for the Uniform Scheduling of Drugs and Poisons, No. 8, together with Amendments Nos. 1 to 3.

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

Eildon and District Community Hospital — Report, 1993-94.

Emergency Services Superannuation Scheme —

Ministers' advices of extension of time granted to Emergency Services Superannuation Scheme until 13 January 1995 to submit 1993-94 annual report and the reasons therefor.

Report, 1993-94.

Grace McKellar Centre — Report, 1993-94.

Infertility (Medical Procedures) Act 1984 — Report on Central Register, 1993-94.

Institute of Marine Sciences — Report, 1992.

Martial Arts Board — Report, 1993-94.

Parliamentary Committees Act 1968 —

Minister's response to recommendations in Law Reform Committee's first report upon the Law Relating to Directors and Managers of Insolvent Corporations: *Curbing the Phoenix Company*.

Minister's response to recommendations in Public Accounts and Estimates Committee's report upon Housing Guarantee Fund Limited.

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

Alberton Planning Scheme — Amendment L37.

Alexandra Planning Scheme — Amendment L35.

Ararat (City) Amalgamation Amendment.

Avon Planning Scheme — Amendment L9.

Bacchus Marsh Planning Scheme — Amendment L40 Part 1.

Ballaarat (City) Planning Scheme — Amendments L49 and L51.

Ballan Planning Scheme — Amendment L12 Part 1 and L13 Part 1.

Ballarat (Shire) Planning Scheme — Amendment L34.

Barrabool Planning Scheme — Amendment R16.

Bass Planning Scheme — Amendments L31 and L35.

Bendigo — Greater Bendigo Planning Scheme — Amendments L3, L12, L14, L16, L17, L22 and L24.

Berwick Planning Scheme — Amendments L70 Part 1, L71 and L81.

Broadmeadows Planning Scheme — Amendments L62, L64 and L65.

Brunswick Planning Scheme.

Bulla Planning Scheme — Amendments L73 and L106.

Buln Buln Planning Scheme — Amendment L39.

Buninyong Planning Scheme — Amendment L52.

Caulfield Planning Scheme — Amendments L28 and L29.

Cobram Planning Scheme — Amendment L18 Part 1.

Collingwood Planning Scheme — Amendments L21, L26 and L32.

Corangamite Planning Scheme — Amendment L6.

Cranbourne Planning Scheme — Amendments L96, L98, L104, L107 and L115.

Dandenong Planning Scheme — Amendment L34.

Deakin Planning Scheme — Amendments L31 and L35.

Diamond Valley Planning Scheme — Amendments L29, L37 and L44.

Doncaster and Templestowe Planning Scheme — Amendments L47, L55, L66 and L79.

Echuca Planning Scheme — Amendment L23.

Eltham Planning Scheme — Amendment L32.

Euroa Planning Scheme — Amendment L24.

Fitzroy Planning Scheme — Amendment L35.

Footscray Planning Scheme — Amendment L48.

Planning and Environment Act 1987 — (continued)

- Frankston Planning Scheme — Amendments L21, L65 and L66.
- Geelong — Greater Geelong Planning Scheme — Amendments L14, L17, R55, R86, R93, R95, R98 to R100, R102, R104, RL29, RL90 and RL110.
- Grenville Planning Scheme — Amendment L14.
- Hastings Planning Scheme — Amendment L111.
- Hawthorn Planning Scheme — Amendments L20 to L22 and L27.
- Heidelberg Planning Scheme — Amendment L38.
- Heywood Planning Scheme — Amendment L12.
- Horsham Planning Scheme — Amendments L45, L51, L53 and L54.
- Keilor Planning Scheme — Amendments L16, L80 and L86.
- Kilmore Planning Scheme — Amendment L70.
- Knox Planning Scheme — Amendments L69, L71 Parts 1 and 2, L76, L78 and L80.
- Lillydale Planning Scheme — Amendments L137, L141, L147 and L148.
- Maryborough Planning Scheme — Amendment L22.
- McIvor Planning Scheme — Amendment L16.
- Melbourne Planning Scheme — Amendments L163 and L173.
- Melbourne Metropolitan Planning Schemes — Amendment R126.
- Melton Planning Scheme — Amendments L30, L41, L47, L51 and L52.
- Metropolitan Region Planning Schemes — Amendment RL157.
- Mildura (Shire) Planning Scheme — Amendment L34.
- Moorabbin Planning Scheme — Amendment L19 Part 2.
- Moreland Planning Scheme — Amendment L1.
- Morwell Planning Scheme — Amendment L46.
- Northcote Planning Scheme — Amendments L33 and L34.
- Numurkah Planning Scheme — Amendment L5.
- Nunawading Planning Scheme — Amendments L31, L63 and L70.
- Oakleigh Planning Scheme — Amendments L38 and L40.
- Omeo Planning Scheme — Amendment L8.
- Pakenham Planning Scheme — Amendment L83.
- Phillip Island Planning Scheme — Amendments L53 and L56.
- Port Fairy Planning Scheme — Amendment L13 Part 1.
- Port Melbourne Planning Scheme — Amendment L22.
- Prahran Planning Scheme — Amendment L57.
- Preston Planning Scheme — Amendments L53, L55 and L59.
- Queenscliff Planning Scheme — Amendment R9.
- Ripon Planning Scheme — Amendment L14.
- Rodney Planning Scheme — Amendments L64 and L71.
- Romsey Planning Scheme — Amendments L29 and L33.
- Rutherglen Planning Scheme — Amendment L8.
- Sandringham Planning Scheme — Amendment L15.
- Shepparton (Shire) Planning Scheme — Amendments L70 and L72.

Planning and Environment Act 1987 — *(continued)*

- South Melbourne Planning Scheme — Amendments L95 and RL162.
- Springvale Planning Scheme — Amendments L74, L82 and L84.
- St Kilda Planning Scheme — Amendments L32, L34 and RL162.
- Stawell (Shire) Planning Scheme — Amendment L19.
- Sunshine Planning Scheme — Amendments L65 and L81.
- Surf Coast Planning Scheme — Amendment R28.
- Swan Hill (City) Planning Scheme — Amendments L17 and L19.
- Swan Hill (Shire) Planning Scheme — Amendments L15 to L18.
- Traralgon (City) Planning Scheme — Amendment L54.
- Traralgon (Shire) Planning Scheme — Amendment L48.
- Victoria — State Section Planning Schemes — Amendments R125, S38 and S39.
- Warrnambool (City) Planning Scheme — Amendments L12, L23 Item 2, L27, L56 Part 2 and L60.
- Werribee Planning Scheme — Amendments L51 and L78.
- Whittlesea Planning Scheme — Amendments L81 Part 1, L91, L102, L109 and L113.
- Williamstown Planning Scheme — Amendments L32 and L34.
- Winchelsea Planning Scheme — Amendment L12 Part 2.
- Wodonga Planning Scheme — Amendment L70.
- Yarrawonga Planning Scheme — Amendment L28.

Rural Finance Act 1988 — Acting Treasurer's directive of 8 February 1995 to Rural Finance Corporation.

Statutory Rules under the following Acts of Parliament:

- Administrative Appeals Tribunal Act 1984 — No.1/1995.
- Agricultural and Veterinary Chemicals Act 1992 — No. 211/1994.
- Business Franchise (Tobacco) Act 1974 — No. 208/1994.
- Business Names Act 1962 — No. 213/1994.
- Club Keno Act 1993 — Tattersall Consultations Act 1958 — No. 10/1995.
- Co-operative Housing Societies Act 1958 — No. 8/1995.
- Credit Act 1984 — No. 3/1995.
- Cultural and Recreational Lands Act 1963 — No. 6/1995.
- Dentists Act 1972 — No. 204/1994.
- Drugs, Poisons and Controlled Substances Act 1981 — No. 216/1994 and No. 22/1995.
- Electricity Industry Act 1993 — No. 226/1994.
- Environment Protection Act 1970 — No. 200/1994.
- Estate Agents Act 1980 — No. 214/1994.
- Evidence Act 1958 — No. 202/1994.
- Financial Management Act 1994 — No. 215/1994.
- Fisheries Act 1968 — Nos. 12 and 16/1995.
- Goods Act 1958 — No. 13/1995.

Statutory Rules — (continued)

- Health Act 1958 — No. 203/1994.
- Housing Act 1983 — No. 212/1994.
- Land Tax Act 1958 — No. 4/1995.
- Legal Profession Practice Act 1958 — No. 11/1995.
- Local Government Act 1989 — No. 15/1995.
- Magistrates' Court Act 1989 — Nos. 197 to 199/1994.
- Melbourne and Metropolitan Board of Works Act 1958 — Nos. 201 and 209/1994.
- Pay-roll Tax Act 1971 — No. 5/1995.
- Pharmacists Act 1974 — No. 217/1994.
- Physiotherapists Act 1978 — No. 205/1994.
- Planning and Environment Act 1987 — No. 206/1994.
- Racing Act 1958 — Nos. 223 and 224/1994.
- Road Safety Act 1986 — No. 222/1994.
- Stamps Act 1958 — No. 2/1995.
- Subordinate Legislation Act 1994 — No. 220/1994 and No. 14/1995.
- Supreme Court Act 1986 — Nos. 196 and 228/1994.
- Tobacco Act 1987 — No. 21/1995.
- Transport Accident Act 1986 — No. 207/1994.
- Transport Act 1983 — No. 221/1994.
- Treasury Corporation of Victoria Act 1992 — No. 225/1994 and No. 7/1995.
- Trustee Act 1958 — No. 9/1995.
- Victoria State Emergency Service Act 1987 — No. 17/1995.
- Water Act 1989 — No. 219/1994.
- Water Industry Act 1994 — Nos. 210 and 227/1994.
- Wildlife Act 1975 — No. 192/1994.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in relation to the Fisheries (Fees) (Amendment) Regulations 1995 (S.R. No. 16/1995).

Ministers' exemption certificates under section 9(6) in relation to the following Statutory Rules:

Fisheries (Amateur Fishing Licence Exemption No. 1) Regulations 1995 (S.R. No. 12/1995).

Land Tax (Taxation Appeals) Regulations 1995 (S.R. No. 4/1995).

Pay-roll Tax (Taxation Appeals) Regulations 1995 (S.R. No. 5/1995).

Stamps (Amendment) Regulations 1995 (S.R. No. 2/1995).

Subordinate Legislation Regulations 1994 (S.R. No. 220/1994).

Trustee (Secondary Mortgage Market) Regulations 1995 (S.R. No. 9/1995).

Subordinate Legislation Guidelines pursuant to section 26 of the Act.

Tobacco Leaf Marketing Board — Report, 1 April 1994 to 29 September 1994.

Transport Act 1983 —

Minister's Order of 21 December 1994 transferring certain assets and liabilities from the Public Transport Corporation to the Roads Corporation.

Order in Council of 20 December 1994 amending Schedule 8 of the Act.

Upper Yarra Valley and Dandenong Ranges Authority — Report, 1993-94.

Werribee District Hospital — Report, 1993-94.

* * * * *

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 6 September 1994:

Building Act 1993 — Section 24(3) — 16 January 1995 (*Gazette No. G50, 15 December 1994*).

Chiropodists (Amendment) Act 1989 — Section 5 — 1 January 1995 (*Gazette No. G50, 15 December 1994*).

Corrections (Amendment) Act 1994 — Whole Act (except section 2) — 12 January 1995 (*Gazette No. G1, 12 January 1995*).

Crimes (Amendment) Act 1994 — Sections 3 to 10 — 23 January 1995 (*Gazette No. G2, 19 January 1995*).

Crimes (Sexual Offences) Act 1991 — Sections 11, 15 and 16(1)(b) and (d) — 20 December 1994 (*Gazette No. G50, 15 December 1994*).

Crown Lands Acts (Amendment) Act 1994 — Remaining provisions — 26 January 1995 (*Gazette No. G3, 26 January 1995*).

Dentists (Amendment) Act 1993 — Sections 3 to 5 — 5 February 1995 (*Gazette No. G4, 2 February 1995*).

Electricity Industry (Further Amendment) Act 1994 — Remaining provisions (except sections 4(3) and (4), 5 and 8(c)) — 20 December 1994 (*Gazette No. S100, 20 December 1994*).

Estate Agents (Amendment) Act 1994 — Section 46 — 1 January 1995; sections 3 to 13, 15 to 45 and 47 to 53 — 1 February 1995 (*Gazette No. G49, 8 December 1994*).

Gaming and Betting (Amendment) Act 1994 — Section 17, Parts 4 and 5 — 1 February 1995 (*Gazette No. S10, 1 February 1995*); section 9 and Part 6 — 16 February 1995 (*Gazette No. G6, 16 February 1995*).

Gas Industry Act 1994 — Parts 2, 3 (except sections 33 to 45), 5, 6, 9, 10, 11 (except sections 110(a), (b), (d), (f) to (j), 111 and 112(a) to (e), (g), (h) and (j)) and 12 and Schedules 1 and 5 (except items 1.2, 2, 8 and 10) — 20 December 1994; sections 39(1) and (3), 40 and 41, Part 4 (except section 48), Part 7, Divisions 1, 2 (except sections 66 and 67), 5 and 6, Schedules 2 to 4 and item 2 of Schedule 5 — 21 December 1994; remaining provisions (except section 110 (d) and (h) and Part 13) — 22 December 1994; section 110 (d) — 31 December 1994 (*Gazette No. S100, 20 December 1994*); Part 13 — 23 December 1994 (*Gazette No. S100, 20 December 1994*).

Health and Community Services (Further Amendment) Act 1993 — Part 3 — 18 December 1994 (*Gazette No. G50, 15 December 1994*).

Proclamations — (continued)

Health Services (Amendment) Act 1994 — Sections 3 to 21 — 2 March 1995
(*Gazette No. G8, 2 March 1995*).

Land (Miscellaneous Matters) and National Tennis Centre (Amendment)
Act 1994 — Section 10 — 9 February 1995 (*Gazette No. G5, 9 February
1995*).

Lotteries Gaming and Betting (General Amendment) Act 1994 — Division 1
of Part 3, section 13(1), 15(2), Division 5 of Part 3 (except sections 20,
21(1) and (4), paragraph (h) of section 22 and 25), Parts 4 and 5 (except
section 29) — 1 February 1995 (*Gazette No. S10, 1 February 1995*).

Project Development and Construction Management Act 1994 — Sections 3
to 5 of Part 1, Parts 2, 3, 5 to 7, section 63 of Part 9 and the Schedule —
10 January 1995 (*Gazette No. G1, 12 January 1995*).

Tertiary Education (Amendment) Act 1994 — Remaining provisions
(except section 4) — 8 December 1994; section 4 — 1 January 1995
(*Gazette No. G49, 8 December 1994*).

Transport Accident (General Amendment) Act 1994 — Sections 12 to 14, 16
to 19, 21, 27, 28(1), 32, 34, 35, 39, 47 to 55, 60(2), 61 and 62 —
18 December 1994; sections 20, 22 to 24, 26, 29 to 31, 33, 37, 41 to 46, 63
and 64 — 1 January 1995 (*Gazette No. S96, 13 December 1994*).

University Acts (Amendment) Act 1994 — Whole Act (except sections 1, 2,
19, 25, 26, 29, 31, 37 and 38) — 1 January 1995 (*Gazette No. G51, 22
December 1994*).

Valuation of Land (Amendment) Act 1994 — Part 3 — 23 January 1995
(*Gazette No. G2, 19 January 1995*).

Water Industry Act 1994 — Whole Act (except sections 1 and 2) —
1 January 1995 (*Gazette No. S105, 23 December 1994*).

13 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.R. White (for the Honourable T.C. Theophanous) moved, That
the debate be now adjourned.

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

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

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

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

The Honourable 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 FIRE AUTHORITIES (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 16 VICTORIAN ARTS CENTRE (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
The Honourable C.J. Hogg moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until later this day.
- 17 DEFENCE RESERVES RE-EMPLOYMENT BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
The Honourable 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 SPORTS DRUG TESTING BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable D.R. White moved, That the debate be now adjourned.
Question — 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 VICTORIAN ARTS 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 5.28 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 25 — Wednesday, 8 March 1995

- 1 The President took the Chair and read the Prayer.
- 2 **COURTS (GENERAL AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Jurisdiction of Courts (Cross-vesting) Act 1987', the 'Supreme Court Act 1986', the 'County Court 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 Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **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 2 June 1995, 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 1995: 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 5 June 1995 may be taken through all stages; and
 - (b) this Order shall have effect until 30 June 1995.
 Question — put and resolved in the affirmative.
- 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 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Grain Elevators Board — Report, year ended 30 September 1994.

Ombudsman — Report, 1993-94 [incorporating the report of the Deputy Ombudsman (Police Complaints)].
- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.
- 7 **PRIVATISATION OF PUBLIC UTILITIES AND SERVICES** — The Honourable T.C. Theophanous moved, That this House —
 - (a) endorses the caring stance taken by a number of Church and community groups and communicated in the Uniting Church's letter to the Premier on 3 March 1995, in which they express their deep disquiet about the Government's current strategies to privatise public utilities and services, particularly electricity generation and supply because it puts at risk not only the most vulnerable people in our community but also the ethic of community responsibility, and in particular the view that — (i) by privatising basic services such as fuel and water the Government is

effectively disowning its responsibility and abdicating its legitimate role to ensure that safe and reliable services are provided for all at affordable prices; and (ii) based on reputable evidence and analysis there is no doubt that the sale of utilities and services to private enterprise will result in significant economic hardship for many members of the Victorian community; and

- (b) further expresses its concern at the proposals revealed in the leaked cabinet document to tailor the privatisation campaign to political considerations and to promote privatisation by conditioning Victorians.

Debate ensued.

Question — put.

The Council divided.

AYES, 13

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

NOES, 28

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs (*Teller*)
 K.M. Smith
 Graeme Stoney (*Teller*)
 Haddon Storey
 C.A. Strong
 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 **RETIREMENT OF CLARENCE JOSEPH QUINN** — The Honourable M.A. Birrell moved, That on the retirement of Clarence Joseph Quinn from the Parliamentary service this House places on record its acknowledgement and

appreciation of the valuable services rendered by him as an Officer of the Parliament since 8 May 1968, and particularly as Housekeeper of the Legislative Council since 1 January 1993.

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.

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

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

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

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

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

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

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

- 13 FIRE AUTHORITIES (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 and, by leave, read a third 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 W.R. Baxter moved, That the Council, at its rising, adjourn until Tuesday, 21 March 1995.

Question — put and resolved in the affirmative.

The Honourable W.R. Baxter moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 5.43 p.m., adjourned until Tuesday, 21 March 1995.

A.V. BRAY

Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 26

Wednesday, 22 March 1995

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

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 THE HON. D.R. WHITE — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and

- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.
- 3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.
- 4 **THE HON. G.H. COX** — To move, That this House —
- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
 - (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
 - (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.
- *5 **THE HON. T.C. THEOPHANOUS** — To move, That this House condemns the Minister for Roads and Ports for persisting with plans to sell the Port of Geelong when —
- (a) the prospective sale price of this Port is likely to be less than half of the value of its assets;
 - (b) none of the users of dedicated berths who were approached by the Government expressed interest in acquiring the facilities;
 - (c) the users expressed concern that private ownership could lead to monopoly pricing;
 - (d) any private purchaser will have to pay Commonwealth tax and this will reduce the sale price; and
 - (e) the Port is essentially debt free and has about \$40 million in reserves which could be used to deepen the Channel and to maintain competitive channel charges if control of these charges remains with the Port.
- *6 **THE HON. P. POWER** — To move, That this House acknowledges that —
- (a) the Government's decision to delay the completion of local government elections until 1997 is of major concern to fair-minded Victorians;
 - (b) ratepayers and residents have the right, at the earliest possible time, to exercise their democratic vote in new municipalities; and

- (c) the Government is embarking on a cynical political exercise by acting to prevent the completion of local government elections before the State election without concern for the very poor public policy precedent it is setting.

ORDERS OF THE DAY

- 1 **ROAD TOLLS** — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.A. Nardella*).
- 2 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).

BUSINESS TO TAKE PRECEDENCE

NOTICES OF MOTION

- *1 **THE HON. R.I. KNOWLES** — To move, That Standing Order No. 49 be amended as follows:
Omit "shall" (where second occurring) and insert "may".
- *2 **THE HON. R.I. KNOWLES** — To move, That Standing Order No. 304 be repealed.
- *3 **THE HON. R.I. KNOWLES** — To move, That Standing Orders Nos. 315 and 316 be repealed and that the following Standing Orders be adopted in lieu thereof:
"Fees.

315. Unless the Council expresses the view that fees should be waived, before any private Bill (other than a private Bill which has been ordered to be dealt with as a public Bill) is read a second time, a deposit of \$1000 shall be paid to the Department of the Legislative Council, and a receipt for that payment shall be produced by the Member having charge of the Bill.

Promoter to pay expenses.

316. The promoters of any private Bill for which a deposit under Standing Order 315 has been paid shall be liable for the costs of —

- (a) its printing and circulation;

- (b) the publication of any statement pursuant to Standing Order 312;
- (c) any select committee appointed to examine its proposals; and
- (d) any other expenses involved in the passage of the Bill up to a maximum of \$5000 —

and the sum of such amounts, less the deposit of \$1000, shall be paid to the Department of the Legislative Council."

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 **TRANSPORT (TOW TRUCK REFORM) BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- *2 **ROAD SAFETY (AMENDMENT) BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- 3 **PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL** — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- 4 **COURTS (GENERAL AMENDMENT) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- *5 **JUDICIAL REMUNERATION TRIBUNAL BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- *6 **COASTAL MANAGEMENT BILL** — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- *7 **NATIONAL ENVIRONMENT PROTECTION COUNCIL (VICTORIA) BILL** — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- *8 **STATUTE LAW REVISION BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

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COMMITTEES

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

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

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

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

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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

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

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

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

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

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

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

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

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

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

Business to take precedence—

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

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

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

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

ADJOURNMENT OF BILLS [Effective until 30 June 1995]

By resolution of the Council on 8 March 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 June 1995, 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 1995: 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 5 June 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 27

Tuesday, 11 April 1995

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

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 **COURTS (GENERAL AMENDMENT) BILL** — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 2 **JUDICIAL REMUNERATION TRIBUNAL BILL** — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 3 **COASTAL MANAGEMENT BILL** — *(from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 4 **NATIONAL ENVIRONMENT PROTECTION COUNCIL (VICTORIA) BILL** — *(from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 5 **STATUTE LAW REVISION BILL** — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 6 **TRANSPORT (TOW TRUCK REFORM) BILL** — *(from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. P. Power).*
- 7 **ROAD SAFETY (AMENDMENT) BILL** — *(from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. P. Power).*
- *8 **CORPORATIONS (VICTORIA) (AMENDMENT) BILL** — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a

memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.

2 THE HON. D.R. WHITE — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —

- (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
- (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
- (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
- (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
- (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
- (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

3 THE HON. C.J. HOGG — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

4 THE HON. G.H. COX — To move, That this House —

- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
- (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
- (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway,

Tuesday, 11 April 1995

Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

- 5 **THE HON. T.C. THEOPHANOUS** — To move, That this House condemns the Minister for Roads and Ports for persisting with plans to sell the Port of Geelong when —
- (a) the prospective sale price of this Port is likely to be less than half of the value of its assets;
 - (b) none of the users of dedicated berths who were approached by the Government expressed interest in acquiring the facilities;
 - (c) the users expressed concern that private ownership could lead to monopoly pricing;
 - (d) any private purchaser will have to pay Commonwealth tax and this will reduce the sale price; and
 - (e) the Port is essentially debt free and has about \$40 million in reserves which could be used to deepen the Channel and to maintain competitive channel charges if control of these charges remains with the Port.

ORDERS OF THE DAY

- 1 **ROAD TOLLS** — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.A. Nardella*).
- 2 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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

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

* * * *

COMMITTEES

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

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

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

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

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

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

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

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

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

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

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

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

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

Tuesday, 11 April 1995

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

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Tuesday	—	2.30 p.m.
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No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

ADJOURNMENT OF BILLS [Effective until 30 June 1995]

By resolution of the Council on 8 March 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 June 1995, 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 1995: 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 5 June 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 26 and 27

No. 26 — Tuesday, 21 March 1995

- 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 15 March 1995, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - Defence Reserves Re-Employment Act*
 - Fire Authorities (Miscellaneous Amendments) Act*
 - Sports Drug Testing Act*
 - Victorian Arts Centre (Amendment) Act.*
- 3 **JUDICIAL REMUNERATION TRIBUNAL BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to establish a tribunal in relation to the salary and allowances of Judges of the Supreme Court, Judges of the County Court, Magistrates and the holders of certain other offices, to amend the 'Constitution Act 1975', the 'Supreme Court Act 1986', the 'County Court 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 Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **COASTAL MANAGEMENT BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to establish a Victorian Coastal and Bay Management Council, to provide for the establishment of Regional Coastal Boards, to provide for co-ordinated strategic planning and management for the Victorian coast and a co-ordinated approach to approvals for the use and development of coastal Crown 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 **NATIONAL ENVIRONMENT PROTECTION COUNCIL (VICTORIA) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for the establishment of a National Environment Protection Council, to make consequential amendments to the 'Environment Protection Act 1970' 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 **STATUTE LAW REVISION BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act 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 Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 **QUESTIONS** — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

- 8 **PAPERS** —

FITZROY CITY COUNCIL — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report of an investigation into the former Fitzroy City Council, March 1995.

Question — put and resolved in the affirmative.

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

The Honourable R.M. Hallam made a Ministerial Statement in connection with the tabling of the report.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 2 of 1995 from the Scrutiny of Acts and Regulations Committee, together with an Appendix.

Ordered to lie on the Table and to be printed.

* * * * *

ANNUAL REPORT — The Honourable B.A.E. Skeggs presented the Second Annual Report from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

* * * * *

SUBORDINATE LEGISLATION — The Honourable B.A.E. Skeggs presented the Sixth Report from the Scrutiny of Acts and Regulations Committee upon Subordinate Legislation concerning the Stock (Hormonal Growth Promotants Status Declarations) Regulations 1994 (S.R. 66/1994), 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:

Aireys Inlet Water Board — Report, 1993-94.

Alexandra Shire (Water and Sewerage Authority) — Report, 1993-94.

Ararat City (Water and Wastewater Components) — Report, 1993-94.

Barwon Region Water Authority —

Minister's report of 9 March 1995 of failure of body to submit 1993-94 annual report to him within the prescribed period and the reasons therefor.

Report, 1993-94.

Creswick and District Water Board —

Minister's report of 9 March 1995 of failure of body to submit 1993-94 annual report to him within the prescribed period and the reasons therefor.

Report, 1993-94.

Drugs, Poisons and Controlled Substances Act 1981 — Documents required to be tabled pursuant to section 12H of the Act:

Poisons Code —

Amendment of Part 3, Chapter 2, 21 February 1995 and Notice regarding the Amendment, Commencement and Availability of the Amendment.

Amendment of Code by Standard for the Uniform Scheduling of Drugs and Poisons, No. 9, October 1994, together with Amendments Nos. 1 and 2 and Notice regarding the Amendment, Commencement and Availability of the Amendment (four papers).

Hamilton Water Board — Report, 1993-94.

Horsham City (Water and Wastewater Undertakings) — Report, 1993-94.

Maryborough City (Water and Wastewater Function) —

Minister's report of 9 March 1995 of failure of body to submit 1993-94 annual report to him within the prescribed period and the reasons therefor.

Report, 1993-94.

Melton Shire (Water Services) — Report, 1993-94.

Orbost Water Board —

Minister's report of 9 March 1995 of failure of body to submit 1993-94 annual report to him within the prescribed period and the reasons therefor.

Report, 1993-94.

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

Ballaarat (City) Planning Scheme — Amendment L54.

Berwick Planning Scheme — Amendments L79 and L82.

Camberwell Planning Scheme — Amendment L44.

Caulfield Planning Scheme — Amendment L30.

Collingwood Planning Scheme — Amendment L33.

Cranbourne Planning Scheme — Amendment L101.

Doncaster and Templestowe Planning Scheme — Amendment L85.

Geelong — Greater Geelong Planning Scheme — Amendment RL113.

Keilor Planning Scheme — Amendment L89.

Kilmore Planning Scheme — Amendment L81.

Knox Planning Scheme — Amendment L84.

Lillydale Planning Scheme — Amendment L150.

Malvern Planning Scheme — Amendment L26.

Planning and Environment Act 1987— (*continued*)

Melton Planning Scheme — Amendment L36.

Morwell Planning Scheme — Amendment L39.

Omeo Planning Scheme — Amendment L14.

Richmond Planning Scheme — Amendment L34.

Romsey Planning Scheme — Amendment L42.

Sherbrooke Planning Scheme — Amendment L76.

South Melbourne Planning Scheme — Amendments L94 and L96.

Traralgon (City) Planning Scheme — Amendment L56.

Upper Yarra Valley and Dandenong Ranges Region Planning Scheme — Amendment R13.

Williamstown Planning Scheme — Amendment L16.

Portland Water Board — Report, 1993-94.

Project Development and Construction Management Act 1994 — Orders in Council of 24 and 31 January 1995 of nomination and application orders (two papers).

Romsey-Lancefield Water Board — Report, year ended 30 September 1994.

Statutory Rules under the following Acts of Parliament:

Agricultural and Veterinary Chemicals Act 1992 — Nos. 25 to 27.

Corrections Act 1986 — No. 23.

Credit (Administration) Act 1984 — No. 19.

Legal Profession Practice Act 1958 — Supreme Court Act 1986 — No. 24.

Lotteries Gaming and Betting Act 1966 — Nos. 20 and 28.

Magistrates' Court Act 1989 — No. 18.

Road Safety Act 1986 — No. 29.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of the following Statutory Rules:

Magistrates' Court Civil Procedure (Amendment) Rules 1995 (S.R. No. 18/1995).

Supreme Court Library Fund (Investment) (Amendment) Rules 1995 (S.R. No. 24/1995).

Ministers' exemption certificates under section 9(6) in respect of the following Statutory Rules:

Agricultural and Veterinary Chemicals (Hormonal Growth Promotants) (Amendment) Regulations 1995 (S.R. No. 26/1995).

Agricultural and Veterinary Chemicals (Infringement Notices) (Amendment) Regulations 1995 (S.R. No. 27/1995).

Drugs, Poisons and Controlled Substances (Commonwealth Standard) Regulations 1995 (S.R. No. 22/1995).

Lotteries Gaming and Betting (Raffles and Bingo Permits) (Amendment) Regulations 1995 — (S.R. No. 20/1995).

Lotteries Gaming and Betting (Raffles and Bingo Permits) (Further Amendment) Regulations 1995 — (S.R. No. 28/1995).

Subordinate Legislation Act 1994 — (*continued*)

Tobacco (Victorian Health Promotion Foundation) (Amendment) Regulations 1995 — (S.R. No. 21/1995).

Sunraysia Water Board — Report, 1993-94.

Tambo Water Board — Report, 1993-94.

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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 6 September 1994:

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — Sections 6, 19(1) to (3), 23, 26, 38 to 40, 45, 46, 48, 49, 52, 55 to 61, 63, 64, 77, 78 (2)(a), 78 (4)(d) and 78 (5) — 15 March 1995 (*Gazette No. G9, 9 March 1995*).

Agricultural and Veterinary Chemicals (Victoria) Act 1994 — Whole Act (except sections 44 and 50 (4) — 15 March 1995 (*Gazette No. G9, 9 March 1995*).

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

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

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

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

10 NATIONAL ENVIRONMENT PROTECTION COUNCIL (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 B.T. Pullen moved, That the debate be now adjourned.

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

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

11 JUDICIAL REMUNERATION TRIBUNAL BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

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

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

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

12 STATUTE LAW REVISION BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

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

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

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

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

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

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

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

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

14 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 J. McLean moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and redrafted in order to specify the powers of the Regulator-General to —

- (a) obtain and distribute information regarding disconnections, security deposits, security of supply and service charges to individual members of the public; and
- (b) obtain and distribute information to the public on the cost and accuracy of Government advertising programs.”.

The President having ruled this amendment out of order —

The Honourable J. McLean moved, with the leave of the House — That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and redrafted in order to specify the powers of the Regulator-General to obtain and distribute information regarding disconnections, security deposits, security of supply and service charges to individual members of the public.”.

Debate ensued.

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

The Council divided.

AYES, 27

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

NOES, 12

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

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

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

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

The Council divided.

AYES, 27

The Hon. L. Asher
 G.B. Ashman (*Teller*)
 B.N. Atkinson
 W.R. Baxter
 M.A. Birrell
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
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 Graeme Stoney
 Haddon Storey
 C.A. Strong
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 Dr. R.J.H. Wells (*Teller*)
 Sue deC. Wilding

NOES, 12

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

And so it was resolved in the affirmative.

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

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

15 TRANSPORT (TOW TRUCK REFORM) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Transport Act 1983' and for other purposes*" and desiring the concurrence of the Council therein.

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

16 ROAD SAFETY (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Road Safety Act 1986' and for other purposes*" and desiring the concurrence of the Council therein.

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

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 11.18 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 27 — Wednesday, 22 March 1995

1 The President took the Chair and read the Prayer.

2 **PAPER — WASTE MANAGEMENT COUNCIL** — The Honourable M.A. Birrell moved, by leave, That there be laid before this House a copy of the Report of the Waste Management Council for the year ended 30 September 1994.

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.

3 **BUSINESS POSTPONED** —

Ordered — That the consideration of Notices of Motion, General Business, Nos. 1, 2, 3 and 5, be postponed until later this day.

Ordered — That the consideration of Notice of Motion, General Business, No. 4, be postponed until the next day of meeting.

4 **LOCAL GOVERNMENT ELECTIONS** — The Honourable P. Power moved, That this House acknowledges that —

- (a) the Government's decision to delay the completion of local government elections until 1997 is of major concern to fair-minded Victorians;
- (b) ratepayers and residents have the right, at the earliest possible time, to exercise their democratic vote in new municipalities; and
- (c) the Government is embarking on a cynical political exercise by acting to prevent the completion of local government elections before the State election without concern for the very poor public policy precedent it is setting.

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.

- 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 **LOCAL GOVERNMENT ELECTIONS** — The Order of the Day having been read for the resumption of the debate on the question, That this House acknowledges that —

- (a) the Government's decision to delay the completion of local government elections until 1997 is of major concern to fair-minded Victorians;
- (b) ratepayers and residents have the right, at the earliest possible time, to exercise their democratic vote in new municipalities; and
- (c) the Government is embarking on a cynical political exercise by acting to prevent the completion of local government elections before the State election without concern for the very poor public policy precedent it is setting.

Debate resumed.

Question — put.

The Council divided.

AYES, 13

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

NOES, 28

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

Graeme Stoney
 Haddon Storey
 C.A. Strong (*Teller*)
 Rosemary Varty
 Dr. R.J.H. Wells

And so it passed in the negative.

- 7 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 8 **STANDING ORDERS — STRANGERS** — The Honourable R.I. Knowles moved, That Standing Order No. 49 be amended as follows:
 Omit “shall” (where second occurring) and insert “may”.
 Debate ensued.
 Question — put and resolved in the affirmative.
- 9 **STANDING ORDERS — PRINTING COMMITTEE** — The Honourable R.I. Knowles moved, That Standing Order No. 304 be repealed.
 Debate ensued.
 Question — put and resolved in the affirmative.
- 10 **STANDING ORDERS — FEES FOR PRIVATE BILLS** — The Honourable R.I. Knowles moved, That Standing Orders Nos. 315 and 316 be repealed and that the following Standing Orders be adopted in lieu thereof:
 “Fees.
 315. Unless the Council expresses the view that fees should be waived, before any private Bill (other than a private Bill which has been ordered to be dealt with as a public Bill) is read a second time, a deposit of \$1000 shall be paid to the Department of the Legislative Council, and a receipt for that payment shall be produced by the Member having charge of the Bill.
Promoter to pay expenses.
 316. The promoters of any private Bill for which a deposit under Standing Order 315 has been paid shall be liable for the costs of —
 (a) its printing and circulation;
 (b) the publication of any statement pursuant to Standing Order 312;
 (c) any select committee appointed to examine its proposals; and
 (d) any other expenses involved in the passage of the Bill up to a maximum of \$5000 —
 and the sum of such amounts, less the deposit of \$1000, shall be paid to the Department of the Legislative Council.”
 Debate ensued.
 Question — put and resolved in the affirmative.
- 11 **TRANSPORT (TOW TRUCK REFORM) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
 The Honourable P. Power moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.

12 ROAD SAFETY (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

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

Debate resumed.

Question — put.

The Council divided.

AYES, 27

NOES, 12

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

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

And so it was resolved in the affirmative — Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

14 CORPORATIONS (VICTORIA) (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Corporations (Victoria) Act 1990’ and for other purposes*” and desiring the concurrence of the Council therein.

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

Accordingly, the Honourable Haddon Storey moved, That this Bill be now read a second time.

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

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

15 ADJOURNMENT — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 11 April 1995.

Debate ensued.

Question — put.

The Council divided.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney (*Teller*)
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells (*Teller*)
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella (*Teller*)
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was 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 7.04 p.m., adjourned until Tuesday, 11 April 1995.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 28

Wednesday, 12 April 1995

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and

- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

4 **THE HON. G.H. COX** — To move, That this House —

- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
- (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
- (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

5 **THE HON. T.C. THEOPHANOUS** — To move, That this House condemns the Minister for Roads and Ports for persisting with plans to sell the Port of Geelong when —

- (a) the prospective sale price of this Port is likely to be less than half of the value of its assets;
- (b) none of the users of dedicated berths who were approached by the Government expressed interest in acquiring the facilities;
- (c) the users expressed concern that private ownership could lead to monopoly pricing;
- (d) any private purchaser will have to pay Commonwealth tax and this will reduce the sale price; and
- (e) the Port is essentially debt free and has about \$40 million in reserves which could be used to deepen the Channel and to maintain competitive channel charges if control of these charges remains with the Port.

*6 **THE HON. D.R. WHITE** — To move, That the Minister for Roads and Ports no longer possesses the confidence of this House.

*7 **THE HON. B.T. PULLEN** — To move, That this House condemns the Minister for Conservation and Environment for his failure to take adequate measures to protect the environment and the natural heritage of Victoria.

Wednesday, 12 April 1995

ORDERS OF THE DAY

- 1 **ROAD TOLLS** — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.A. Nardella*).
- 2 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 **PORTS ACTS (AMENDMENT) BILL** — (*from Assembly* — *Hon. W.R. Baxter*) — Second reading.
- 2 **CORPORATIONS (VICTORIA) (AMENDMENT) BILL** — (*from Assembly* — *Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 3 **COASTAL MANAGEMENT BILL** — (*from Assembly* — *Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 4 **JUDICIAL REMUNERATION TRIBUNAL BILL** — (*from Assembly* — *Hon. Haddon Storey*) — To be committed.
- *5 **LAND (REVOCAION OF RESERVATIONS) BILL** — (*from Assembly* — *Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- *6 **DENTAL TECHNICIANS (AMENDMENT) BILL** — (*from Assembly* — *Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. C.J. Hogg*).

At 6.00 p.m.-

***JOINT SITTING IN THE LEGISLATIVE ASSEMBLY CHAMBER —**
Appointments to the Councils of La Trobe University, Victoria University of
Technology and University of Ballarat.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

Wednesday, 12 April 1995

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday — 2.30 p.m.
Wednesday — 10.00 a.m.
Thursday — 10.00 a.m.

Business to take precedence—

Tuesday — Government business.
Wednesday — General business (until 2.00 p.m.).
Thursday — Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

ADJOURNMENT OF BILLS [Effective until 30 June 1995]

By resolution of the Council on 8 March 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 June 1995, 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 1995: 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 5 June 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 29

Wednesday, 26 April 1995

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and

- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.
- 3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.
- 4 **THE HON. G.H. COX** — To move, That this House —
- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
 - (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
 - (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.
- 5 **THE HON. T.C. THEOPHANOUS** — To move, That this House condemns the Minister for Roads and Ports for persisting with plans to sell the Port of Geelong when —
- (a) the prospective sale price of this Port is likely to be less than half of the value of its assets;
 - (b) none of the users of dedicated berths who were approached by the Government expressed interest in acquiring the facilities;
 - (c) the users expressed concern that private ownership could lead to monopoly pricing;
 - (d) any private purchaser will have to pay Commonwealth tax and this will reduce the sale price; and
 - (e) the Port is essentially debt free and has about \$40 million in reserves which could be used to deepen the Channel and to maintain competitive channel charges if control of these charges remains with the Port.
- 6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Minister for Conservation and Environment for his failure to take adequate measures to protect the environment and the natural heritage of Victoria.

ORDERS OF THE DAY

- 1 **ROAD TOLLS** — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern

Wednesday, 26 April 1995

Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. D.A. Nardella).

- 2 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (Hon. D.R. White) — *Resumption of debate.* (Hon. M.A. Birrell).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 **CORPORATIONS (VICTORIA) (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 2 **JUDICIAL REMUNERATION TRIBUNAL BILL** — (from Assembly — Hon. Haddon Storey) — To be committed.
- 3 **DENTAL TECHNICIANS (AMENDMENT) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 4 **LAND (REVOCAION OF RESERVATIONS) BILL** — (from Assembly — Hon. M.A. Birrell) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 5 **PORTS ACTS (AMENDMENT) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. P. Power).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Wednesday, 26 April 1995

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

ADJOURNMENT OF BILLS [Effective until 30 June 1995]

By resolution of the Council on 8 March 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 June 1995, 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 1995: 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 5 June 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 28 and 29

No. 28 — Tuesday, 11 April 1995

- 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 March 1995, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - Office of the Regulator-General (Amendment) Act*
 - Public Sector Management (Amendment) Act.*
- 3 **PORTS ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Port of Melbourne Authority Act 1958’, the ‘Port of Geelong Authority Act 1958’, the ‘Port of Portland Authority Act 1958’, the ‘Crown Land (Reserves) Act 1978’ and the ‘Marine Act 1988’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable M.A. Birrell (for the Honourable W.R. Baxter), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **DENTAL TECHNICIANS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Dental Technicians Act 1972’ 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.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 **LAND (REVOCAION OF RESERVATIONS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to remove several reservations over 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 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

7 **PETITION — EQUAL OPPORTUNITY ACT** — The Honourable R.H. Bowden presented a Petition bearing 121 signatures from certain citizens of Victoria praying that the Council not permit amendments of the *Equal Opportunity Act 1984* to grant homosexuals privileged legal status and protection under that Act. Ordered to lie on the Table.

8 **PAPERS —**

DARATECH — The Honourable Haddon Storey (for the Honourable W.R. Baxter) moved, by leave, That there be laid before this House a copy of the Report of Daratech Pty. Ltd. for the year 1993-94.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable Haddon Storey and ordered to lie on the Table.

* * * * *

HEALTH SERVICES COMMISSIONER — The Honourable Haddon Storey (for 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 period 1 January 1993 to 30 June 1994 (incorporating the Report of the Health Services Review Council).

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable Haddon Storey and ordered to lie on the Table.

* * * * *

COMMUNITY DEVELOPMENT COMMITTEE — EARLY CHILDHOOD SERVICES — The Honourable L. Kokocinski presented a Report from the Community Development Committee upon the Needs of Families for Early Childhood Services in Health, Welfare and Education, together with Appendices, a Minority Report, Extracts from the Proceedings of the Committee and Minutes of Evidence.

Ordered to lie on the Table and the Report, Appendices, Minority Report and Extracts from the Proceedings of the Committee to be printed.

* * * * *

ROAD SAFETY COMMITTEE — SPEED LIMITS — The Honourable Graeme Stoney presented a Report from the Road Safety Committee upon the Revision of Speed Limits in Victoria, together with Appendices and Minutes of Evidence. Ordered to lie on the Table and the Report and Appendices to be printed.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 3 of 1995 from the Scrutiny of Acts and Regulations Committee, together with an Appendix, Submission and the response to that submission.

Ordered to lie on the Table and the Report and Appendix to be printed.

* * * * *

PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Interpretation of Legislation Act 1984 — Notice pursuant to section 32 (3)(a) in relation to the Drugs, Poisons and Controlled Substances (Carcinogenic Substances) (Amendment) Regulations 1994 (S.R. No. 218/1994).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

- Alexandra Planning Scheme — Amendment L33.
- Bacchus Marsh Planning Scheme — Amendment L43 Part 1.
- Berwick Planning Scheme — Amendment L73.
- Box Hill Planning Scheme — Amendment L27.
- Cranbourne Planning Scheme — Amendments L106, L110 and L117.
- Doncaster and Templestowe Planning Scheme — Amendment L73 Part 1.
- Hawthorn Planning Scheme — Amendment L31.
- Knox Planning Scheme — Amendments L82 and L85.
- Kyabram Planning Scheme — Amendment L16 Part 1.
- Melbourne Planning Scheme — Amendment L128 Part 2.
- Mildura Planning Scheme — Amendment L47.
- Moorabbin Planning Scheme — Amendment L48.
- Pakenham Planning Scheme — Amendment L94.
- Phillip Island Planning Scheme — Amendment L62.
- Port Melbourne Planning Scheme — Amendments L16, L20 and L24.
- Prahran Planning Scheme — Amendment L59.
- Ringwood Planning Scheme — Amendment L28 Part 2.
- Romsey Planning Scheme — Amendments L36 and L37.
- South Melbourne Planning Scheme — Amendments L97 and RL165.
- St Kilda Planning Scheme — Amendment RL165.
- Sunshine Planning Scheme — Amendment L82.
- Warracknabeal Planning Scheme — Amendment L7.
- Werribee Planning Scheme — Amendment L66.
- Wonthaggi Planning Scheme — Amendment L15.

Statutory Rules under the following Acts of Parliament:

- Children and Young Persons Act 1989 — No. 32.
- Criminal Injuries Compensation Act 1983 — No. 33.
- Dangerous Goods Act 1985 — Nos. 34 to 36.
- Fisheries Act 1968 — No. 37.
- Historic Buildings Act 1981 — No. 31.
- Subordinate Legislation Act 1994 — No. 30.

Subordinate Legislation Act 1994 —

- Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 30, 34, 35 and 36/1995.
- Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 37/1995.

Wildlife Act 1975 — Wildlife (Hunting of Game Ducks Prohibition) Notice 1995.

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 6 September 1994:

- Children and Young Persons (Amendment) Act 1992 — Sections 20 (7) and (8) and 21—2 April 1995 (*Gazette No. G12, 30 March 1995*).
- Financial Agreement Act 1994 — Sections 3 to 5 — 23 March 1995 (*Gazette No. G11, 23 March 1995*).
- Fire Authorities (Miscellaneous Amendments) Act 1995 — Sections 4 and 16 — 23 March 1995 (*Gazette No. G11, 23 March 1995*).
- Fisheries (Amendment) Act 1994 — Remaining provisions — 30 March 1995 (*Gazette No. G12, 30 March 1995*).

- 9 **COURTS (GENERAL AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 **JUDICIAL REMUNERATION TRIBUNAL BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 24

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 R.A. Best
 M.A. Birrell
 B.W. Bishop (*Teller*)
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest (*Teller*)
 P.R. Hall
 W.A.N. Hartigan
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 10

The Hon. D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous

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.

- 11 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 and 4, be postponed until later this day.

12 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 NATIONAL ENVIRONMENT PROTECTION COUNCIL (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.

14 JOINT SITTING — LA TROBE UNIVERSITY COUNCIL, VICTORIA UNIVERSITY OF TECHNOLOGY COUNCIL AND UNIVERSITY OF BALLARAT COUNCIL — The Acting President announced the receipt of —

- (a) letters from the Minister for Tertiary Education and Training dated 14 and 24 March 1995, respectively, requesting that arrangements be made for a Joint Sitting of the Council and the Assembly for the purpose of making the following appointments:

Three Members to the La Trobe University Council following the expiry of the terms of the Honourables Ronald Alexander Best, M.L.C., and Theo Theophanous, M.L.C., on 18 December 1994, and the Honourable Dr. Ronald James Herbert Wells, M.L.C., on 7 May 1995.

Three Members to the Victoria University of Technology Council following the expiry of the terms of Mr. George Ian Davis, M.P., the Honourable David Mylor Evans, M.L.C., and the Honourable Licia Kokocinski, M.L.C., on 31 December 1994.

One Member to replace Mr. Bruce Allan Mildenhall, M.P., on the University of Ballarat Council; and

- (b) a Message from the Assembly acquainting the Council that they had agreed to meet the Council for that purpose and proposing that the place and time of the Joint Sitting be the Assembly Chamber on Wednesday, 12 April 1995 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 M.A. Birrell 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 La Trobe University, Victoria University of Technology and University of Ballarat and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Wednesday, 12 April 1995 at 6.00 p.m.

Question — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them therewith.

15 LAND (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 M.A. Birrell made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

16 DENTAL TECHNICIANS (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter (for the Honourable 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.

17 TRANSPORT (TOW TRUCK 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 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 public consultative process is in place to consider — (i) criteria designating controlled areas; (ii) guidelines for defining future needs for the allocation of additional licences; and (iii) details of the demerit point system;
- (b) specific guarantees enabling the one or two licensed two-truck operators to stay in business are made; and
- (c) an audit system to monitor industry performance is in place.”

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall

NOES, 11

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives (*Teller*)
 L. Kokocinski
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous

W.A.N. Hartigan (*Teller*)
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 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 committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

18 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.

19 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 10.30 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 29 — Wednesday, 12 April 1995

1 The President took the Chair and read the Prayer.

2 **PETITION — EAST GIPPSLAND FORESTS** — The Honourable G.P. Connard presented a Petition bearing 80 signatures from certain citizens of Victoria praying for the establishment of wise management of large national parks and wildlife reserves for East Gippsland predominantly for conservation.

Ordered to lie on the Table.

3 PAPERS —

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE —

AUDITOR-GENERAL PERFORMANCE AUDIT — The Honourable P.R. Hall presented a Report from the Public Accounts and Estimates Committee upon the appointment of an Auditor to conduct a performance audit of the Auditor-General, together with Appendices.

Ordered to lie on the Table and to be printed.

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AUDITOR-GENERAL'S OFFICE FINANCIAL AUDIT — The Honourable P.R. Hall 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 an Act of Parliament, were laid upon the Table by the Clerk:

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Buninyong Planning Scheme — Amendment L40 Part B.

Geelong — Greater Geelong Planning Scheme — Amendments R109, R111 and RL108.

Lowan Planning Scheme — Amendment L13.

Narracan Planning Scheme — Amendment L42.

Wangaratta City Planning Scheme — Amendment L21.

4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 5 inclusive, be postponed until later this day.

5 **WANT OF CONFIDENCE IN MINISTER** — The Honourable D.R. White moved, That the Minister for Roads and Ports no longer possesses the confidence of this House, which motion was seconded by the Honourable D.A. Nardella.

Debate ensued.

Question — put.

The Council divided.

AYES, 12

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives
J. McLean (*Teller*)
B.W. Mier
D.A. Nardella
P. Power (*Teller*)
B.T. Pullen
T.C. Theophanous
D.R. White

NOES, 27

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson (*Teller*)
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard (*Teller*)
G.H. Cox
P.R. Davis
R.S. de Fegely
D.M. Evans

W. Forwood
 J.V.C. Guest
 P.R. Hall
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.
- 7 **COASTAL MANAGEMENT BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable B.T. Pullen moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until the government —

- (a) makes a commitment to ecologically sustainable development;
- (b) properly resources research and monitoring pollution in our bays;
- (c) abandons its plans to privatise Melbourne’s and the State’s water utilities that impinge directly on the proper management of sewerage and drainage runoff; and
- (d) improves and strengthens environmental assessment processes that directly impact on coastal environment in Victoria.”

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 **COASTAL MANAGEMENT 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, 25

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best (*Teller*)
 M.A. Birrell
 B.W. Bishop

NOES, 11

The Hon. B.E. Davidson (*Teller*)
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean

R.H. Bowden	B.W. Mier
A.R. Brideson	D.A. Nardella (<i>Teller</i>)
G.P. Connard	P. Power
G.H. Cox	B.T. Pullen
P.R. Davis	
R.S. de Fegely	
W. Forwood	
J.V.C. Guest	
P.R. Hall	
W.A.N. Hartigan	
R.I. Knowles	
B.A.E. Skeggs	
K.M. Smith	
Graeme Stoney	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC. Wilding (<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 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.

10 JOINT SITTING — The 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 La Trobe University, Victoria University of Technology and the University of Ballarat.

Accordingly, the Council then proceeded to the Assembly Chamber, and having returned—

The President reported that at the Joint Sitting, -

The Honourable Ronald Alexander Best, M.L.C.; and

The Honourable Theo Charles Theophanous, M.L.C.

were chosen to be recommended for appointment as members of the Council of the La Trobe University for a further 4 year term; and

The Honourable Dr. Ronald James Herbert Wells, M.L.C.,

was chosen to be recommended for appointment as a member of the Council of the La Trobe University for a further 4 year term commencing on 8 May 1995; and

Mr. George Ian Davis, M.P.;

The Honourable David Mylor Evans, M.L.C.; and

The Honourable Licia Kokocinski, M.L.C.,

were chosen to be recommended for appointment as members of the Council of Victoria University of Technology for a further 3 year term; and

Mr. Stephen Phillip Bracks, M.P.,

was chosen to be recommended for appointment as a member of the Council of the University of Ballarat in place of Mr. Bruce Allan Mildenhall, M.P., for the term expiring on 26 April 1997.

11 PORTS ACTS (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

12 ADJOURNMENT — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Wednesday, 26 April 1995.

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 6.40 p.m., adjourned until Wednesday, 26 April 1995.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 30

Tuesday, 2 May 1995

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 PORTS ACTS (AMENDMENT) BILL — *(from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. P. Power).*
- *2 PLANNING AND ENVIRONMENT (AMENDMENT) BILL — *(from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- *3 ASSOCIATIONS INCORPORATION (AMENDMENT) BILL — *(from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- *4 LATROBE REGIONAL COMMISSION (REPEAL) BILL — *(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 THE HON. D.R. WHITE — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;

- (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
- (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
- (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
- (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

3 THE HON. C.J. HOGG — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

4 THE HON. G.H. COX — To move, That this House —

- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
- (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
- (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

5 THE HON. B.T. PULLEN — To move, That this House condemns the Minister for Conservation and Environment for his failure to take adequate measures to protect the environment and the natural heritage of Victoria.

ORDERS OF THE DAY

1 ROAD TOLLS — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government

to abandon all toll road proposals — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. D.A. Nardella).

- 2 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (Hon. D.R. White) — *Resumption of debate.* (Hon. M.A. Birrell).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Graige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Tuesday, 2 May 1995

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday — 2.30 p.m.
 Wednesday — 10.00 a.m.
 Thursday — 10.00 a.m.

Business to take precedence—

Tuesday — Government business.
 Wednesday — General business (until 2.00 p.m.).
 Thursday — Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

ADJOURNMENT OF BILLS [Effective until 30 June 1995]

By resolution of the Council on 8 March 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 June 1995, 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 1995: 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 5 June 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS No. 30

No. 30 — Wednesday, 26 April 1995

- 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 19 April 1995 —
Road Safety (Amendment) Act.
 - On 26 April 1995 —
Coastal Management Act
Courts (General Amendment) Act
National Environment Protection Council (Victoria) Act
Statute Law Revision Act.
- 3 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Planning and Environment Act 1987’ 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 **ASSOCIATIONS INCORPORATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to make minor amendments to the ‘Associations Incorporation Act 1981’*” and desiring the concurrence of the Council therein.
On the motion of the Honourable R.I. Knowles (for the Honourable Haddon Storey), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **LATROBE REGIONAL COMMISSION (REPEAL) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to provide for the winding up of the Latrobe Regional Commission, to repeal the ‘Latrobe Regional Commission 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.

6 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST— The Honourable B.A.E. Skeggs presented Alert Digest No. 4 of 1995 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:

Chiropodists Registration Board — Report, 1994.

Cohuna Shire (Water and Wastewater Components) —

Minister's report of 18 April 1995 of failure of body to submit annual report to him within the prescribed period and the reasons therefor.

Report, year ended 30 September 1994.

Electoral Commissioner — Statements of functions conferred, 28 March 1995 (two papers).

First Mildura Irrigation Trust —

Minister's report of 18 April 1995 of failure of body to submit 1993-94 annual report to him within the prescribed period and the reasons therefor.

Report, 1993-94.

Macedon Region Water Authority —

Minister's report of 18 April 1995 of failure of body to submit 1993-94 annual report to him within the prescribed period and the reasons therefor.

Report, 1993-94.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Berwick Planning Scheme — Amendment L77.

Bright Planning Scheme — Amendment L42.

Creswick Planning Scheme — Amendment L3.

Fitzroy Planning Scheme — Amendment L46.

Healesville Planning Scheme — Amendment L53.

Lillydale Planning Scheme — Amendment L145.

Melbourne Planning Scheme — Amendment L175.

Phillip Island Planning Scheme — Amendments L55 and L63.

South Melbourne Planning Scheme — Amendment L98.

Werribee Planning Scheme — Amendment L74.

Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Husbandry of Captive Emus (Victoria).

Statutory Rules under the following Acts of Parliament:

Forests Act 1958 — No. 39.

Magistrates' Court Act 1989 — No. 44.

Mental Health Act 1986 — No. 42.

Road Safety Act 1986 — Nos. 40 and 43.

Supreme Court Act 1986 — No. 41.

Trustee Companies Act 1984 — No. 38.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(1)(b) in respect of Statutory Rules Nos. 41, 42 and 44/1995.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 38, 40 and 43/1995.

Transport Act 1983 — Minister's Order of 3 April 1995 transferring land from the Public Transport Corporation to the Roads Corporation.

Wodonga Rural City (Water and Wastewater Components) — Report, year ended 30 September 1994.

7 BUSINESS POSTPONED —

Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.

Ordered — That the consideration of Notice of Motion, General Business, No. 4, be postponed until the next day of meeting.

8 PORT OF GEELONG — The Honourable T.C. Theophanous moved, That this House condemns the Minister for Roads and Ports for persisting with plans to sell the Port of Geelong when —

- (a) the prospective sale price of this Port is likely to be less than half of the value of its assets;
- (b) none of the users of dedicated berths who were approached by the Government expressed interest in acquiring the facilities;
- (c) the users expressed concern that private ownership could lead to monopoly pricing;
- (d) any private purchaser will have to pay Commonwealth tax and this will reduce the sale price; and
- (e) the Port is essentially debt free and has about \$40 million in reserves which could be used to deepen the channel and to maintain competitive channel charges if control of these charges remains with the Port.

Debate ensued.

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 later this day.

9 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.

10 PORT OF GEELONG — The Order of the Day having been read for the resumption of the debate on the question, That this House condemns the Minister for Roads and Ports for persisting with plans to sell the Port of Geelong when —

- (a) the prospective sale price of this Port is likely to be less than half of the value of its assets;
- (b) none of the users of dedicated berths who were approached by the Government expressed interest in acquiring the facilities;
- (c) the users expressed concern that private ownership could lead to monopoly pricing;

- (d) any private purchaser will have to pay Commonwealth tax and this will reduce the sale price; and
- (e) the Port is essentially debt free and has about \$40 million in reserves which could be used to deepen the channel and to maintain competitive channel charges if control of these charges remains with the Port.

Debate resumed.

Question — put.

The Council divided.

AYES, 11

The Hon. B.E. Davidson
 M.M. Gould (*Teller*)
 D.E. Henshaw (*Teller*)
 R.S. Ives
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.R. White

NOES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson (*Teller*)
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden (*Teller*)
 A.R. Brideson
 G.H. Cox
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

- 11 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 12 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.
- 13 **DENTAL TECHNICIANS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative — Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the

House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

14 TRANSPORT (TOW TRUCK REFORM) 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.

15 JUDICIAL REMUNERATION 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 D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

16 CORPORATIONS (VICTORIA) (AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

17 PLANNING AND ENVIRONMENT (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

18 ASSOCIATIONS INCORPORATION (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

19 LATROBE REGIONAL COMMISSION (REPEAL) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

20 **LAND (REVOCAION OF RESERVATIONS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative — Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

21 **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 5.47 p.m., adjourned until Tuesday next.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 31

Wednesday, 3 May 1995

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and

- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.
- 3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.
- 4 **THE HON. G.H. COX** — To move, That this House —
- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
 - (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
 - (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.
- 5 **THE HON. B.T. PULLEN** — To move, That this House condemns the Minister for Conservation and Environment for his failure to take adequate measures to protect the environment and the natural heritage of Victoria.
- *6 **THE HON. T.C. THEOPHANOUS** — To move, That this House condemns the Government for its treatment of injured workers seeking compensation under the WorkCover scheme and, in particular —
- (a) the inadequate conciliation and conferencing processes, unrealistic offers and poor claims management which is resulting in unnecessary litigation and court delays; and
 - (b) the decision to sack the Accident Compensation Tribunal Judges rather than transfer them to the County Court which has led to an incapacity of the County Court to deal with the large number of WorkCover cases.

ORDERS OF THE DAY

- 1 **ROAD TOLLS** — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government

to abandon all toll road proposals — (Hon. T.C. Theophanous) — Resumption of debate. (Hon. D.A. Nardella).

- 2 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (Hon. D.R. White) — Resumption of debate. (Hon. M.A. Birrell).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 **TREASURY CORPORATION OF VICTORIA (AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading.
- 2 **PORTS ACTS (AMENDMENT) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. P. Power).
- 3 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *4 **AUSTRALIAN FOOD INDUSTRY SCIENCE CENTRE BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. P. Power).
- *5 **FINANCIAL INSTITUTIONS (VICTORIA) (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — Resumption of debate. (Hon. B.T. Pullen).
- *6 **FOOD (AMENDMENT) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- *7 **HEALTH ACTS (AMENDMENT) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- *8 **POSSIBLE BREACH OF THE STANDING ORDERS — PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE'S REPORT** — To be considered.

At 6.00 p.m.—

***JOINT SITTING IN THE LEGISLATIVE ASSEMBLY CHAMBER** — Vacancy in the Senate.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

ADJOURNMENT OF BILLS [Effective until 30 June 1995]

By resolution of the Council on 8 March 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 June 1995, 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 1995: 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 5 June 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 32

Tuesday, 9 May 1995

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 MILDURA COLLEGE LANDS (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- *2 PLANT HEALTH AND PLANT PRODUCTS BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- 3 AUSTRALIAN FOOD INDUSTRY SCIENCE CENTRE BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (Hon. P. Power).
- 4 FINANCIAL INSTITUTIONS (VICTORIA) (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 5 FOOD (AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 6 HEALTH ACTS (AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 7 TREASURY CORPORATION OF VICTORIA (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- 8 PLANNING AND ENVIRONMENT (AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- *9 AUTUMN ECONOMIC STATEMENT AND TREASURER'S SPEECH, MAY 1995 — To be considered.
- 10 POSSIBLE BREACH OF THE STANDING ORDERS — PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE'S REPORT — To be considered.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
 - (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.
- 3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.
- 4 **THE HON. G.H. COX** — To move, That this House —
 - (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
 - (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the

Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and

- (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

- 5 **THE HON. B.T. PULLEN** — To move, That this House condemns the Minister for Conservation and Environment for his failure to take adequate measures to protect the environment and the natural heritage of Victoria.

ORDERS OF THE DAY

- 1 **ROAD TOLLS** — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (*Hon. T.C. Theophanous*) — *Resumption of debate. (Hon. D.A. Nardella).*
- 2 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate. (Hon. M.A. Birrell).*

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

ADJOURNMENT OF BILLS [Effective until 30 June 1995]

By resolution of the Council on 8 March 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 June 1995, 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 1995: 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 5 June 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 31 and 32

No. 31 — Tuesday, 2 May 1995

- 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:
 - Corporations (Victoria) (Amendment) Act*
 - Land (Revocation of Reservations) Act.*
- 3 **AUSTRALIAN FOOD INDUSTRY SCIENCE CENTRE BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to establish the Australian Food Industry Science Centre and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **FINANCIAL INSTITUTIONS (VICTORIA) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Financial Institutions (Victoria) Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **FOOD (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Food Act 1984' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **HEALTH ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Ambulance Services Act 1986', 'Health Act 1958' and the 'Cemeteries 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 **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 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.

Question — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them accordingly.

- 8 **AUDITOR-GENERAL 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. Alan Talbot to conduct the performance audit of the Auditor-General, 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. Alan Talbot of Price Waterhouse be appointed to conduct the performance audit of the Auditor-General in accordance with the directions, terms and conditions 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 Performance Audit of the Auditor-General.

Question — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them accordingly.

- 9 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 10 **PETITION — ST. GEORGES ROAD, FITZROY** — The Honourable B.T. Pullen presented a Petition bearing 957 signatures from certain citizens of Victoria praying that action be taken to remedy the condition of St. Georges Road, Fitzroy.

Ordered to lie on the Table.

- 11 **PAPERS** —

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE —

ACTIVITIES 1994 — The Honourable P.R. Hall presented a Report from the Public Accounts and Estimates Committee upon the Committee's activities during 1994, together with Appendices.

Ordered to lie on the Table and to be printed.

* * * * *

POSSIBLE BREACH OF THE STANDING ORDERS — The Honourable P.R. Hall presented a Special Report from the Public Accounts and Estimates Committee upon an Investigation into a Possible Breach of the Standing Orders, together with Appendices and Extracts from the Proceedings of the Committee.

Ordered to lie on the Table and to be printed.

The Honourable R.I. Knowles 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:

Exhibition Trustees — Report, 1994.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Avoca Planning Scheme — Amendment L15.

Benalla (Shire) Planning Scheme — Amendment L19.

Bendigo — Greater Bendigo Planning Scheme — Amendment L13.

Bulla Planning Scheme — Amendment L105.

Doncaster and Templestowe Planning Scheme — Amendment L53.

Geelong — Greater Geelong Planning Scheme — Amendments RL71 and RL106.

Heidelberg Planning Scheme — Amendments L64 and L72.

Kilmore Planning Scheme — Amendment L79.

Moorabbin Planning Scheme — Amendment L33.

Moreland Planning Scheme — Amendment L5.

Northcote Planning Scheme — Amendment L35.

Rodney Planning Scheme — Amendment L78.

Romsey Planning Scheme — Amendments L40 and L43.

Surf Coast Planning Scheme — Amendment R24.

Whittlesea Planning Scheme — Amendment L81 Part 2.

Yea Planning Scheme — Amendment L7.

Statutory Rules under the following Acts of Parliament:

Business Names Act 1962 — No. 45.

Public Sector Management Act 1992 — No. 46.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 46/1995.

* * * * *

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 6 September 1994:

Administration and Probate (Amendment) Act 1994 — Sections 3, 4 and 7 to 15 — 27 April 1995 (*Gazette No. G16, 27 April 1995*).

Courts (General Amendment) Act 1995 — Parts 3 and 4 (except section 12) — 27 April 1995 (*Gazette No. G16, 27 April 1995*).

12 AUSTRALIAN FOOD INDUSTRY SCIENCE CENTRE BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable W.R. Baxter made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 13 FOOD (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey (for the Honourable R.I. Knowles) moved, That this Bill be now read a second time.
The Honourable C.J. Hogg moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 14 HEALTH 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 C.J. Hogg moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 15 FINANCIAL INSTITUTIONS (VICTORIA) (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
The Honourable B.T. Pullen moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 16 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.
- 17 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.
- 18 LATROBE REGIONAL COMMISSION (REPEAL) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —
Debate resumed.
The Honourable B.T. Pullen moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and, subsequent to the government appointed commissioners being replaced by elected councillors in the new municipalities of Latrobe, Wellington, South Gippsland and Baw Baw, re-drafted taking into consideration the views of the elected municipal representatives.”
Debate ensued.
Question — That the words proposed to be omitted stand part of the question — put.
The Council divided.

AYES, 26

The Hon. G.B. Ashman
B.N. Atkinson
W.R. Baxter

NOES, 11

The Hon. M.M. Gould
D.E. Henshaw
C.J. Hogg

R.A. Best	R.S. Ives
M.A. Birrell	J. McLean (<i>Teller</i>)
B.W. Bishop	B.W. Mier
R.H. Bowden	D.A. Nardella
A.R. Brideson (<i>Teller</i>)	P. Power (<i>Teller</i>)
G.H. Cox (<i>Teller</i>)	B.T. Pullen
G.R. Craige	T.C. Theophanous
P.R. Davis	D.R. White
R.S. de Fegely	
D.M. Evans	
W. Forwood	
J.V.C. Guest	
P.R. Hall	
R.M. Hallam	
R.I. Knowles	
B.A.E. Skeggs	
K.M. Smith	
Graeme Stoney	
Haddon Storey	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC. Wilding	

And so it was resolved in the affirmative — Amendment 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.

19 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 death of Senator Alice Olive Zakharov; 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 Wednesday, 3 May 1995 at 6.00 p.m., and desiring the concurrence of the Council.

Ordered — That the Assembly's Message be taken into consideration forthwith.

The Honourable R.I. Knowles moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the death of Senator Alice Olive Zakharov and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Wednesday, 3 May 1995 at 6.00 p.m.

Question — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them accordingly.

20 TREASURY CORPORATION OF VICTORIA (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Treasury Corporation of Victoria Act 1992’ and repeal the ‘Victorian Debt Retirement Fund Act 1990’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

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 6.40 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 32 — Wednesday, 3 May 1995

1 The President took the Chair and read the Prayer.

2 MILDURA COLLEGE LANDS (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Mildura College Lands Act 1916’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

3 PETITION — PRIVATIZATION — The Honourable D.R. White presented a Petition bearing 68 signatures from certain citizens of Victoria praying that the Government immediately abandon its privatization campaign and ensure that electricity, water and gas services stay in Victorian hands.

Ordered to lie on the Table.

4 PAPERS —

AUTUMN ECONOMIC STATEMENT — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Autumn Economic Statement, May 1995, presented by the Honourable Alan Stockdale, MP, Treasurer of Victoria, to the Legislative Assembly on 2 May 1995, and the Treasurer’s Speech thereon.

Question — put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table.

The Honourable R.M. Hallam moved, That the papers tabled pursuant to the foregoing Order be taken into consideration on the next day of meeting.

Question — put and resolved in the affirmative.

PAPER PURSUANT TO STATUTE — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Loddon-Campaspe Regional Planning Authority — Report, year ended 30 September 1994.

- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 5 inclusive, be postponed until later this day.
- 6 **WORKCOVER** — The Honourable T.C. Theophanous moved, That this House condemns the Government for its treatment of injured workers seeking compensation under the WorkCover scheme and, in particular —
- (a) the inadequate conciliation and conferencing processes, unrealistic offers and poor claims management which is resulting in unnecessary litigation and court delays; and
 - (b) the decision to sack the Accident Compensation Tribunal Judges rather than transfer them to the County Court which has led to an incapacity of the County Court to deal with the large number of WorkCover cases.

Debate ensued.

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 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 **WORKCOVER** — The Order of the Day having been read for the resumption of the debate on the question, That this House condemns the Government for its treatment of injured workers seeking compensation under the WorkCover scheme and, in particular —
- (a) the inadequate conciliation and conferencing processes, unrealistic offers and poor claims management which is resulting in unnecessary litigation and court delays; and
 - (b) the decision to sack the Accident Compensation Tribunal Judges rather than transfer them to the County Court which has led to an incapacity of the County Court to deal with the large number of WorkCover cases.

Debate resumed.

Question — put.

The Council divided.

AYES, 11

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 L. Kokocinski (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power

NOES, 26

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best (*Teller*)
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson

B.T. Pullen
T.C. Theophanous
D.R. White

G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood (*Teller*)
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
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 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.
- 11 **PORTS 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, 26

The Hon. G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
P.R. Hall
R.M. Hallam
W.A.N. Hartigan

NOES, 11

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives (*Teller*)
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen (*Teller*)

R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith (*Teller*)
 Graeme Stoney
 Haddon Storey
 C.A. Strong (*Teller*)
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it was resolved in the affirmative — Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

12 PLANT HEALTH AND PLANT PRODUCTS BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to provide for plant pest and disease control and plant product description, to amend the ‘Agricultural Industry Development Act 1990’ to provide for industry funded control measures and compensation schemes, to repeal the ‘Fruit and Vegetables Act 1958’, the ‘Seeds Act 1982’ and the ‘Vegetation and Vine Diseases Act 1958’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

13 TREASURY CORPORATION OF VICTORIA (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter (for the Honourable 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.

14 ADJOURNMENT — The Honourable W.R. Baxter moved, That the Council, at its rising, adjourn until Tuesday next.

Question — put and resolved in the affirmative.

The Honourable W.R. Baxter moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.00 p.m., adjourned until Tuesday next.

A.V. BRAY
 Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 33

Wednesday, 10 May 1995

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 THE HON. D.R. WHITE — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and

(g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

4 **THE HON. G.H. COX** — To move, That this House —

(a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;

(b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and

(c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

5 **THE HON. B.T. PULLEN** — To move, That this House condemns the Minister for Conservation and Environment for his failure to take adequate measures to protect the environment and the natural heritage of Victoria.

ORDERS OF THE DAY

1 **ROAD TOLLS** — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.A. Nardella*).

2 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 **STAMPS (AMENDMENT) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- 2 **FINANCIAL INSTITUTIONS (VICTORIA) (AMENDMENT) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 3 **TREASURY CORPORATION OF VICTORIA (AMENDMENT) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- 4 **AUTUMN ECONOMIC STATEMENT AND TREASURER'S SPEECH, MAY 1995** — To be considered.
- 5 **MILDURA COLLEGE LANDS (AMENDMENT) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 6 **PLANT HEALTH AND PLANT PRODUCTS BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (Hon. P. Power).
- *7 **CORONERS (AMENDMENT) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 8 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

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AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

ADJOURNMENT OF BILLS [Effective until 30 June 1995]

By resolution of the Council on 8 March 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 June 1995, 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 1995: 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 5 June 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 34

Tuesday, 23 May 1995

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 MILDURA COLLEGE LANDS (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 2 PLANT HEALTH AND PLANT PRODUCTS BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- 3 CORONERS (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 4 STAMPS (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 5 AUTUMN ECONOMIC STATEMENT AND TREASURER'S SPEECH, MAY 1995 — Motion to take note of statement and speech — (*Hon. R.M. Hallam*) — *Resumption of debate.* (*Hon. W. Forwood*).
- 6 PLANNING AND ENVIRONMENT (AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 THE HON. D.R. WHITE — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;

- (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
- (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
- (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
- (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
- (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

4 **THE HON. G.H. COX** — To move, That this House —

- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
- (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
- (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

ORDERS OF THE DAY

1 **ROAD TOLLS** — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government

Tuesday, 23 May 1995

to abandon all toll road proposals — (Hon. T.C. Theophanous) — Resumption of debate. (Hon. D.A. Nardella).

- 2 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (Hon. D.R. White) — Resumption of debate. (Hon. M.A. Birrell).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

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HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

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ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Tuesday, 23 May 1995

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

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No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

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ADJOURNMENT OF BILLS [Effective until 30 June 1995]

By resolution of the Council on 8 March 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 June 1995, 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 1995: 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 5 June 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 33 and 34

No. 33 — Tuesday, 9 May 1995

- 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:
 - Associations Incorporation (Amendment) Act*
 - Dental Technicians (Amendment) Act*
 - Latrobe Regional Commission (Repeal) Act*
 - Transport (Tow Truck Reform) Act.*
- 3 **CORONERS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Coroners Act 1985’ to provide for the Victorian Institute of Forensic Medicine and to make further provision for inquests into deaths and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **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:
 - Dental Technicians (Amendment) Bill
 - Judicial Remuneration Tribunal Bill.
- 5 **JOINT SITTING — SENATE VACANCY** — The President reported that the Council met with the Legislative Assembly on Wednesday, 3 May 1995 to choose a person to hold the place in the Senate rendered vacant by the death of Senator Alice Olive Zakharov, and that Ms. Jacinta Mary Ann Collins was chosen to hold the vacant place in the Senate.
- 6 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 7 **PAPERS** —
 - SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST**— The Honourable B.A.E. Skeggs presented Alert Digest No. 5 of 1995 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, 1994.

Parliamentary Committees Act 1968 — Minister's response to recommendations in Road Safety Committee's report upon the Demerit Points Scheme.

Prince Henry's Institute of Medical Research — Report, 1994.

Statutory Rules under the following Acts of Parliament:

Administrative Appeals Tribunal Act 1984 — No. 48.

County Court Act 1958 — No. 47.

Subordinate Legislation Act 1994 — No. 49.

Subordinate Legislation Act 1994 — Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 47 and 49/1995.

8 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 to 9 inclusive, be postponed until later this day.

9 **PRIVILEGE — POSSIBLE BREACH OF THE STANDING ORDERS** — The Order of the Day having been read for the consideration of the report of the Public Accounts and Estimates Committee upon a Possible Breach of the Standing Orders —

The Honourable R.I. Knowles moved, That the recommendations contained in the report of the Public Accounts and Estimates Committee's report upon a Possible Breach of the Standing Orders be referred to the Privileges Committee for inquiry and report.

Debate ensued.

The Honourable M.A. Birrell moved, That this question be not now put.

Question — put and resolved in the affirmative.

10 **MILDURA COLLEGE LANDS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

11 **PLANT HEALTH AND PLANT PRODUCTS BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

12 **CORONERS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

13 FOOD (AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

14 HEALTH 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, 27

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop (*Teller*)
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells (*Teller*)
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 L. Kokocinski (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third 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 JUDICIAL REMUNERATION TRIBUNAL BILL — The Deputy 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 clerical errors in this Bill and acquainting the Council that they have agreed that such errors be corrected —

By the insertion of the word “**Tribunal**” after the word “**Remuneration**” in —

- (a) Clause 17, page 8, line 21;
- (b) Clause 19, page 10, line 26;
- (c) Clause 21, page 13, line 9;
- (d) Clause 25, page 16, line 1; and
- (e) Clause 27, page 18, line 6 —

and desiring the concurrence of the Council therein.

Ordered — That the Message be now taken into consideration.

The Honourable Haddon Storey moved, That the Council concur with the Assembly in the correction of the clerical errors discovered in the Bill.

Question — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them accordingly.

16 PORTS ACTS (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.

17 STAMPS (AMENDMENT) BILL — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Stamps Act 1958’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter (for the Honourable R.M. Hallam), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

18 AUSTRALIAN FOOD INDUSTRY SCIENCE CENTRE BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative — Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time 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 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 10.14 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 34 — Wednesday, 10 May 1995

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — PRIVATIZATION** — The Honourable D.R. White presented a Petition bearing 66 signatures from certain citizens of Victoria praying that the Government immediately abandon its privatization campaign and ensure that electricity, water and gas services stay in Victorian hands.

Ordered to lie on the Table.

3 **PAPERS —**

NATIONAL ROAD TRANSPORT COMMISSION — The Honourable W.R. Baxter moved, by leave, That there be laid before this House a copy of the Report of the National Road Transport Commission for the year 1993-94.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable W.R. Baxter and ordered to lie on the Table.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — SUBORDINATE LEGISLATION — The Honourable B.A.E. Skeggs presented the Seventh Report from the Scrutiny of Acts and Regulations Committee on Subordinate Legislation concerning the Environment Protection (Scheduled Premises and Exemptions) Regulations 1994, 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:

Electoral Commissioner — Report on the Coburg District By-election, 14 May 1994.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Doncaster and Templestowe Planning Scheme — Amendment L74.

Flinders Planning Scheme — Amendment L131.

Horsham Planning Scheme— Horsham Amalgamation Amendment.

Pakenham Planning Scheme — Amendment L96.

Rodney Planning Scheme — Amendments L80 and L83.

Williamstown Planning Scheme — Amendment L35.

- 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 **ENVIRONMENT AND NATURAL HERITAGE PROTECTION** — The Honourable B.T. Pullen moved, That this House condemns the Minister for Conservation and Environment for his failure to take adequate measures to protect the environment and the natural heritage of Victoria.

Debate ensued.

Question — put.

The Council divided.

AYES, 13

The Hon. B.E. Davidson

NOES, 28

The Hon. G.B. Ashman

M.M. Gould (<i>Teller</i>)	B.N. Atkinson
C.J. Hogg	W.R. Baxter
R.S. Ives	R.A. Best
L. Kokocinski	M.A. Birrell
J. McLean	B.W. Bishop
B.W. Mier	R.H. Bowden
D.A. Nardella	A.R. Brideson
P. Power	G.P. Connard
B.T. Pullen (<i>Teller</i>)	G.H. Cox
T.C. Theophanous	G.R. Craige
D.T. Walpole	P.R. Davis
D.R. White	R.S. de Fegely
	D.M. Evans
	W. Forwood
	J.V.C. Guest
	P.R. Hall
	R.M. Hallam
	W.A.N. Hartigan (<i>Teller</i>)
	R.I. Knowles
	B.A.E. Skeggs
	K.M. Smith
	Graeme Stoney
	Haddon Storey
	C.A. Strong
	Rosemary Varty
	Dr. R.J.H. Wells (<i>Teller</i>)
	Sue deC. Wilding

And so it passed in the negative.

- 6 **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 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 Order of the Day, Government Business, No. 2, be postponed until later this day.

- 8 **TREASURY CORPORATION OF VICTORIA (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 and an answer was given to a question on notice pursuant to Standing Order No. 71A.

10 TREASURY CORPORATION OF VICTORIA (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 FINANCIAL INSTITUTIONS (VICTORIA) (AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

12 AUTUMN ECONOMIC STATEMENT — The Order of the Day having been read for the consideration of the Autumn Economic Statement and Treasurer's Speech, May 1995 —

The Honourable Haddon Storey (for the Honourable R.M. Hallam) moved, That the Council take note of the Autumn Economic Statement, May 1995, presented to the Legislative Assembly by the Honourable Alan Stockdale, M.P., Treasurer of Victoria, on 2 May 1995, and the Treasurer's Speech thereon.

Debate ensued.

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.

13 AUSTRALIAN FOOD INDUSTRY SCIENCE CENTRE 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.

14 ADJOURNMENT — The Honourable R.M. Hallam moved, That the Council, at its rising, adjourn until Tuesday, 23 May 1995.

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 5.54 p.m., adjourned until Tuesday, 23 May 1995.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 35

Wednesday, 24 May 1995

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and

- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.
- 3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.
- 4 **THE HON. G.H. COX** — To move, That this House —
- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
 - (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
 - (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.
- *5 **THE HON. D.R. WHITE** — To move, That this House condemns the Minister for Gaming for his failure to properly oversee the operations of the gaming industry in this State and, in particular —
- (a) the absence of any probity check by the Minister in relation to the activities of Mr. Bruce Mathieson in the pathology industry;
 - (b) the role of Mr. Bruce Mathieson in bringing the gaming industry into disrepute; and
 - (c) the absence of an effective marketing program to warn the people of Victoria of the dangers of excessive gambling.
- *6 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.

ORDERS OF THE DAY

- 1 **ROAD TOLLS** — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government

to abandon all toll road proposals — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. D.A. Nardella).

- 2 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (Hon. D.R. White) — *Resumption of debate.* (Hon. M.A. Birrell).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 **MELBOURNE AND OLYMPIC PARKS (AMENDMENT) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading.
- *2 **GAMING ACTS (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading.
- *3 **LEGAL AID COMMISSION (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading.
- 4 **PLANT HEALTH AND PLANT PRODUCTS BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. P. Power).
- *5 **FINANCIAL INSTITUTIONS DUTY (AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- *6 **GAS AND FUEL CORPORATION (REPEAL) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- *7 **APPROPRIATION (PARLIAMENT) (INTERIM 1995-96) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- 8 **AUTUMN ECONOMIC STATEMENT AND TREASURER'S SPEECH, MAY 1995** — Motion to take note of statement and speech — (Hon. R.M. Hallam) — *Resumption of debate.* (Hon. B.E. Davidson).
- *9 **LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. P. Power).
- *10 **RETAIL TENANCIES (AMENDMENT) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- *11 **ROYAL BOTANIC GARDENS AND VICTORIAN CONSERVATION TRUST (AMENDMENT) BILL** — (from Assembly — Hon. M.A. Birrell) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).

- *12 **FINANCIAL MANAGEMENT AND AUDIT ACTS (AMENDMENT) BILL** —
(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate.
(Hon. T.C. Theophanous).
- 13 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — *(from Assembly —*
Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Thephanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday — 2.30 p.m.
Wednesday — 10.00 a.m.
Thursday — 10.00 a.m.

Business to take precedence—

Tuesday — Government business.
Wednesday — General business (until 2.00 p.m.).
Thursday — Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

ADJOURNMENT OF BILLS [Effective until 30 June 1995]

By resolution of the Council on 8 March 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 June 1995, 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 1995: 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 5 June 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 36

Thursday, 25 May 1995

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 MELBOURNE AND OLYMPIC PARKS (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- *2 ELECTRICITY INDUSTRY (ELECTRICITY CORPORATIONS) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *3 PUBLIC PROSECUTIONS (AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- *4 PLANNING AND ENVIRONMENT (MISCELLANEOUS AMENDMENTS) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading.
- *5 PLANNING AND ENVIRONMENT (DEVELOPMENT CONTRIBUTIONS) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading.
- *6 CONSUMER CREDIT (VICTORIA) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- 7 PLANT HEALTH AND PLANT PRODUCTS BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate. (Hon. P. Power).*
- 8 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate. (Hon. P. Power).*
- 9 RETAIL TENANCIES (AMENDMENT) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- 10 ROYAL BOTANIC GARDENS AND VICTORIAN CONSERVATION TRUST (AMENDMENT) BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*

- 11 **AUTUMN ECONOMIC STATEMENT AND TREASURER'S SPEECH, MAY 1995** — Motion to take note of statement and speech — (*Hon. R.M. Hallam*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 12 **LEGAL AID COMMISSION (AMENDMENT) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 13 **GAMING ACTS (AMENDMENT) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. D.R. White*).
- 14 **FINANCIAL MANAGEMENT AND AUDIT ACTS (AMENDMENT) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 15 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
- (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
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 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and

Thursday, 25 May 1995

- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.
- 3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.
- 4 **THE HON. G.H. COX** — To move, That this House —
- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
 - (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
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- 5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.

ORDERS OF THE DAY

- 1 **ROAD TOLLS** — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.A. Nardella*).
- 2 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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* * * *

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ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

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SESSIONAL ORDERS

BUSINESS OF THE HOUSE

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* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

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LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 37

Tuesday, 30 May 1995

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 **CONSUMER CREDIT (VICTORIA) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- 2 **MELBOURNE AND OLYMPIC PARKS (AMENDMENT) BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. D.R. White*).
- 3 **LEGAL AID COMMISSION (AMENDMENT) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 4 **AUTUMN ECONOMIC STATEMENT AND TREASURER'S SPEECH, MAY 1995** — Motion to take note of statement and speech — (*Hon. R.M. Hallam*) — *Resumption of debate.* (*Hon. B.A.E. Skeggs*).
- 5 **GAMING ACTS (AMENDMENT) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. D.R. White*).
- 6 **ELECTRICITY INDUSTRY (ELECTRICITY CORPORATIONS) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 7 **PUBLIC PROSECUTIONS (AMENDMENT) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 08 **PLANNING AND ENVIRONMENT (MISCELLANEOUS AMENDMENTS) BILL** — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 09 **PLANNING AND ENVIRONMENT (DEVELOPMENT CONTRIBUTIONS) BILL** — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).

10 FINANCIAL MANAGEMENT AND AUDIT ACTS (AMENDMENT) BILL —
(from Assembly — Hon. R.M. Hallam) — Second reading — Resumption of debate.
(Hon. T.C. Theophanous).

11 PLANNING AND ENVIRONMENT (AMENDMENT) BILL —
(from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE —** To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 THE HON. D.R. WHITE —** To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
 - (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.
- 3 THE HON. C.J. HOGG —** To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

4 THE HON. G.H. COX — To move, That this House —

- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
- (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
- (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

5 THE HON. D.M. EVANS — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.**ORDERS OF THE DAY**

- 1 ROAD TOLLS** — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (*Hon. T.C. Theophanous*) — *Resumption of debate. (Hon. D.A. Nardella).*
- 2 PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate. (Hon. M.A. Birrell).*

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

ADJOURNMENT OF BILLS [Effective until 30 June 1995]

By resolution of the Council on 8 March 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 June 1995, 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 1995: 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 5 June 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 35, 36 and 37

No. 35 — Tuesday, 23 May 1995

- 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 16 May 1995, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - Australian Food Industry Science Centre Act*
 - Financial Institutions (Victoria) (Amendment) Act*
 - Food (Amendment) Act*
 - Health Acts (Amendment) Act*
 - Judicial Remuneration Tribunal Act*
 - Ports Acts (Amendment) Act*
 - Treasury Corporation of Victoria (Amendment) Act.*
- 3 **RETAIL TENANCIES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Retail Tenancies Act 1986' to establish a conciliation procedure, to extend the prohibition on key-money and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **FINANCIAL INSTITUTIONS DUTY (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Financial Institutions Duty Act 1982' and the 'Administrative Appeals Tribunal Act 1984' 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 (PARLIAMENT) (INTERIM 1995-96) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make interim appropriation of moneys out of the Consolidated Fund for recurrent services and for certain works and purposes for the Parliament for the period July to October 1995*" 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 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Local Government Act 1989’, the ‘Audit Act 1994’ and the ‘Local Government (Amendment) 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.

- 7 FINANCIAL MANAGEMENT AND AUDIT ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Financial Management Act 1994’, the ‘Audit 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, by leave, to be read a second time later this day.

- 8 GAS AND FUEL CORPORATION (REPEAL) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to provide for the winding up of the Gas and Fuel Corporation of Victoria, to repeal the ‘Gas and Fuel Corporation Act 1958’, to amend the ‘State Electricity Commission 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.

- 9 ROYAL BOTANIC GARDENS AND VICTORIAN CONSERVATION TRUST (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Royal Botanic Gardens Act 1991’, to amend the ‘Victorian Conservation Trust Act 1972’, to make various amendments to other Acts and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable 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 QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

11 PAPERS —

AUSTRALIAN BARLEY BOARD — The Honourable W.R. Baxter moved, by leave, That there be laid before this House a copy of the report of the Australian Barley Board for the year ended 31 October 1994.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable W.R. Baxter and ordered to lie on the Table.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST— The Honourable B.A.E. Skeggs presented Alert Digest No. 6 of 1995 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 *Handle with Care: Dangerous Goods Management*, May 1995.

Benalla Water Board —

Minister's report of 17 May 1995 of failure of Board to submit 1993-94 annual report to him within the prescribed period and the reasons therefor.

Report, year ended 30 September 1994.

Box Hill College of TAFE — Report, 1994 (two papers).

Broadmeadows College of TAFE — Report, 1994.

Casey College of TAFE — Report, 1994.

Central Gippsland College of TAFE — Report, 1994.

East Gippsland Community College of TAFE — Report, 1994.

Flora and Fauna Guarantee Act 1988 — Orders in Council of 2 May 1995 adding items to Schedule 2 — List of Taxa and Communities of Flora or Fauna which are threatened.

Frankston College of TAFE — Report, 1994.

Gordon Technical College — Report, 1994.

Goulburn Valley Community College — Report, 1994.

Holmesglen College of TAFE — Report, 1994.

John Batman College of TAFE — Report, 1994.

Loddon Campaspe College of TAFE — Report, 1994.

Marine Sciences Institute — Report, 1993.

Medical Board — Report, 1993-94 [incorporating the Hospitals Accreditation Committee Report].

Melbourne College of Printing and Graphic Arts — Report, 1994.

Melbourne College of Textiles — Report, 1994.

Moorabbin College of TAFE — Report, 1994.

Northern Metropolitan College of TAFE — Report, 1994.

Outer Eastern College of TAFE — Report, 1994.

Parliamentary Committees Act 1968 —

Minister's response to recommendations in Economic Development Committee's reports upon the Victorian Building and Construction Industry — Code of Tendering and Productivity.

Minister's response to recommendations in Environment and Natural Resources Committee's report upon the Environmental Impact of Commonwealth Activities and Places in Victoria.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Bacchus Marsh Planning Scheme — Amendment L46.

Berwick Planning Scheme — Amendment L80.

Buninyong Planning Scheme — Amendments L50 and L53.

Cranbourne Planning Scheme — Amendments L113, L141 and L145.

Dandenong Planning Scheme — Amendment L36.

Doncaster and Templestowe Planning Scheme — Amendment L80.

Essendon Planning Scheme — Amendment L56.

Flinders Planning Scheme — Amendments L122 and L133.

Footscray Planning Scheme — Amendment L43.

Planning and Environment Act 1987 — *(continued)*

- Geelong — Greater Geelong Planning Scheme — Amendment R75 Part 2.
 - Hastings Planning Scheme — Amendment L26.
 - Hawthorn Planning Scheme — Amendments L29 Part 1 and L32.
 - Kilmore Planning Scheme — Amendments L78 and L82.
 - Korumburra Planning Scheme — Amendment L44.
 - Maffra Planning Scheme — Amendment L27.
 - Malvern Planning Scheme — Amendments L34, L37 and L38.
 - Moorabbin Planning Scheme — Amendment L45.
 - Moreland Planning Scheme — Amendment L2.
 - Nunawading Planning Scheme — Amendment L80.
 - Oxley Planning Scheme — Amendment L9.
 - Phillip Island Planning Scheme — Amendment L51.
 - Port Melbourne Planning Scheme — Amendment L23.
 - Prahran Planning Scheme — Amendment L61.
 - Ringwood Planning Scheme — Amendment L32 Part 1.
 - Rosedale Planning Scheme — Amendment L45.
 - Sherbrooke Planning Scheme — Amendments L84 and L85.
 - South Melbourne Planning Scheme — Amendments L99 and L100.
 - Springvale Planning Scheme — Amendment L87.
 - Warrnambool Planning Scheme — Amalgamation Amendment.
 - Whittlesea Planning Scheme — Amendments L11 and L84 Part 1.
 - Yarrawonga Planning Scheme — Amendment L24.
- Rural Finance Act 1988 — Treasurer's directive of 10 May 1995 to Rural Finance Corporation.
- School of Mines and Industries Ballarat Limited — Report, 1994.
- South West College of TAFE — Report, 1994.
- Statutory Rules under the following Acts of Parliament:
- Alpine Resorts Act 1983 — No. 52.
 - Australian Grand Prix Act 1994 — No. 54.
 - Road Safety Act 1986 — No. 53.
 - Subordinate Legislation Act 1994 — No. 50.
 - Supreme Court Act 1986 — No. 51.
- Subordinate Legislation Act 1994 —
- Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 50/1995.
 - Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 52/1995.
- Sunraysia College of TAFE — Report, 1994.
- Wangaratta College of TAFE — Report, 1994.
- Western Metropolitan College of TAFE — Report, 1994.
- William Angliss College — Report, 1994.
- Wimmera Community College of TAFE — Report, 1994.
- Wodonga College of TAFE — Report, 1994.

PROCLAMATIONS — Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 6 September 1994:

Employee Relations (Amendment) Act 1994 — Sections 4 to 11, 13 and 14 and Schedules 1 and 2 — 9 May 1995 (*Gazette No. G18, 11 May 1995*).

Judicial Remuneration Tribunal Act 1995 — Sections 18 and 23 — 18 May 1995 (*Gazette No. G19, 18 May 1995*).

12 RETAIL TENANCIES (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable W.R. Baxter made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable 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 FINANCIAL INSTITUTIONS DUTY (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable 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 APPROPRIATION (PARLIAMENT) (INTERIM 1995-96) 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 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 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 FINANCIAL MANAGEMENT AND AUDIT 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 GAS AND FUEL CORPORATION (REPEAL) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
- The Honourable 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.
- 18 ROYAL BOTANIC GARDENS AND VICTORIAN CONSERVATION TRUST (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.
- The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until the next day of meeting.
- 19 MILDURA COLLEGE LANDS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
- Bill read a second time and, by leave, read a third time and passed.
- Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 20 MELBOURNE AND OLYMPIC PARKS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for *“An Act to amend the ‘National Tennis Centre Act 1985’ to change the title of that Act to the ‘Melbourne and Olympic Parks Act 1985’, to replace the National Tennis Centre Trust with the Melbourne and Olympic Parks Trust, to make provision for the administration of Olympic Park and further provision for the administration of the National Tennis Centre, to amend the ‘Melbourne Cricket Ground Act 1933’ to make further provision for the appointment of deputies as trustees and other matters, to amend the ‘Melbourne Cricket Ground Act 1984’ and for other purposes”* and desiring the concurrence of the Council therein.
- On the motion of the Honourable R.I. Knowles (for the Honourable W.R. Baxter), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 21 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until the next day of meeting.
- 22 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 and, by leave, read a third 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 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.

24 AUTUMN ECONOMIC STATEMENT — The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Autumn Economic Statement, May 1995, presented to the Legislative Assembly by the Honourable Alan Stockdale, M.P., Treasurer of Victoria, on 2 May 1995, and the Treasurer's Speech thereon —

Debate resumed.

The Honourable B.E. Davidson moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

25 GAMING ACTS (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Casino Control Act 1991', the 'Casino (Management Agreement) Act 1993', the 'Gaming Machine Control Act 1991', the 'Club Keno Act 1993', the 'Gaming and Betting Act 1994' and 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.I. Knowles (for the Honourable Haddon Storey), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

26 LEGAL AID COMMISSION (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Legal Aid Commission Act 1978' and 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 Haddon Storey), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

27 ADJOURNMENT — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 9.48 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 36 — Wednesday, 24 May 1995

1 The President took the Chair and read the Prayer.

2 **PETITIONS —**

MACEDONIAN LANGUAGE — The Honourable J. McLean presented a Petition bearing 1,879 signatures from certain citizens of Victoria requesting that the Government revert to the correct linguistic name of the Macedonian language.

Ordered to lie on the Table.

* * * * *

RADIO TOWER, NARRE WARREN — The Honourable R.S. Ives presented a Petition bearing 23 signatures from certain citizens of Victoria requesting that the radio tower erected on Public Transport Corporation land on the back of Sweeny's Drive, Narre Warren, be relocated to a more suitable site.

Ordered to lie on the Table.

3 **PAPERS —**

ROAD SAFETY COMMITTEE — DRUGS AND ROAD SAFETY — The Honourable B.E. Davidson presented the First Report from the Road Safety Committee upon the Effects of Drugs (other than Alcohol) on Road Safety in Victoria, together with Collected Papers and 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:

Geelong Cemeteries Trust — Report, 1994.

Psychological Council — Report, 1994.

Statutory Rule under the Public Sector Management Act 1992 — No. 55.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 55/1995.

The Necropolis — Report, 1994.

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 **GAMING INDUSTRY —** The Honourable D.R. White moved, That this House condemns the Minister for Gaming for his failure to properly oversee the operations of the gaming industry in this State and, in particular —

(a) the absence of any probity check by the Minister in relation to the activities of Mr. Bruce Mathieson in the pathology industry;

(b) the role of Mr. Bruce Mathieson in bringing the gaming industry into disrepute; and

(c) the absence of an effective marketing program to warn the people of Victoria of the dangers of excessive gambling.

Debate ensued.

Question — put.

The Council divided.

AYES, 12

The Hon. B.E. Davidson (*Teller*)
D.E. Henshaw
C.J. Hogg
R.S. Ives

NOES, 27

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter

L. Kokocinski (*Teller*)
 J. McLean
 B.W. Mier
 D.A. Nardella
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

R.A. Best (*Teller*)
 M.A. Birrell
 B.W. Bishop
 A.R. Brideson
 G.P. Connard (*Teller*)
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.
- 7 **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 Haddon Storey) moved, That this Bill be now read a second time.
 The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 8 **LEGAL AID COMMISSION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.
 The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
 The Honourable B.T. Pullen moved, That the debate be now adjourned.
 Question — That the debate be now adjourned — put and resolved in the affirmative.
 Ordered — That the debate be adjourned until the next day of meeting.
- 9 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 10 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

11 FINANCIAL INSTITUTIONS DUTY (AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

12 GAS AND FUEL CORPORATION (REPEAL) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 25

The Hon. L. Asher (*Teller*)
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding (*Teller*)

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 B.T. Pullen
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

13 CONSUMER CREDIT (VICTORIA) BILL — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to regulate the provision of consumer credit, to amend the ‘Credit (Administration) Act 1984’ and the ‘Credit Act 1984’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable Haddon Storey), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

14 ELECTRICITY INDUSTRY (ELECTRICITY CORPORATIONS) BILL — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Electricity Industry (Amendment) Act 1994’ and the ‘Electricity Industry (Further Amendment) 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 APPROPRIATION (PARLIAMENT) (INTERIM 1995-96) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be 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 PUBLIC PROSECUTIONS (AMENDMENT) BILL — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Public Prosecutions Act 1994’ and the ‘Constitution Act 1975’ and make consequential amendments to certain other Acts and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable Haddon Storey), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

17 AUTUMN ECONOMIC STATEMENT — The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Autumn Economic Statement, May 1995, presented to the Legislative Assembly by the Honourable Alan Stockdale, M.P., Treasurer of Victoria, on 2 May 1995, and the Treasurer’s Speech thereon —

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 the next day of meeting.

18 PLANNING AND ENVIRONMENT (MISCELLANEOUS AMENDMENTS) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to make miscellaneous amendments to the ‘Planning and Environment Act 1987’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

19 PLANNING AND ENVIRONMENT (DEVELOPMENT CONTRIBUTIONS)

BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Planning and Environment Act 1987’ in relation to development contributions 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 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. 37 — Thursday, 25 May 1995

1 The President took the Chair and read the Prayer.

2 **PETITION — POINT GELLIBRAND** — The Honourable J. McLean presented a Petition bearing 1,997 signatures from certain citizens of Victoria requesting that public land at Point Gellibrand, Williamstown, be kept as open space and developed as a historic park in consultation with interested local groups.

Ordered to lie on the Table.

3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General — Report on *Managing Parks for Life: The National Parks Service, May 1995.*

Fawkner Crematorium and Memorial Park — Report, 1994.

Memorial Park — Report, 1994.

4 **MELBOURNE AND OLYMPIC PARKS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

5 **ELECTRICITY INDUSTRY (ELECTRICITY CORPORATIONS) 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.

- 6 **PUBLIC PROSECUTIONS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 7 **PLANNING AND ENVIRONMENT (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 B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 8 **PLANNING AND ENVIRONMENT (DEVELOPMENT CONTRIBUTIONS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 9 **COGNATE BILLS** — 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 Planning and Environment (Miscellaneous Amendments) Bill and the Planning and Environment (Development Contributions) Bill to be taken concurrently.

Question — put and resolved in the affirmative.

- 10 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 6 and 7, be postponed until later this day.

- 11 **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.

Question — put.

The Council divided.

AYES, 27

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
A.R. Brideson
G.P. Connard
G.H. Cox

NOES, 12

The Hon. B.E. Davidson
D.E. Henshaw (*Teller*)
C.J. Hogg
R.S. Ives
L. Kokocinski
B.W. Mier
D.A. Nardella (*Teller*)
P. Power
B.T. Pullen
T.C. Theophanous

G.R. Craige (*Teller*)

D.T. Walpole

P.R. Davis (*Teller*)

D.R. White

R.S. de Fegely

D.M. Evans

W. Forwood

J.V.C. Guest

P.R. Hall

R.M. Hallam

W.A.N. Hartigan

R.I. Knowles

B.A.E. Skeggs

K.M. Smith

Graeme Stoney

C.A. Strong

Rosemary Varty

Dr. R.J.H. Wells

Sue deC. Wilding

And so it 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.

The Honourable R.M. Hallam moved, by leave, That the Bill be now read a third time.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

12 QUESTIONS — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

13 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL — Debate continued on the question, That the Bill be now read a third time —

Question — put and 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.

14 RETAIL TENANCIES (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 ROYAL BOTANIC GARDENS AND VICTORIAN CONSERVATION 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.

16 PLANT HEALTH AND PLANT PRODUCTS BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be 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 AUTUMN ECONOMIC STATEMENT — The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Autumn Economic Statement, May 1995, presented to the Legislative Assembly by the Honourable Alan Stockdale, M.P., Treasurer of Victoria, on 2 May 1995, and the Treasurer's Speech thereon —

Debate resumed.

The Honourable B.A.E. Skeggs moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

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 10.38 p.m., adjourned until Tuesday next.

A.V. BRAY
Clerk of the Legislative Council



LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 38

Wednesday, 31 May 1995

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 2.00 p.m.]

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and

- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.
- 3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.
- 4 **THE HON. G.H. COX** — To move, That this House —
- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
 - (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
 - (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.
- 5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.
- *6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.

ORDERS OF THE DAY

- 1 **ROAD TOLLS** — Motion condemning Premier for breaking undertaking on funding of construction of Western By-pass and Domain Tunnel and his proposal to introduce road tolls to finance these projects and condemning Government for proposal to impose tolls on Tullamarine and South Eastern Freeways, Western By-pass and Domain Tunnel, and calling on the Government to abandon all toll road proposals — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.A. Nardella*).
- 2 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech

outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (Hon. D.R. White) — *Resumption of debate.* (Hon. M.A. Birrell).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 **GAMING ACTS (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 2 **ELECTRICITY INDUSTRY (ELECTRICITY CORPORATIONS) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- 3 **PUBLIC PROSECUTIONS (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 04 **PLANNING AND ENVIRONMENT (MISCELLANEOUS AMENDMENTS) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 05 **PLANNING AND ENVIRONMENT (DEVELOPMENT CONTRIBUTIONS) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 6 **AUTUMN ECONOMIC STATEMENT AND TREASURER'S SPEECH, MAY 1995** — Motion to take note of statement and speech — (Hon. R.M. Hallam) — *Resumption of debate.* (Hon. K.M. Smith).
- *7 **EQUAL OPPORTUNITY BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- **8 **TRADE MEASUREMENT BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- *#9 **TRADE MEASUREMENT (ADMINISTRATION) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- *10 **CHILDREN AND YOUNG PERSONS (PRE-HEARING CONFERENCES) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 11 **FINANCIAL MANAGEMENT AND AUDIT ACTS (AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).

0 Cognate Bills - To be debated concurrently pursuant to Order of the Council on 25 May 1995

Cognate Bills - To be debated concurrently pursuant to Order of the Council on 30 May 1995

- *12 STATE DEFICIT LEVY (REPEAL) BILL — (*from Assembly — Hon. R.M. Hallam*)
— Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- 13 PLANNING AND ENVIRONMENT (AMENDMENT) BILL — (*from Assembly —*
Hon. R.I. Knowles) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*

* * * *

At 6.15 p.m.—

*JOINT SITTING IN THE LEGISLATIVE ASSEMBLY CHAMBER —
Appointments to the Royal Melbourne Institute of Technology, Deakin
University and Swinburne University of Technology Councils.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday — 2.30 p.m.
Wednesday — 10.00 a.m.
Thursday — 10.00 a.m.

Business to take precedence—

Tuesday — Government business.
Wednesday — General business (until 2.00 p.m.).
Thursday — Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

ADJOURNMENT OF BILLS [Effective until 30 June 1995]

By resolution of the Council on 8 March 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 June 1995, 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 1995: 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 5 June 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 39

Thursday, 1 June 1995

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 NATIONAL PARKS (YARRA RANGES AND OTHER AMENDMENTS) BILL
— *(from Assembly — Hon. M.A. Birrell)* — Second reading.
- 2 EQUAL OPPORTUNITY BILL — *(from Assembly — Hon. Haddon Storey)* —
Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- #3 TRADE MEASUREMENT BILL — *(from Assembly — Hon. W.R. Baxter)* — Second
reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- #4 TRADE MEASUREMENT (ADMINISTRATION) BILL — *(from Assembly — Hon.
W.R. Baxter)* — Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- 5 CHILDREN AND YOUNG PERSONS (PRE-HEARING CONFERENCES) BILL
— *(from Assembly — Hon. R.I. Knowles)* — Second reading — *Resumption of debate.
(Hon. B.T. Pullen).*
- 6 FINANCIAL MANAGEMENT AND AUDIT ACTS (AMENDMENT) BILL —
(from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.
(Hon. T.C. Theophanous).*
- 7 STATE DEFICIT LEVY (REPEAL) BILL — *(from Assembly — Hon. R.M. Hallam)*
— Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- 8 PLANNING AND ENVIRONMENT (AMENDMENT) BILL — *(from Assembly —
Hon. R.I. Knowles)* — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for
standing down Mr. George Brouwer, for falsely accusing him of circulating a

* Indicates new entry

Cognate Bills - To be debated concurrently pursuant to Order of the Council on 30 May 1995

memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.

2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —

- (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
- (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
- (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
- (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
- (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
- (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

4 **THE HON. G.H. COX** — To move, That this House —

- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
- (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
- (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway,

Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

- 5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.
- 6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.

ORDER OF THE DAY

- 1 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate. (Hon. M.A. Birrell).*

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday — 2.30 p.m.
Wednesday — 10.00 a.m.
Thursday — 10.00 a.m.

Business to take precedence—

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Thursday — Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

ADJOURNMENT OF BILLS [Effective until 30 June 1995]

By resolution of the Council on 8 March 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 June 1995, 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 1995: 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 5 June 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 40

Tuesday, 6 June 1995

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 LAND (MISCELLANEOUS) BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading.
- *2 BUSINESS FRANCHISE (TOBACCO) (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *3 GRAIN HANDLING AND STORAGE BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *4 ELECTRICITY INDUSTRY (AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *5 INFERTILITY TREATMENT BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading.
- *6 WATER (AMENDMENT) BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading.
- *7 WATER INDUSTRY (AMENDMENT) BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading.
- *8 SUPERANNUATION ACTS (GENERAL AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *9 ROAD SAFETY (MISCELLANEOUS AMENDMENTS) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- 10 NATIONAL PARKS (YARRA RANGES AND OTHER AMENDMENTS) BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- *11 STAMPS (FURTHER AMENDMENT) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Thephanous*).

- *12 **TREASURY CORPORATION OF VICTORIA (HOUSING FINANCE) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).
- *13 **MEDICAL PRACTICE AND NURSES ACTS (AMENDMENT) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. C.J. Hogg).
- 14 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
 - (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

- 3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.
- 4 **THE HON. G.H. COX** — To move, That this House —
- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
 - (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
 - (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.
- 5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.
- 6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.

ORDER OF THE DAY

- 1 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate. (Hon. M.A. Birrell).*

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

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COMMITTEES

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CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

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ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

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* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

ADJOURNMENT OF BILLS [Effective until 30 June 1995]

By resolution of the Council on 8 March 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 June 1995, 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 1995: 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 5 June 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 38, 39 and 40

No. 38 — Tuesday, 30 May 1995

- 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*
 - Mildura College Lands (Amendment) Act*
 - Stamps (Amendment) Act.*
- 3 **EQUAL OPPORTUNITY BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to re-enact and extend the law relating to equal opportunity and discrimination, to repeal the ‘Equal Opportunity Act 1984’, to make consequential amendments to other Acts and for other purposes*” and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **TRADE MEASUREMENT BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act relating to trade measurement in Victoria as part of the scheme for uniform trade measurement legislation throughout Australia and for other purposes*” and desiring the concurrence of the Council therein.
On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **TRADE MEASUREMENT (ADMINISTRATION) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act relating to the administration of the ‘Trade Measurement Act 1995’, to repeal the ‘Weights and Measures Act 1958’, to amend certain Acts and for other purposes*” and desiring the concurrence of the Council therein.
On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 CHILDREN AND YOUNG PERSONS (PRE-HEARING CONFERENCES) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to repeal section 38 of the ‘Children and Young Persons (Amendment) Act 1992’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 GOVERNMENT EMPLOYEE HOUSING AUTHORITY (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Government Employee Housing Authority 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.

- 8 QUESTIONS** — Questions without notice were taken and 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 B.A.E. Skeggs presented Alert Digest No. 7 of 1995 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 Ministerial Portfolios, May 1995.

Pathology Services Accreditation Board — Report, 1993-94.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Bass Planning Scheme — Amendment L36.

Bendigo — Greater Bendigo Planning Scheme — Amendment L26.

Bright Planning Scheme — Amendment L40.

Brighton Planning Scheme — Amendments L23 and L25.

Buninyong Planning Scheme — Amendment L51.

Caulfield Planning Scheme — Amendment L26.

Doncaster and Templestowe Planning Scheme — Amendments L81 and L83.

Malvern Planning Scheme — Amendment L35.

Oakleigh Planning Scheme — Amendment L39.

Pakenham Planning Scheme — Amendment L93.

Shepparton (City) Planning Scheme — Amendments L56 and L57.

Shepparton (Shire) Planning Scheme — Amendment L75.

Springvale Planning Scheme — Amendments L77 and L78.

Surf Coast Planning Scheme — Amendments R22 Part 1 and RL23.

Swan Hill (City) Planning Scheme — Amendment L18.

Tambo Planning Scheme — Amendment L64.

Planning and Environment Act 1987 — (*continued*)

Warragul Planning Scheme — Amendments L30 and L31.

Wonthaggi Planning Scheme — Amendment L23.

Statutory Rules under the following Acts of Parliament:

Bees Act 1971 — No. 56.

Road Safety Act 1986 — No. 60.

Subordinate Legislation Act 1994 — No. 59.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 56 and 59/1995.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 60/1995.

* * * * *

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 6 September 1994:

Constitution (Court of Appeal) Act 1994 — Whole Act — 7 June 1995
(*Gazette No. S41, 23 May 1995*).

Local Government (Elections) Act 1992 — Section 8 — 25 May 1995
(*Gazette No. G20, 25 May 1995*).

Local Government (General Amendment) Act 1993 — Section 9 — 25 May 1995 (*Gazette No. G20, 25 May 1995*).

10 CONSUMER CREDIT (VICTORIA) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable 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 later this day.

11 EQUAL OPPORTUNITY BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable Haddon Storey made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

12 TRADE MEASUREMENT BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable D.R. White (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until later this day.

- 13 TRADE MEASUREMENT (ADMINISTRATION) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable D.R. White (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until later this day.
- 14 COGNATE BILLS** — The Honourable W.R. Baxter moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Trade Measurement Bill and the Trade Measurement (Administration) Bill to be taken concurrently.
Question — put and resolved in the affirmative.
- 15 CHILDREN AND YOUNG PERSONS (PRE-HEARING CONFERENCES) 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.R. White (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until later this day.
- 16 GOVERNMENT EMPLOYEE HOUSING 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 D.R. White (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until later this day.
- 17 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 —
The Honourable D.R. White moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House declines to read this Bill a second time until it has been re-drafted to guarantee that Olympic Park remain as a major sports and training facility and to prohibit its closure by the Trustees as a result of the construction of the Domain Tunnel.”.
Debate ensued.
Question — That the words 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
R.A. Best

NOES, 14

The Hon. B.E. Davidson (*Teller*)
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives

M.A. Birrell	L. Kokocinski
B.W. Bishop	J. McLean
R.H. Bowden	B.W. Mier
A.R. Brideson	D.A. Nardella
G.P. Connard	P. Power
G.H. Cox	B.T. Pullen
G.R. Craige	T.C. Theophanous
P.R. Davis (<i>Teller</i>)	D.T. Walpole (<i>Teller</i>)
R.S. de Fegely	D.R. White
D.M. Evans	
W. Forwood	
J.V.C. Guest	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan (<i>Teller</i>)	
R.I. Knowles	
B.A.E. Skeggs	
K.M. Smith	
Graeme Stoney	
Haddon Storey	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC. Wilding	

And so it was resolved in the affirmative — Amendment negatived.

Question — That this Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

18 JOINT SITTING — ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY, DEAKIN UNIVERSITY AND SWINBURNE UNIVERSITY OF TECHNOLOGY COUNCILS — The President announced the receipt of —

- (a) a letter from the Minister for Tertiary Education and Training requesting that arrangements be made for a Joint Sitting of the Council and the Assembly for the purpose of making appointments to the Councils of the Royal Melbourne Institute of Technology, Deakin University and Swinburne University of Technology following the expiry of the terms of the current Parliamentary representatives on 30 June 1995; 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 next 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, Deakin University and Swinburne University of Technology and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Wednesday, 31 May 1995 at 6.15 p.m.

Question — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them therewith.

- 19 **LEGAL AID COMMISSION (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 20 **CONSUMER CREDIT (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.

- 21 **BUSINESS OF THE HOUSE** — The Honourable Haddon Storey 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 **GOVERNMENT EMPLOYEE HOUSING AUTHORITY (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable B.T. Pullen moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted to provide for the transfer of appropriate surplus properties from the Government Employee Housing Authority to the Office of Housing, Department of Planning and Development, for use as public housing.”.

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 27

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best (*Teller*)
M.A. Birrell
B.W. Bishop

NOES, 13

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives (*Teller*)
L. Kokocinski
J. McLean

R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis (*Teller*)
 R.S. de Fegely
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

B.W. Mier
 D.A. Nardella
 P. Power (*Teller*)
 B.T. Pullen
 T.C. Theophanous
 D.R. White

And so it was resolved in the affirmative — Amendment negatived.

Question — That this Bill be now read a second time — put.

The Council divided.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 J.V.C. Guest (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty

NOES, 13

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.R. White

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.

- 23 **AUTUMN ECONOMIC STATEMENT** — The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Autumn Economic Statement, May 1995, presented to the Legislative Assembly by the Honourable Alan Stockdale, M.P., Treasurer of Victoria, on 2 May 1995, and the Treasurer's Speech thereon —

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.

- 24 **STATE DEFICIT LEVY (REPEAL) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to repeal the 'State Deficit Levy Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.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 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.

- 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 11.37 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 39 — Wednesday, 31 May 1995

- 1 The President took the Chair and read the Prayer.

- 2 **PETITION — PAUL CHARLES DENYER** — The Honourable R.H. Bowden presented a Petition bearing 240 signatures from certain citizens of Victoria requesting that Members record their concerns that Paul Charles Denyer should never be released from imprisonment.

Ordered to lie on the Table.

3 PAPERS —

BLF CUSTODIAN — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of Report No. 31 dated 31 May 1995 given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable Haddon Storey and ordered to lie on the Table.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE—CONSTITUTION ACT 1975 — The Honourable B.A.E. Skeggs moved, by leave, That there be laid before this House a copy of a Discussion Paper from the Scrutiny of Acts and Regulations Committee on section 85 of the *Constitution Act 1975*.

Question — put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable B.A.E. Skeggs and ordered to lie on the Table.

* * * * *

LAW REFORM COMMITTEE — CORPORATIONS LAW — The Honourable J.V.C. Guest presented the Second Report from the Law Reform Committee upon the Law Relating to Directors and Managers of Insolvent Corporations entitled *Curbing the Phoenix Company*, together with Appendices and Submissions.

Ordered to lie on the Table and the Report and Appendices to be printed.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — INFORMATION TECHNOLOGY IN THE PUBLIC SECTOR — The Honourable P.R. Hall presented a Report from the Public Accounts and Estimates Committee upon Information Technology in the Public Sector, 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:

Dried Fruits Board — Report, 1994.

Infertility — Standing Review and Advisory Committee — Report, 1994.

4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 6 inclusive, be postponed until later this day.

5 **ROAD TOLLS** — The Order of the Day having been read for the resumption of the debate on the question, That this House —

(a) condemns the Premier for breaking his own undertaking that the construction of the Western By-pass and Domain Tunnel would be funded by the 3 cents a litre petrol tax by now proposing to introduce road tolls to pay for these major projects; and

(b) condemns the Government for the proposal to impose tolls on the Tullamarine Freeway, Western By-pass, South Eastern Freeway and Domain Tunnel which will cost \$20 per week or \$1000 per year for many Victorians and will impact adversely on local communities as motorists seek alternative routes,

and calls on the Government to abandon all toll road proposals in recognition of the fact that car registration has doubled and that the 3 cents a litre levy was introduced to fund these major road projects.

The Honourable D.A. Nardella moved, as an amendment, That the following words and expressions be added to the motion:

“, and further calls on the Government to — (i) provide a full cost-benefit analysis, including risk analysis, of publicly funded and BOOT schemes in line with EPAC recommendations; and (ii) consider a scaled down version of City Link similar to that proposed by the Opposition which has fewer environmental impacts and is based on a no debt and no tolls formula.

Debate ensued.

Question — That the words and expressions proposed to be added be so added — put.

The Council divided.

AYES, 14

The Hon. B.E. Davidson
 M.M. Gould (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski (*Teller*)
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

NOES, 29

The Hon. L. Asher (*Teller*)
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding (*Teller*)

And so it passed in the negative.

Question — That this House —

- (a) condemns the Premier for breaking his own undertaking that the construction of the Western By-pass and Domain Tunnel would be funded by the 3 cents a litre petrol tax by now proposing to introduce road tolls to pay for these major projects; and

(b) condemns the Government for the proposal to impose tolls on the Tullamarine Freeway, Western By-pass, South Eastern Freeway and Domain Tunnel which will cost \$20 per week or \$1000 per year for many Victorians and will impact adversely on local communities as motorists seek alternative routes,

and calls on the Government to abandon all toll road proposals in recognition of the fact that car registration has doubled and that the 3 cents a litre levy was introduced to fund these major road projects — put and negatived.

- 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 —

The Honourable D.R. White moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted to include provisions which —

- (a) impose penalties on gaming operators if they fail to stop problem gamblers from gambling;
- (b) restrict a person from controlling a number of hotels in order to control hundreds, if not thousands, of gaming machines to the detriment of the proper development of gambling in the State; and
- (c) introduce education campaigns for young people and the community on the hazards of problem gambling.”.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

- 7 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 8 **GAMING ACTS (AMENDMENT) BILL** — Debate continued on the question, That this Bill be now read a second time and on the reasoned amendment (*for text see item 6*).

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.

- 9 **ELECTRICITY INDUSTRY (ELECTRICITY 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.

- 10 **PUBLIC PROSECUTIONS (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 28

NOES, 14

The Hon. L. Asher
G.B. Ashman

The Hon. B.E. Davidson (*Teller*)
M.M. Gould

B.N. Atkinson	D.E. Henshaw
W.R. Baxter	C.J. Hogg
R.A. Best	R.S. Ives
M.A. Birrell	L. Kokocinski (<i>Teller</i>)
B.W. Bishop (<i>Teller</i>)	J. McLean
R.H. Bowden	B.W. Mier
A.R. Brideson	D.A. Nardella
G.P. Connard	P. Power
G.H. Cox	B.T. Pullen
G.R. Craige	T.C. Theophanous
P.R. Davis	D.T. Walpole
R.S. de Fegely	D.R. White
W. Forwood (<i>Teller</i>)	
J.V.C. Guest	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
R.I. Knowles	
B.A.E. Skeggs	
K.M. Smith	
Graeme Stoney	
Haddon Storey	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC. Wilding	

And so it was resolved in the affirmative.

Bill read a second time 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 PLANNING AND ENVIRONMENT (MISCELLANEOUS AMENDMENTS)

BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the Planning and Environment (Development Contributions) Bill having been authorized to be debated concurrently pursuant to an Order of the Council on 25 May 1995]—

The Honourable B.T. Pullen moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House declines to read this Bill and the Planning and Environment (Development Contributions) Bill a second time until the ramifications of their provisions have been subject to a process of consultation with organisations and the community and the inclusion of relevant amendments.”.

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 27

The Hon. L. Asher
 B.N. Atkinson
 W.R. Baxter
 R.A. Best (*Teller*)
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 W.A.N. Hartigan (*Teller*)
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives (*Teller*)
 J. McLean
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole

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 PLANNING AND ENVIRONMENT (DEVELOPMENT CONTRIBUTIONS)

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 NATIONAL PARKS (YARRA RANGES AND OTHER AMENDMENTS)

BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘National Parks Act 1975’, the ‘Forests Act 1958’ and the ‘Alpine Resorts 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 to be read a second time on the next day of meeting.

- 14 AUTUMN ECONOMIC STATEMENT** — The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Autumn Economic Statement, May 1995, presented to the Legislative Assembly by the Honourable Alan Stockdale, M.P., Treasurer of Victoria, on 2 May 1995, and the Treasurer's Speech thereon —

Debate resumed.

Question — put and resolved in the affirmative.

- 15 JOINT SITTING** — The Deputy 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, Deakin University and Swinburne University of Technology.

Accordingly, the Council then proceeded to the Assembly Chamber, and having returned —

The Deputy President reported that at the Joint Sitting —

The Honourable Gerald Barry Ashman, M.L.C.;

The Honourable David Mylor Evans, M.L.C.; and

Mrs. Sherryl Maree Garbutt, M.P.,

were chosen to be recommended for appointment as members of the Council of the Royal Melbourne Institute of Technology for a further three year term commencing on 1 July 1995; and

Mrs. Ann Mary Henderson, M.P.;

The Honourable David Ernest Henshaw, M.B.E., M.L.C.; and

Mr. John Francis McGrath, M.P.,

were chosen to be recommended for appointment as members of the Council of the Deakin University for a further three year term commencing on 1 July 1995; and

Mr. Phillip Neville Honeywood, M.P.;

The Honourable Robert Stuart Ives, M.L.C., and

Mr. Noel John Maughan, M.P.

were chosen to be recommended for appointment as members of the Council of Swinburne University of Technology for a further three year term commencing on 1 July 1995.

- 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 6.37 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 40 — Thursday, 1 June 1995

- 1 The President took the Chair and read the Prayer.
- 2 **LAND (MISCELLANEOUS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to remove reservations over certain land at Geelong and certain other land, to revoke a Crown grant of certain land at Wendouree 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 **WATER INDUSTRY (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Water Industry Act 1994’, the ‘Water Act 1989’, the ‘Melbourne and Metropolitan Board of Works Act 1958’, the ‘Melbourne Water Corporation Act 1992’ 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 **WATER (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Water Act 1989’ to provide further for water entitlements and water trading 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 **PETITIONS** —

EQUAL OPPORTUNITY BILL — The Honourable Sue deC. Wilding presented a Petition bearing 80 signatures from certain citizens of the Druids Friendly Society Retirement Community praying that Part 3 of the Equal Opportunity Bill not be passed without an express exemption for retirement villages restricting membership on the basis of age.

Ordered to lie on the Table.

* * * * *

LEGAL AID — The Honourable Sue deC. Wilding presented a Petition bearing 123 signatures from certain citizens of Victoria praying that —

- (a) legislation be enacted to deny the further granting of legal aid to custodial parents and others who defy court orders relating to access and other matters;
- (b) legislation be enacted to deny legal aid to custodial parents in cases where legal aid is granted for separate child representation; and
- (c) a Parliamentary inquiry be established into the 1980 case of *Zabaneh v Zabaneh*.

Ordered to lie on the Table.

6 **PAPERS** —

ROAD SAFETY COMMITTEE — DRAFT AUSTRALIAN ROAD RULES — The Honourable D.T. Walpole moved, by leave, That there be laid before this House a copy of a Report from the Road Safety Committee upon the Draft Australian Road Rules.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable D.T. Walpole and ordered to lie on the Table.

* * * * *

CRIME PREVENTION COMMITTEE — SEXUAL OFFENCES — The Honourable K.M. Smith presented a Report from the Crime Prevention Committee upon Sexual Offences Against Children and Adults entitled *Combating Child Sexual Assault — An Integrated Model*, together with Appendices, Bibliography and Minutes of Evidence.

Ordered to lie on the Table and the Report, Appendices and Bibliography 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 *Equality in the Workplace: Women in Management*, May 1995.

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 1 October 1994 and 31 May 1995.

Statutory Rules under the Emergency Services Superannuation Act 1986 — Nos. 57 and 58.

7 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

8 **EQUAL OPPORTUNITY 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 **EQUAL OPPORTUNITY BILL** — Debate continued on the question, That this Bill be now read a second time —

Question — put.

The Council divided.

AYES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best (*Teller*)
B.W. Bishop (*Teller*)
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest

NOES, 12

The Hon. B.E. Davidson
M.M. Gould
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella (*Teller*)
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole (*Teller*)

P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

11 BUSINESS FRANCHISE (TOBACCO) (AMENDMENT) BILL — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Business Franchise (Tobacco) Act 1974' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

12 STAMPS (FURTHER AMENDMENT) BILL — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make further 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.

13 SUPERANNUATION ACTS (GENERAL AMENDMENT) BILL — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Hospitals Superannuation Act 1988', the 'Local Authorities Superannuation Act 1988', the 'Public Sector Superannuation (Administration) Act 1993', the 'State Superannuation Act 1988', the 'State Employees Retirement Benefits Act 1979', and the 'Transport Superannuation Act 1988', to repeal the 'State Casual Employees Superannuation 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.

14 GRAIN HANDLING AND STORAGE BILL — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make further provision for regulating the handling and storage of grain, to repeal the 'Grain Elevators Board 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.

- 15 TRADE MEASUREMENT BILL** — The 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 Trade Measurement (Administration) Bill having been authorized to be debated concurrently pursuant to an Order of the Council on 30 May 1995] 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 TRADE MEASUREMENT (ADMINISTRATION) 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.
- 17 CHILDREN AND YOUNG PERSONS (PRE-HEARING CONFERENCES) BILL**— The Order of the Day was read for the resumption of the debate on the question, That this Bill be 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 TREASURY CORPORATION OF VICTORIA (HOUSING FINANCE) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make further provision in relation to the Home Opportunity Loans Scheme, to amend the 'Treasury Corporation of Victoria Act 1992' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.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.
- 19 MEDICAL PRACTICE AND NURSES ACTS (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Medical Practice Act 1994' and the 'Nurses 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.
- 20 ROAD SAFETY (MISCELLANEOUS AMENDMENTS) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Road Safety Act 1986', the 'Transport Act 1983' and the 'Marine Act 1988' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable R.I. Knowles (for the Honourable W.R. Baxter), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 21 FINANCIAL MANAGEMENT AND AUDIT 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 Bill be withdrawn and re-drafted to —

- (a) provide power to the Auditor-General to audit a publicly owned company at the date of sale;
- (b) require a final report from any publicly owned company which is sold to be tabled in Parliament;
- (c) require a half-yearly report from major publicly owned companies; and
- (d) extend the power of the Auditor-General to audit all public sector agencies over which the government has control, a financial interest or to which it has financial exposure but which are not 100 per cent publicly owned."

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 27

The Hon. L. Asher
 G.B. Ashman (*Teller*)
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan (*Teller*)
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives (*Teller*)
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 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.

- 22 **BUSINESS OF THE HOUSE** — The Honourable R.I. Knowles moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

- 23 **STATE DEFICIT LEVY (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.

- 24 **TREASURY CORPORATION OF VICTORIA (HOUSING FINANCE) 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 T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 25 **ELECTRICITY INDUSTRY (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to make further amendments to 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.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.

- 26 **MEDICAL PRACTICE AND NURSES 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 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.

- 27 **NATIONAL PARKS (YARRA RANGES AND OTHER 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.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 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.

28 INFERTILITY TREATMENT BILL — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to regulate procedures for the treatment of infertility and research using human reproductive material, to make provisions with respect to surrogacy agreements, to repeal the ‘Infertility (Medical Procedures) Act 1984’ and to amend various 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.

29 STAMPS (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 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.

30 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 10.39 p.m., adjourned until Tuesday next at 10.00 a.m.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 41

Wednesday, 7 June 1995

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 12 noon]

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and

- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.
- 3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.
- 4 **THE HON. G.H. COX** — To move, That this House —
- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
 - (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
 - (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.
- 5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.
- 6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.
- *7 **THE HON. T.C. THEOPHANOUS** — To move, That this House calls on the Government to assist the Auditor-General in any enquiries he may wish to make by providing him with full access to -
- (a) all contracts which create a liability for the State of Victoria, including the Grand Prix and automatic ticketing contracts;
 - (b) all employment contracts, consultancy arrangements and advertising contracts entered into by Ministers or Government Departments; and
 - (c) all information on proposed asset sales which would allow the Auditor-General to determine if sale prices will financially disadvantage the State of Victoria.

ORDER OF THE DAY

- 1 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino

tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 **HEALTH SERVICES (METROPOLITAN HOSPITALS) BILL** — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. C.J. Hogg*).
- *2 **AUSTRALIAN GRAND PRIX (AMENDMENT) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- 3 **INFERTILITY TREATMENT BILL** — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. C.J. Hogg*).
- #4 **WATER (AMENDMENT) BILL** — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- #5 **WATER INDUSTRY (AMENDMENT) BILL** — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- 6 **SUPERANNUATION ACTS (GENERAL AMENDMENT) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 7 **ROAD SAFETY (MISCELLANEOUS AMENDMENTS) BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- *8 **APPROPRIATION (INTERIM 1995-96) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 9 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday — 2.30 p.m.
Wednesday — 10.00 a.m.
Thursday — 10.00 a.m.

Business to take precedence—

Tuesday — Government business.
Wednesday — General business (until 2.00 p.m.).
Thursday — Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

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AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

ADJOURNMENT OF BILLS [Effective until 30 June 1995]

By resolution of the Council on 8 March 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 2 June 1995, 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 1995: 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 5 June 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 42

Tuesday, 3 October 1995

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDER OF THE DAY

- 1 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — *(from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
- (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;

- (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
 - (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.
- 3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.
- 4 **THE HON. G.H. COX** — To move, That this House —
- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
 - (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
 - (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.
- 5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.
- 6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.

ORDERS OF THE DAY

- 1 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate. (Hon. M.A. Birrell).*

*2 AUDITOR-GENERAL — Motion calling on Government to assist Auditor General with any enquiries by providing full access to all contracts which create a liability for the State, employment and advertising contracts, consultancy arrangements and information on proposed asset sales — (*Hon. T.C. Theophanous*) and amendment of the Hon. R.M. Hallam — *Resumption of debate.* (*Hon. R.M. Hallam*).

A.V. BRAY
Clerk of the Legislative Council

B.A. CHAMBERLAIN
President

*Indicates new entry

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday — 2.30 p.m.
Wednesday — 10.00 a.m.
Thursday — 10.00 a.m.

Business to take precedence—

Tuesday — Government business.
Wednesday — General business (until 2.00 p.m.).
Thursday — Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 41 and 42

No. 41 — Tuesday, 6 June 1995

- 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 (Parliament) (Interim 1995-96) Act*
 - Electricity Industry (Electricity Corporations) Act*
 - Financial Institutions Duty (Amendment) Act*
 - Gas and Fuel Corporation (Repeal) Act*
 - Government Employee Housing Authority (Amendment) Act*
 - Local Government (Further Amendment) Act*
 - Melbourne and Olympic Parks (Amendment) Act*
 - Planning and Environment (Miscellaneous Amendments) Act*
 - Public Prosecutions (Amendment) Act*
 - Retail Tenancies (Amendment) Act*
 - Royal Botanic Gardens and Victorian Conservation Trust (Amendment) Act.*
- 3 **HEALTH SERVICES (METROPOLITAN HOSPITALS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to make certain amendments to the ‘Health Services Act 1988’, to adopt the Medicare Principles and Commitments 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 **APPROPRIATION (INTERIM 1995-96) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to make interim appropriation of moneys out of the Consolidated Fund for recurrent services and for certain works and purposes for the period July to October 1995*” 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.

- 5 **AUSTRALIAN GRAND PRIX (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Australian Grand Prix Act 1994’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 **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.

- 7 **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 tomorrow, Wednesday 7 June 1995.

Question — put and resolved in the affirmative.

- 8 **PETITION — MACEDONIAN LANGUAGE** — The Honourable J. McLean presented a Petition bearing 1,040 signatures from certain citizens of Victoria requesting that the Government revert to the correct linguistic name of the Macedonian language.

Ordered to lie on the Table.

- 9 **PAPERS** —

SUPREME COURT JUDGES — The Honourable Haddon Storey presented, by command of His Excellency the Governor, the Report of the Supreme Court Judges for the year 1994.

Ordered to lie on the Table.

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COUNTY COURT JUDGES — The Honourable Haddon Storey presented, by command of His Excellency the Governor, the Report of the County Court Judges for the year 1993-94.

Ordered to lie on the Table.

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MAGISTRATES’ COURT — The Honourable Haddon Storey presented, by command of His Excellency the Governor, the Report of the Magistrates’ Court for the year 1994.

Ordered to lie on the Table.

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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 1993.

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 — ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 8 of 1995 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:

Ballarat University — Report, 1994.

City West Water Limited — Memorandum and articles of Association (two papers).

Deakin University — Report, 1994.

Drugs, Poisons and Controlled Substances Act 1981 — Documents required to be tabled pursuant to section 12H of the Act:

Standard for the Uniform Scheduling of Drugs and Poisons, No. 9 — Amendments Nos. 3 and 4.

Notice regarding the amendment, commencement and availability of the Poisons Code.

Freedom of Information Act 1982 — Report of the Attorney-General on operation of the Act in respect of Local Government Councils, 1 January 1994 to 30 June 1994.

La Trobe University — Report, 1994.

Law Foundation — Report, year ended 30 September 1994.

Melbourne University — Report, 1994, together with Statutes approved by the Governor in Council for the year 1994.

Monash University — Report, 1994.

Parliamentary Committees Act 1968 — Minister's response to recommendations in Public Accounts and Estimates Committee's report upon Victorian public hospitals — Arrangements with contracted doctors.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Dandenong Planning Scheme — Amendment L39.

Knox Planning Scheme — Amendments L73 and L86.

Lillydale Planning Scheme — Amendment L142.

Mildura (Shire) Planning Scheme — Amendment L30.

Royal Melbourne Institute of Technology — Report, 1994.

South East Water Limited — Memorandum and articles of Association (three papers).

Swinburne University of Technology — Report, 1994.

Victoria University of Technology — Report, 1994.

Victorian College of Agriculture and Horticulture Limited — Report, 1994.

Yarra Valley Water Limited — Memorandum and articles of Association (three papers).

10 LAND (MISCELLANEOUS) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable M.A. Birrell made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until later this day.

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 WATER (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.
The Honourable B.T. Pullen moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 13 WATER INDUSTRY (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.
The Honourable B.T. Pullen moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 14 COGNATE BILLS** — 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 Water (Amendment) Bill and the Water Industry (Amendment) Bill to be taken concurrently.
Question — put and resolved in the affirmative.
- 15 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 8, be postponed until later this day.
- 16 ROAD SAFETY (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable P. Power moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 17 GRAIN HANDLING AND STORAGE 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 later this day.
- 18 ELECTRICITY INDUSTRY (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That this Bill be now read a second time.
The Honourable B.T. Pullen (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.
- 19 AUSTRALIAN GRAND PRIX (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
The Honourable 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 **APPROPRIATION (INTERIM 1995-96) 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 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.
- 21 **HEALTH SERVICES (METROPOLITAN HOSPITALS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.
- The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
- The Honourable C.J. Hogg moved, That the debate be now adjourned.
- Question — That the debate be now adjourned — put and resolved in the affirmative.
- Ordered — That the debate be adjourned until later this day.
- 22 **NATIONAL PARKS (YARRA RANGES AND OTHER AMENDMENTS) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —
- Debate resumed.
- Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —*
- 23 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 24 **PAPER — WHITEHORSE CITY COUNCIL** — By leave, the Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report of an Investigation into payments to the Local Authorities Superannuation Board at the Whitehorse City Council.
- Question — put and resolved in the affirmative.
- The said Report was thereupon presented by the Honourable R.M. Hallam and ordered to lie on the Table and to be printed.
- The Honourable R.M. Hallam made a Ministerial Statement in connection with the tabling of the Report.
- 25 **NATIONAL PARKS (YARRA RANGES AND OTHER AMENDMENTS) BILL** — Debate continued on the question, That this Bill be now read a second time.
- Question — put and resolved in the affirmative.
- Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.
- House in Committee.
- The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

26 STAMPS (FURTHER AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

27 BUSINESS FRANCHISE (TOBACCO) (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.

Debate ensued.

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.

28 TREASURY CORPORATION OF VICTORIA (HOUSING FINANCE) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be 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.

29 MEDICAL PRACTICE AND NURSES 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.

30 INFERTILITY TREATMENT BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 31 SUPERANNUATION ACTS (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 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.
- 32 LAND (MISCELLANEOUS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill 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.
- 33 GRAIN HANDLING AND STORAGE BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be 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.
- 34 ELECTRICITY INDUSTRY (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —
Debate resumed.
Question — put.
The Council divided.

AYES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best (*Teller*)
M.A. Birrell
B.W. Bishop (*Teller*)
R.H. Bowden
A.R. Brideson
G.P. Connard
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam

NOES, 12

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives (*Teller*)
L. Kokocinski
B.W. Mier
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole (*Teller*)
D.R. White

W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Sue deC. Wilding

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time, after debate, and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

35 **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 11.10 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 42 — Wednesday, 7 June 1995

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — SUPERANNUATION** — The Honourable D.R. White presented a Petition bearing 63 signatures from certain citizens of Victoria requesting that all existing employees of Melbourne Parks and Waterways who are members of the Melbourne Water Superannuation Fund be provided with an option to remain in the existing fund, should that be their desire, to ensure that no loss of entitlements occur.

Ordered to lie on the Table.

- 3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Statutory Rules under the following Acts of Parliament:

Aerial Spraying Control Act 1966 — No. 62.

Stock Diseases Act 1968 — No. 61.

Subordinate Legislation Act 1994 — Nos. 64 to 66.

Subordinate Legislation Act 1994 — Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 61, 62, 64, 65 and 66/1995.

* * * * *

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 6 September 1994:

Australian Food Industry Science Centre Act 1995 — Sections 5 to 30 — 1 June 1995 (*Gazette No. G21, 1 June 1995*).

- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 6 inclusive, be postponed until later this day.
- 5 **AUDITOR-GENERAL** — The Honourable T.C. Theophanous moved, That this House calls on the Government to assist the Auditor-General in any enquiries he may wish to make by providing him with full access to —
- (a) all contracts which create a liability for the State of Victoria, including the Grand Prix and automatic ticketing contracts;
 - (b) all employment contracts, consultancy arrangements and advertising contracts entered into by Ministers or Government Departments; and
 - (c) all information on proposed asset sales which would allow the Auditor-General to determine if sale prices will financially disadvantage the State of Victoria.

The Honourable R.M. Hallam moved, as an amendment, That all the words after “House” be omitted with the view of inserting in place thereof “acknowledges the role of the Government in co-operating with the Auditor-General in the discharge of his duties and congratulates the Government on enhancing his role in protecting the public interest.”

General Business having been interrupted at 12 noon pursuant to Sessional Orders, the debate stood adjourned in the name of the Honourable R.M. Hallam.

- 6 **HEALTH SERVICES (METROPOLITAN HOSPITALS) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith (*Teller*)
 Graeme Stoney (*Teller*)
 Haddon Storey

NOES, 12

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole

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.

- 7 **AUSTRALIAN GRAND PRIX (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 —

- 8 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 9 **AUSTRALIAN GRAND PRIX (AMENDMENT) BILL** — Debate continued on the question, That this Bill be now read a second time.

Question — put.

The Council divided.

AYES, 28

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige (*Teller*)
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong

NOES, 13

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power (*Teller*)
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.R. White

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, by leave, read a third 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 **INFERTILITY TREATMENT BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill 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 **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 **WATER (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time [the Water Industry (Amendment) Bill having been authorized to be debated concurrently pursuant to an Order of the Council on 6 June 1995] and, after further debate, the question being put was resolved in the affirmative — Bill read a second time.

Ordered — That the Bill be committed to a Committee of the whole later this day.

- 13 **WATER INDUSTRY (AMENDMENT) BILL** — The concurrent second reading debate having concluded —

Question — put.

The Council divided.

AYES, 28

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood

NOES, 14

The Hon. B.E. Davidson (*Teller*)
M.M. Gould (*Teller*)
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong (*Teller*)
 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, by leave, read a third 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 WATER (AMENDMENT) 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 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.

- 15 SUPERANNUATION ACTS (GENERAL AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third 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 ROAD SAFETY (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 and, by leave, read a third 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 APPROPRIATION (INTERIM 1995-96) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be 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 a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

Question — put and resolved in the affirmative.

The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.54 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 43

Wednesday, 4 October 1995

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
 - (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

- 3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.
- 4 **THE HON. G.H. COX** — To move, That this House —
- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
 - (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
 - (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.
- 5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.
- 6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.
- *7 **THE HON. T.C. THEOPHANOUS** — To move, That this House calls on the Government to adopt the recommendations of the report of the Independent Public Inquiry into the Privatisation of the Electricity Industry, sponsored by major church and welfare groups by:
- (a) discontinuing the privatisation process and establishing a Government funded independent inquiry to investigate methods of improving the economic, technical, social and environmental performance of a publicly owned electricity industry;
 - (b) clearly and publicly demonstrating how privatisation will reduce debt to a level that leaves the community no worse off;
 - (c) establishing minimum safety and maintenance standards;
 - (d) broadening the role of the Regulator-General to include price control after the year 2000, environmental controls and greater consumer protection;
 - (e) guaranteeing that rural domestic consumers pay no more than urban consumers; and

- (f) developing and adopting a charter of consumer rights.

ORDERS OF THE DAY

- 1 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).
- 2 **AUDITOR-GENERAL** — Motion calling on Government to assist Auditor-General with any enquiries by providing full access to all contracts which create a liability for the State, employment and advertising contracts, consultancy arrangements and information on proposed asset sales — (*Hon. T.C. Theophanous*) and amendment of the Hon. R.M. Hallam — *Resumption of debate.* (*Hon. R.M. Hallam*).

GOVERNMENT BUSINESS

ORDER OF THE DAY

- *1 **UNIVERSITY ACTS (FURTHER AMENDMENT) BILL** — (*from Assembly* — *Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. C.J. Hogg*).
- *2 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** — (*from Assembly* — *Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. C.J. Hogg*).
- *3 **EXTRACTIVE INDUSTRIES DEVELOPMENT BILL** — (*from Assembly* — *Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. D.R. White*).
- *4 **PUBLIC TRANSPORT COMPETITION BILL** — (*from Assembly* — *Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- *5 **ROAD TRANSPORT CHARGES (VICTORIA) BILL** — (*from Assembly* — *Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- *6 **BUDGET PAPERS, 1995-96** — To be considered.
- 7 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — (*from Assembly* — *Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday — 2.30 p.m.
Wednesday — 10.00 a.m.
Thursday — 10.00 a.m.

Business to take precedence—

Tuesday — Government business.
Wednesday — General business (until 2.00 p.m.).
Thursday — Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

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AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 44

Tuesday, 10 October 1995

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 PUBLIC TRANSPORT COMPETITION BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate. (Hon. P. Power).*
- 2 ROAD TRANSPORT CHARGES (VICTORIA) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate. (Hon. P. Power).*
- 3 BUDGET PAPERS, 1995-96 — To be considered.
- 4 PLANNING AND ENVIRONMENT (AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 THE HON. D.R. WHITE — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;

- (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
- (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
- (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
- (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

4 **THE HON. G.H. COX** — To move, That this House —

- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
- (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
- (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.

6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.

ORDERS OF THE DAY

- 1 PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).
- 2 AUDITOR-GENERAL** — Motion calling on Government to assist Auditor-General with any enquiries by providing full access to all contracts which create a liability for the State, employment and advertising contracts, consultancy arrangements and information on proposed asset sales — (*Hon. T.C. Theophanous*) and amendment of the Hon. R.M. Hallam — *Resumption of debate.* (*Hon. R.M. Hallam*).
- *3 ELECTRICITY INDUSTRY PRIVATISATION** — Motion calling for Government's adoption of the recommendations of the independent public inquiry into the privatisation of the electricity industry by — (i) discontinuing the privatisation process and establishing an independent inquiry to investigate methods to improve the performance of a publicly owned electricity industry; (ii) demonstrating how privatisation will reduce debt to a level that leaves the community no worse off; (iii) establishing minimum safety and maintenance standards; (iv) broadening the Regulator-General's role to include price control after the year 2000, environmental controls and greater consumer protection; (v) guaranteeing that rural domestic consumers pay no more than urban consumers; and (iv) developing and adopting a charter of consumer rights — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.R. White*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

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* * * *

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CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

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PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

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* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 43 and 44

No. 43 — Tuesday, 3 October 1995

- 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 **THE LATE HONOURABLE SIR WILLIAM JOHN FARQUHAR McDONALD** —
The Honourable M.A. Birrell moved, That this House expresses its sincere sorrow at the death, on 13 September 1995, of the Honourable Sir William John Farquhar McDonald 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 Dundas from 1947 to 1952 and from 1955 to 1970, Speaker of the Legislative Assembly from 1955 to 1967 and Minister of Lands, Minister of Soldier Settlement and Minister for Conservation from 1967 to 1970.

And other Honourable Members and the President having addressed the House—
The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

- 4 **ADJOURNMENT** — The Honourable M.A. Birrell moved, That as a further mark of respect to the memory of the late Honourable Sir William John Farquhar McDonald, 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 2.47 p.m., adjourned until this day at 4.00 p.m.

- 1 The President took the Chair.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented Messages from His Excellency the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:

On 14 June 1995 —

Australian Grand Prix (Amendment) Act
Children and Young Persons (Pre-hearing Conferences) Act
Consumer Credit (Victoria) Act
Equal Opportunity Act
Financial Management and Audit Acts (Amendment) Act
Gaming Acts (Amendment) Act
Grain Handling and Storage Act

Health Services (Metropolitan Hospitals) Act
Land (Miscellaneous) Act
Legal Aid Commission (Amendment) Act
Medical Practice and Nurses Acts (Amendment) Act
Planning and Environment (Development Contributions) Act
Plant Health and Plant Products Act
Stamps (Further Amendment) Act
State Deficit Levy (Repeal) Act.

On 20 June 1995 —

Appropriation (Interim 1995-96) Act
Business Franchise (Tobacco) (Amendment) Act
Electricity Industry (Amendment) Act
National Parks (Yarra Ranges and Other Amendments) Act
Road Safety (Miscellaneous Amendments) Act
Trade Measurement Act
Trade Measurement (Administration) Act
Treasury Corporation of Victoria (Housing Finance) Act
Water (Amendment) Act.

On 27 June 1995 —

Infertility Treatment Act
Superannuation Acts (General Amendment) Act
Water Industry (Amendment) Act.

- 3 PUBLIC TRANSPORT COMPETITION BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “An Act to improve the operation of road-based public transport by providing for the accreditation of operators and implementing a system of service contracts for certain types of transport service, to amend the ‘Transport Act 1983’ and for other purposes” and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 4 ROAD TRANSPORT CHARGES (VICTORIA) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “An Act to apply certain laws of the Commonwealth relating to road transport charges as laws of Victoria and for other purposes” and desiring the concurrence of the Council therein.

On the motion of Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 5 UNIVERSITY ACTS (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “An Act to amend the ‘Monash University Act 1958’, the ‘Melbourne University Act 1958’, the ‘La Trobe University Act 1964’, the ‘Deakin University Act 1974’, the ‘Victorian College of the Arts Act 1981’, the ‘Victoria University of Technology Act 1990’, the ‘Swinburne University of Technology Act 1992’, the ‘Royal Melbourne Institute of Technology Act 1992’, the ‘University of Ballarat Act 1993’, and the ‘University Acts (Amendment) Act 1994’ and for other purposes” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 **EXTRACTIVE INDUSTRIES DEVELOPMENT BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to make further provision for extractive industries, to repeal the ‘Extractive Industries Act 1966’, to amend the ‘Planning and Environment Act 1987’ 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 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 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Drugs, Poisons and Controlled Substances Act 1981’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 **QUESTIONS** — Questions without notice were taken 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 **PETITIONS** —

PRIVATISATION — The Honourable D.R. White presented a Petition bearing 34 signatures from certain citizens of Victoria praying that the Government immediately abandon its privatisation campaign and ensure that electricity, water and gas services stay in Victorian hands.

Ordered to lie on the Table.

* * * * *

CALDER HIGHWAY — The Honourable R.S. de Fegely presented a Petition bearing 3,578 signatures from certain citizens of Victoria requesting that urgent consideration be given to making available adequate funding for the repair and upgrading of the Gisborne to Woodend section of the Calder Highway known as “The Black Forest”.

Ordered to lie on the Table.

* * * * *

SUPERANNUATION — The Honourable D.R. White presented a Petition bearing 22 signatures from certain citizens of Victoria requesting that all existing employees of Melbourne Parks and Waterways who are members of the Melbourne Water Superannuation Fund be provided with an option to remain in the existing fund, should that be their desire, to ensure that no loss of entitlements occur.

Ordered to lie on the Table.

11 PAPERS —

BLF CUSTODIAN — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of Report No. 32 dated 31 August 1995, given to Mr. President pursuant to section 7A of the *BLF (De-recognition) Act 1985* by the Custodian appointed under section 7(1) of that Act.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable Haddon Storey and ordered to lie on the Table.

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NATIONAL ROAD TRAUMA ADVISORY COUNCIL — The Honourable W.R. Baxter moved, by leave, That there be laid before this House a copy of the Report of the National Road Trauma Advisory Council for the year 1993-94.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable W.R. Baxter and ordered to lie on the Table.

* * * * *

BUDGET PAPERS 1995-96 — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the following 1995-96 Budget papers:

- (a) Treasurer's Speech;
- (b) Public Sector Capital Works (Budget Information Paper No. 1);
- (c) Budget Performance and Outlook (Budget Paper No. 2);
- (d) Budget Estimates (Budget Paper No. 3); and
- (e) Victorian Budget Summary.

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.

* * * * *

PUBLIC BODIES REVIEW COMMITTEE — LIQUOR LICENSING COMMISSION — The Honourable W.A.N. Hartigan presented a Report from the Public Bodies Review Committee upon the Liquor Licensing Commission, 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 DIGESTS — The Honourable B.A.E. Skeggs presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 9 of 1995, together with an Appendix.

Ordered to lie on the Table and to be printed.

Alert Digest No. 10 of 1995, together with an Appendix and an Attachment.

Ordered to lie on the Table and the Report and Appendix to be printed.

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SUBORDINATE LEGISLATION — The Honourable B.A.E. Skeggs presented a Report from the Scrutiny of Acts and Regulations Committee on Subordinate Legislation concerning Statutory Rules Series 1994, 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:
- Border Groundwater Agreement Review Committee — Report, 1993-94.
 - Crown Land (Reserves) Act 1978 — Minister's order of 13 July 1995 giving approval to granting of a lease and licence (Queen's Park, Newtown).
 - Education Act 1958 — Ministerial Orders No. 1 of 6 December 1994 and No. 2 of 18 July 1995 — Discipline of Pupils (two papers).
 - Electoral Commissioner — Statements of functions conferred, 30 May, 25 July and 29 August 1995 (three papers).
 - Electric Light and Power Act 1958 — Chief Electrical Inspector's Report on Applications and Proceedings, 1994.
 - Flora and Fauna Guarantee Act 1988 —
 - Order in Council of 30 May 1995 adding items to Schedule 3 — List of Potentially Threatening Processes.
 - Order in Council of 22 August 1995 adding items to Schedule 2 — List of Taxa and Communities of Flora or Fauna which are Threatened.
 - Glenelg-Wannon Water Board —
 - Minister's report of 20 September 1995 of failure of body to submit 1993-94 report to him within the prescribed period and the reasons therefor.
 - Report, 1993-94.
 - Goulburn Valley Region Water Authority —
 - Minister's report of 17 July 1995 of failure of body to submit 1993-94 report to him within the prescribed period and the reasons therefor.
 - Report, 1993-94.
 - Interpretation of Legislation Act 1984 —
 - Notice pursuant to section 32(3)(a) in relation to Statutory Rule No. 63/1995.
 - Notice pursuant to section 32(4)(a) in relation to Statutory Rule No. 119/1992.
 - Kyabram Town Council (Water and Wastewater Operations) —
 - Minister's report of 17 July 1995 of failure of body to submit 1993-94 report to him within the prescribed period and the reasons therefor.
 - Report, 1993-94.
 - Melbourne Water Corporation Employees' Superannuation Fund — Report, 1994-95.
 - Parliamentary Committees Act 1968 — Minister's response to recommendations in Community Development Committee's first report upon the Needs of Families for Early Childhood Services in Health, Welfare and Education.
 - Parliamentary Officers Act 1975 — Statements of appointments, alterations of classifications and of persons temporarily employed in the Parliamentary departments for the year 1994-95 (ten papers).
 - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
 - Alberton Planning Scheme — Amendments L41 and L42.
 - Ararat Planning Scheme — Amendment L1.
 - Avon Planning Scheme — Amendment L11.
 - Bacchus Marsh Planning Scheme — Amendments L42 and L44.
 - Bairnsdale (Shire) Planning Scheme — Amendments L50, L52 and L53.

Planning and Environment Act 1987 — *(continued)*

- Ballaarat (City) Planning Scheme — Amendments L55, L56, L60 and L62.
- Bannockburn Planning Scheme — Amendments R21 and R23.
- Bass Planning Scheme — Amendment L33.
- Bendigo — Greater Bendigo Planning Scheme — Amendments L18, L23, L25, L30 to L32 and L35.
- Berwick Planning Scheme — Amendments L84 and L95.
- Boroondara Amalgamation Amendment.
- Bright Planning Scheme — Amendment L39.
- Broadmeadows Planning Scheme — Amendment L68.
- Bulla Planning Scheme — Amendments L79, L91, L96, L98, L103, L104, L108 and L112.
- Buln Buln Planning Scheme — Amendments L40 to L42.
- Camberwell Planning Scheme — Amendments L45 and L46.
- Campaspe Amalgamation Amendment.
- Castlemaine Planning Scheme - Amendment L15.
- Caulfield Planning Scheme — Amendment L34.
- Central Goldfields Amalgamation Amendment.
- Charlton Planning Scheme — Amendment L4.
- Chiltern Planning Scheme — Amendments L24 and L25.
- Colac-Otway Planning Scheme — Amendment L1.
- Cranbourne Planning Scheme — Amendments L94, L100 Part 1, L114, L116, L127 and L144.
- Croydon Planning Scheme — Amendments L63, L66 Part 1 and L67.
- Dandenong Planning Scheme — Amendment L28 Part 2.
- Daylesford and Glenlyon Planning Scheme — Amendment L14.
- Deakin Planning Scheme — Amendments L36 and L38.
- Diamond Valley Planning Scheme — Amendment L59.
- Doncaster and Templestowe Planning Scheme — Amendments L61, L62, L73 Part 2, L86, L87 and L91.
- Essendon Planning Scheme — Amendments L64 and L65.
- Fitzroy Planning Scheme — Amendments L36 to L38.
- Footscray Planning Scheme — Amendment L51.
- Frankston Planning Scheme — Amendments L59 and L67.
- Geelong — Greater Geelong Planning Scheme — Amendments R107, R115 Part 1, R118 Part 1, R122, RL83, RL87, RL105 Part A, RL114, RL117, RL119 and RL127.
- Grenville Planning Scheme — Amendment L15.
- Hastings Planning Scheme — Amendments L54, L60, L69, L81, L97 and L100.
- Hawthorn Planning Scheme — Amendments L28, L34 and L35.
- Healesville Planning Scheme — Amendments L48 Parts 1 and 2, L56 and R14.
- Heidelberg Planning Scheme — Amendments L71, L73 and L75.
- Horsham (Rural City) Planning Scheme — Amendment L4 Part 1.
- Keilor Planning Scheme — Amendments L84, L87, L94 and L96.
- Kerang (Borough) Planning Scheme — Amendment L4 Part 2.
- Knox Planning Scheme — Amendments L77, L87, L92 and L93.

Planning and Environment Act 1987 — (continued)

- Korumburra Planning Scheme — Amendments L62 and L67.
Kyneton Planning Scheme — Amendment L4.
Lillydale Planning Scheme — Amendments L106, L126, L146, L153 and R14.
Macedon Ranges Amalgamation Amendment.
Macedon Ranges Planning Scheme — Amendments L1, L24 and L25.
Maffra Planning Scheme — Amendments L28 and L29.
Malvern Planning Scheme — Amendments L29, L31 and L36.
Maribyrnong Planning Scheme Amendment.
Melbourne Amalgamation Amendment.
Melbourne Planning Scheme — Amendments L158, L168, L178, L190 to L194.
Melton Planning Scheme — Amendments L49 and L59.
Metropolitan Region Planning Schemes — Amendment RL163.
Milawa Planning Scheme — Amendments L1 and L16.
Mildura (City) Planning Scheme — Amendments L48, L49 and L54.
Mitchell Amalgamation Amendment.
Mitchell Planning Scheme — Amendments L7 Part 1 and L84.
Moe Planning Scheme — Amendments L32 and L34.
Moirra Amalgamation Amendment.
Moirra Planning Scheme — Amendment L4.
Moorabbin Planning Scheme — Amendments L41, L50, L53 and L55.
Moreland Planning Scheme — Amendments L3, L4, L8 and L9.
Mornington Planning Scheme — Amendment L54.
Morwell Planning Scheme — Amendment L41 Part A.
Narracan Planning Scheme — Amendment L43.
Northcote Planning Scheme — Amendments L36 and L37.
Nunawading Planning Scheme — Amendments L78, L81 and L82.
Omeo Planning Scheme — Amendment L13.
Pakenham Planning Scheme — Amendments L42, L91, L98, L100, L103, L105, L110 and L112.
Phillip Island Planning Scheme — Amendment L60.
Portland (City) Planning Scheme - Amendment L39.
Port of Melbourne Planning Scheme - Amendment L13.
Port Melbourne Planning Scheme — Amendment L19.
Port Phillip Amalgamation Amendment.
Prahran Planning Scheme — Amendments L52, L54, L58 Part 1, L60 and L65.
Preston Planning Scheme Amendment.
Preston Planning Scheme — Amendments L57 and L62.
Ringwood Planning Scheme — Amendment L29.
Rochester Planning Scheme — Amendment L13.
Rodney Planning Scheme — Amendments L69, L79 and L88.
Rosedale Planning Scheme — Amendments L44 and L46.
Rutherglen Planning Scheme — Amendment L9.
Sale Planning Scheme — Amendment L28.

Planning and Environment Act 1987 — *(continued)*

- Sandringham Planning Scheme — Amendment L16.
- Shepparton (City) Planning Scheme — Amendment L55.
- Sherbrooke Planning Scheme — Amendments L81, L89 to L91 and R14.
- Southern Grampians Amalgamation Amendment.
- South Melbourne Planning Scheme — Amendments L59, L101, L105 and RL167.
- Springvale Planning Scheme — Amendments L85 and L93.
- Stawell (Shire) Planning Scheme — Amendment L20.
- St Kilda Planning Scheme — Amendment RL167.
- Stonnington Amalgamation Amendment.
- Sunshine Planning Scheme — Amendments L72, L79, L87 and L91.
- Swan Hill (Shire) Planning Scheme — Amendment L19.
- Talbot and Clunes Planning Scheme — Amendment L16.
- Traralgon (City) Planning Scheme — Amendment L58.
- Traralgon (Shire) Planning Scheme — Amendment L50.
- Upper Murray Planning Scheme — Amendment L9.
- Upper Yarra Planning Scheme — Amendments L35, L39, L43, L45, L46 and R14.
- Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan — Amendments Nos. 63, 73, 75 and 78 to 80.
- Victoria — State Section Planning Schemes — Amendments S40, S43, S46, S47, S49 to S51, SL1, SR3 and SRL1.
- Wangaratta (City) Planning Scheme — Milawa Amendment.
- Warragul Planning Scheme — Amendment L33.
- Warrnambool Planning Scheme — Amendments L4 to L7.
- Waverley Planning Scheme — Amendment L53.
- Werribee Planning Scheme — Amendments L67, L80, L81, L85 and L86.
- Whittlesea Planning Scheme — Amendments L84 Part 2, L110 and L114.
- Wycheproof Planning Scheme — Amendment L4.
- Yarra Amalgamation Amendment.
- Yarra Planning Scheme — Amendment L1.

Project Development and Construction Management Act 1994 —

- Nomination Order of 20 June 1995 and Application Order of 27 June 1995 relating to the National Air and Space Museum of Australia at Point Cook (two papers).
 - Nomination Order of 22 August 1995 and Application Order of 29 August 1995 relating to the Melbourne City Link Project (two papers).
- Public Prosecutions Act 1994 — Attorney-General's statement of reasons of 12 September 1995 pursuant to section 46(2).
- Queen Victoria Medical Centre (Guarantees) Act 1982 — Treasurer's notice of guarantees executed, 10 June 1995.
- Rural Finance Act 1988 — Treasurer's direction of 21 July 1995 to Rural Finance Corporation.
- Sale City Council (Water and Wastewater) — Report, 1993-94.
- Stamps Act 1958 — Treasurer's report of 21 September 1995 of approved exemptions and partial exemptions and refunds made on Corporate Reconstructions for 1994-95.

- State Superannuation Fund — Actuarial Investigation as at 30 June 1994.
Statutory Rules under the following Acts of Parliament:
- Administration and Probate Act 1958 — No. 91.
 - Adoption Act 1984 — No. 68.
 - Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — No. 90.
 - Audit Act 1994 — No. 78.
 - Building Act 1993 — No. 121.
 - Business Franchise (Tobacco) Act 1974 — No. 102.
 - Children and Young Persons Act 1989 — No. 92.
 - Chiropractors and Osteopaths Act 1978 — No. 80.
 - Conservation, Forests and Lands Act 1987 — No. 74.
 - Country Fire Authority Act 1958 — Nos. 107 and 125.
 - County Court Act 1958 — Nos. 118 and 119.
 - Credit (Administration) Act 1984 — No. 69.
 - Drugs, Poisons and Controlled Substances Act 1981 — No. 63.
 - Defence Reserves Re-Employment Act 1995 — No. 94.
 - Electricity Industry Act 1993 — No. 75.
 - Environment Protection Act 1970 — No. 93.
 - Equipment (Public Safety) Act 1994 — No. 82.
 - Evidence Act 1958 — No. 109.
 - Financial Institutions Duty Act 1982 — No. 112.
 - Fisheries Act 1968 — Nos. 84, 96, 104, 111 and 114.
 - Health Services Act 1988 — Nos. 87, 89 and 110.
 - Hospitals Superannuation Act 1988 — No. 77.
 - Lotteries Gaming and Betting Acts 1966 — No. 79.
 - Magistrates' Court Act 1989 — Nos. 99, 103 and 120.
 - Melbourne and Metropolitan Board of Works Act 1958 — No. 105.
 - Metropolitan Fire Brigades Act 1958 — No. 106.
 - Occupational Health and Safety Act 1985 — Nos. 81 and 83.
 - Planning and Environment Act 1987 - No. 124.
 - Prostitution Control Act 1994 — No. 72.
 - Public Sector Management Act 1992 — No. 70.
 - Registration of Births Deaths and Marriages Act 1959 — No. 67.
 - Retail Tenancies Act 1986 — No. 95.
 - Road Safety Act 1986 — Nos. 85, 98, 108 and 115.
 - Stamps Act 1958 — No. 86.
 - Supreme Court Act 1986 — Nos. 71, 113 and 116.
 - Supreme Court Act 1986—Juries Act 1967 — No. 117.
 - Surveyors Act 1978 — No. 76.
 - Tattersall Consultations Act 1958 — No. 122.
 - Transport Act 1983 — Nos. 97 and 126.
 - Water Act 1989 — Nos. 101 and 123.
 - Water Industry Act 1994 — No. 73.
 - Workers Compensation Act 1958 — No. 100.
 - Zoological Parks and Gardens Act 1967 — No. 88.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 14, 71 and 101/1995.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 68 to 70, 73 to 75, 80, 85 to 87, 89, 90, 92, 93, 95, 97, 98, 102, 105 to 107, 110 to 112, 114 and 122/1995.

The Constitution Act Amendment Act 1958 — Report on Williamstown District By-election, 13 August 1994.

Trade Unions — Report of the Registrar, 1994-95.

Transport Act 1983 — Minister's order of 26 June 1995 transferring certain assets and liabilities from the Public Transport Corporation to the Roads Corporation.

Treasury Corporation — Report, 1994-95.

Wangaratta City Council (Water Supply and Wastewater) —

Minister's report of 20 September 1995 of failure of body to submit 1993-94 report to him within the prescribed period and the reasons therefor.

Report, 1993-94.

* * * * *

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 6 September 1994:

Coastal Management Act 1995— Remaining provisions (except Division 4 of Part 3 and sections 42 (2) to (6) and 43 to 45 — 6 July 1995 (*Gazette No. G26, 6 July 1995*).

Consumer Credit (Victoria) Act 1995 — Section 42 — 28 September 1995 — (*Gazette No. G38, 28 September 1995*).

Coroners (Amendment) Act 1995— Sections 4 and 5 — 1 October 1995; remaining provisions — 21 September 1995 (*Gazette No. G37, 21 September 1995*).

Defence Reserves Re-Employment Act 1995 — Sections 3 to 19 — 27 July 1995 (*Gazette No. G29, 27 July 1995*).

Domestic (Feral and Nuisance) Animals Act 1994 — Remaining provisions — 9 April 1996 (*Gazette No. G28, 20 July 1995*).

Electricity Industry (Amendment) Act 1995 — Whole Act (except Parts 1 and 4 and sections 4 (2), 9, 10, 12, 37, 38, 46, 47, 53 (2) and 67 (2)) — 20 June 1995; Section 12 — 1 July 1995 (*Gazette No. S52, 20 June 1995*); sections 9, 10, 46 and 47 — 8 August 1995 (*Gazette No. S78, 8 August 1995*).

Equal Opportunity Act 1995 — Section 224 and item 5 of Schedule 2 — 5 October 1995 — (*Gazette No. G38, 28 September 1995*).

Gaming Acts (Amendment) Act 1995 — Section 35 — 24 August 1995 (*Gazette No. G33, 24 August 1995*); section 17 — 14 August 1995 (*Gazette No. S79, 8 August 1995*).

Gas and Fuel Corporation (Repeal) Act 1995 — Parts 2 and 5 — 14 June 1995; remaining provisions (except section 44 (2)) — 21 June 1995 (*Gazette No. S49, 14 June 1995*).

Grain Handling and Storage Act 1995 — Sections 4 to 12 and 26 to 38 — 14 June 1995; sections 13 to 25 and 39 (1) — 1 July 1995 (*Gazette No. S49, 14 June 1995*).

Proclamations — (continued)

- Infertility Treatment Act 1995 — Sections 5 and 199, Part 9 (except section 137 and paragraphs (a), (b), (c), (d), (e), (f), (h) and (i) of section 122 (1) and Part 13 — 1 September 1995 (*Gazette No. G34, 31 August 1995*).
- Judicial Remuneration Tribunal Act 1995 — Remaining provisions — 28 September 1995 — (*Gazette No. G38, 28 September 1995*).
- Land (Miscellaneous) Act 1995 — Sections 4, 6, 7, 8 and 9 and Schedules 1 and 2 — 3 August 1995 (*Gazette No. G30, 3 August 1995*); section 5 — 28 September 1995 (*Gazette No. G38, 28 September 1995*).
- Latrobe Regional Commission (Repeal) Act 1995 — Section 7 — 15 August 1995 (*Gazette No. G29, 27 July 1995*).
- Legal Profession Practice (Guarantee Fund) Act 1993 — Section 7 — 19 June 1995 (*Gazette No. G23, 15 June 1995*).
- Melbourne Sports and Aquatic Centre Act 1994 — Sections 3 and 4 of Part 1 and Parts 2 to 6 — 1 June 1995 (*Gazette No. S45, 31 May 1995*).
- National Environment Protection Council (Victoria) Act 1995 — Remaining provisions — 15 September 1995 (*Gazette No. G36, 14 September 1995*).
- National Parks (Yarra Ranges and Other Amendments) Act 1995 — Section 3, Part 3, Part 4 (except section 45), Schedule 2, Schedule 3 (except paragraph (c) of Part B) — 3 August 1995 (*Gazette No. G30, 3 August 1995*).
- Occupational Health and Safety Act 1985 — Items 13, 48 and 61 in Schedule 2 — 1 July 1995 (*Gazette No. G25, 29 June 1995*).
- Planning Authorities Repeal Act 1994 — Sections 12 and 13 — 1 July 1995 (*Gazette No. S63, 29 June 1995*).
- Queen Victoria Women's Centre Act 1994 — Remaining provisions — 15 June 1995 (*Gazette No. G23, 15 June 1995*).
- Retail Tenancies (Amendment) Act 1995 — Remaining provisions — 1 August 1995 (*Gazette No. G28, 20 July 1995*).
- Road Safety (Miscellaneous Amendments) Act 1995 — Sections 3 to 9, 11 to 13, 15 to 17, 19, 21 to 25 and 27 — 6 July 1995; sections 18 and 26 — 1 November 1995 (*Gazette No. G26, 6 July 1995*).
- Water Industry (Amendment) Act 1995 — Remaining provisions, except sections 16 (8), 22 (a), 22 (e), 22 (g), 22 (h), 22 (l) and 33 — 29 June 1995 (*Gazette No. G25, 29 June 1995*).

12 DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT)

BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

13 UNIVERSITY ACTS (FURTHER AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 14 EXTRACTIVE INDUSTRIES DEVELOPMENT BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 15 PUBLIC TRANSPORT COMPETITION BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable W.R. Baxter made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 16 ROAD TRANSPORT CHARGES (VICTORIA) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 17 ADJOURNMENT** — The Honourable W.R. Baxter moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.07 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 44 — Wednesday, 4 October 1995

- 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:
 - Anti-Cancer Council — Report, 1994-95.
 - Building Control Commission — Report, 1994-95.
- 3 **BUSINESS POSTPONED** —
 - Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 4 inclusive, be postponed until later this day.
 - Ordered — That the consideration of Notices of Motion, General Business, Nos. 5 and 6, be postponed until the next day of meeting.

- 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 **ELECTRICITY INDUSTRY PRIVATISATION** — The Honourable T.C. Theophanous moved, That this House calls on the Government to adopt the recommendations of the report of the Independent Public Inquiry into the Privatisation of the Electricity Industry, sponsored by major church and welfare groups by:
- (a) discontinuing the privatisation process and establishing a Government funded independent inquiry to investigate methods of improving the economic, technical, social and environmental performance of a publicly owned electricity industry;
 - (b) clearly and publicly demonstrating how privatisation will reduce debt to a level that leaves the community no worse off;
 - (c) establishing minimum safety and maintenance standards;
 - (d) broadening the role of the Regulator-General to include price control after the year 2000, environmental controls and greater consumer protection;
 - (e) guaranteeing that rural domestic consumers pay no more than urban consumers; and
 - (f) developing and adopting a charter of consumer rights.

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.R. White.

- 6 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 7 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.
- 8 **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.
- 9 **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, by leave, read a third 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 **EXTRACTIVE INDUSTRIES DEVELOPMENT BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

The Honourable D.R. White moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the proposed regulatory framework is fully known, and all local government areas have properly elected councils that can respond to the concerns of their residents."

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 24

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.H. Cox
 G.R. Craige
 P.R. Davis (*Teller*)
 R.S. de Fegely
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells (*Teller*)
 Sue deC. Wilding

NOES, 11

The Hon. M.M. Gould (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative — Amendment negatived.

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 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 5.47 p.m., adjourned until Tuesday next.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 45

Wednesday, 11 October 1995

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and

- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.
- 3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.
- 4 **THE HON. G.H. COX** — To move, That this House —
- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
 - (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
 - (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.
- 5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.
- 6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.
- *7 **THE HON. P. POWER** — To move, That this House is of the opinion that the continued existence of Victoria's network of public municipal libraries can no longer be guaranteed because politically-appointed local government Commissioners are imposing the State Government's Compulsory Competitive Tendering targets on libraries without ratepayers and residents, library users and library staff being properly involved in the process of decision making and of identifying desirable outcomes.

ORDERS OF THE DAY

- 1 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment

to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).

- 2 **AUDITOR-GENERAL** — Motion calling on Government to assist Auditor-General with any enquiries by providing full access to all contracts which create a liability for the State, employment and advertising contracts, consultancy arrangements and information on proposed asset sales — (*Hon. T.C. Theophanous*) and amendment of the Hon. R.M. Hallam — *Resumption of debate.* (*Hon. R.M. Hallam*).
- 3 **ELECTRICITY INDUSTRY PRIVATISATION** — Motion calling for Government's adoption of the recommendations of the independent public inquiry into the privatisation of the electricity industry by — (i) discontinuing the privatisation process and establishing an independent inquiry to investigate methods to improve the performance of a publicly owned electricity industry; (ii) demonstrating how privatisation will reduce debt to a level that leaves the community no worse off; (iii) establishing minimum safety and maintenance standards; (iv) broadening the Regulator-General's role to include price control after the year 2000, environmental controls and greater consumer protection; (v) guaranteeing that rural domestic consumers pay no more than urban consumers; and (iv) developing and adopting a charter of consumer rights — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.R. White*).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 **BUDGET PAPERS, 1995-96** — Motion to take note of papers — (*Hon. R.M. Hallam*) — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- *2 **BUILDING (AMENDMENT) BILL** — (*from Assembly* — *Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- *3 **PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL** — (*from Assembly* — *Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- 4 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — (*from Assembly* — *Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday — 2.30 p.m.
Wednesday — 10.00 a.m.
Thursday — 10.00 a.m.

Business to take precedence—

Tuesday — Government business.
Wednesday — General business (until 2.00 p.m.).
Thursday — Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

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AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 46

Tuesday, 24 October 1995

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 **BUDGET PAPERS, 1995-96** — Motion to take note of papers — (Hon. R.M. Hallam) — *Resumption of debate.* (Hon. C.J. Hogg).
- 2 **BUILDING (AMENDMENT) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 3 **PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. P. Power).
- 4 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;

- (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
- (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
- (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
- (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

4 **THE HON. G.H. COX** — To move, That this House —

- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
- (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
- (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.

6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.

- 1 PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).
- 2 AUDITOR-GENERAL** — Motion calling on Government to assist Auditor-General with any enquiries by providing full access to all contracts which create a liability for the State, employment and advertising contracts, consultancy arrangements and information on proposed asset sales — (*Hon. T.C. Theophanous*) and amendment of the Hon. R.M. Hallam — *Resumption of debate.* (*Hon. R.M. Hallam*).
- 3 ELECTRICITY INDUSTRY PRIVATISATION** — Motion calling for Government's adoption of the recommendations of the independent public inquiry into the privatisation of the electricity industry by — (i) discontinuing the privatisation process and establishing an independent inquiry to investigate methods to improve the performance of a publicly owned electricity industry; (ii) demonstrating how privatisation will reduce debt to a level that leaves the community no worse off; (iii) establishing minimum safety and maintenance standards; (iv) broadening the Regulator-General's role to include price control after the year 2000, environmental controls and greater consumer protection; (v) guaranteeing that rural domestic consumers pay no more than urban consumers; and (iv) developing and adopting a charter of consumer rights — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.R. White*).
- *4 MUNICIPAL LIBRARY SERVICES** — Motion expressing opinion that continued existence of network of public municipal libraries cannot be guaranteed because of imposition of compulsory competitive tendering targets on libraries without proper involvement in the decision making process of those affected — (*Hon. P. Power*) — *Resumption of debate.* (*Hon. B.T. Pullen*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

Tuesday, 24 October 1995

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday — 2.30 p.m.
 Wednesday — 10.00 a.m.
 Thursday — 10.00 a.m.

Business to take precedence—

Tuesday — Government business.
 Wednesday — General business (until 2.00 p.m.).
 Thursday — Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 45 and 46

No. 45 — Tuesday, 10 October 1995

- 1 The President took the Chair and read the Prayer.
- 2 **PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend 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 W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **BUILDING (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to 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, the Bill transmitted by the 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 and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 5 **PAPERS** —
COMMUNITY DEVELOPMENT COMMITTEE — PERSONS DETAINED AT THE GOVERNOR'S PLEASURE — The Honourable L. Kokocinski presented a Report from the Community Development Committee upon a review of legislation under which persons are detained at the Governor's Pleasure in Victoria, together with Appendices, a Minority Report, an Extract from the Proceedings of the Committee and Minutes of Evidence.
Ordered to lie on the Table and the Report, Appendices, Minority Report and Extract from the Proceedings of the Committee to be printed.
* * * * *
- SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST**— The Honourable B.A.E. Skeggs presented Alert Digest No. 11 of 1995 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:

Architects Registration Board — Report, 1994-95.

Arts Council — Report, 1994-95.

Building Control Act 1981 — Building Code of Australia 1990 — Amendment No. 8.

Crown Land (Reserves) Act 1978 — Minister's orders of 3 October 1995 giving approval to granting of leases (Albert Park) (two papers).

Historic Buildings Council — Report, 1994-95.

Land Conservation Council — Report, 1994-95.

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns, June 1995 and Summary of Variations notified between 1 June and 30 September 1995.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Benalla (City) Planning Scheme — Amendment L32.

Benalla (Shire) Planning Scheme — Amendment L15.

Cranbourne Planning Scheme — Amendments L121 and L124.

Diamond Valley Planning Scheme — Amendment L56.

Flinders Planning Scheme — Amendment L111.

Hastings Planning Scheme — Amendment L84 Part 1.

Lillydale Planning Scheme — Amendment L120.

Melbourne Planning Scheme — Amendment L160.

Moe Planning Scheme — Amendment L33.

Mornington Planning Scheme — Amendment L59.

Morwell Planning Scheme — Amendment L47.

Ringwood Planning Scheme — Amendment L46.

Yarra Planning Scheme — Amendment L2.

Police Review Commission — Report, 1994-95.

Public Authorities Equal Employment Opportunity — Report, 1993-94.

Rural Finance Corporation — Report, 1994-95.

Statutory Rules under the following Acts of Parliament:

Legal Profession Practice Act 1958 — No. 127.

Road Safety Act 1986 — No. 128.

Supreme Court Act 1986 — No. 129.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Amendment No. 8 of the Building Code of Australia.

Victorian Funds Management Corporation — Report, 1994-95.

Young Farmers' Finance Council — Report, 1994-95.

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PROCLAMATION — A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council on 6 September 1994:

Melbourne and Olympic Parks (Amendment) Act 1995 — Remaining provisions (except sections 24 to 28) — 5 October 1995 (*Gazette No. G39, 5 October 1995*).

- 6 **PREVENTION OF CRUELTY TO ANIMALS (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 W.R. Baxter) moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 7 **BUILDING (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 8 **PUBLIC TRANSPORT COMPETITION BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

The Honourable P. Power moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until the proposed regulatory framework is fully known, all the concerns of the industry have been fully canvassed and resolved and there is a clear and particularised commitment to meeting community service obligations and customer service standards.”.

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 28

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best (*Teller*)
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam

NOES, 12

The Hon. M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella (*Teller*)
P. Power (*Teller*)
T.C. Theophanous
D.T. Walpole
D.R. White

W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith (*Teller*)
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

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.

- 9 **ROAD TRANSPORT CHARGES (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.

- 10 **BUDGET PAPERS** — The Order of the Day having been read for the consideration of the Budget Papers, 1995-96, the Honourable R.I. Knowles (for the Honourable R.M. Hallam) moved, That the Council take note of the Budget Papers, 1995-96.

Debate ensued.

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.

- 11 **QUESTION** — An answer was given to a question on notice pursuant to Standing Order No. 71A.

- 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 10.33 p.m., adjourned until tomorrow.

A.V. BRAY
 Clerk of the Legislative Council

No. 46 — Wednesday, 11 October 1995

- 1 The President took the Chair and read the Prayer.
- 2 **PETITIONS —**
PRIVATISATION — The Honourable D.R. White presented a Petition bearing 85 signatures from certain citizens of Victoria praying that the Government immediately abandon its privatisation campaign and ensure that electricity, water and gas services stay in Victorian hands.
 Ordered to lie on the Table.

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WATER PRICING — The Honourable D.R. White presented a Petition bearing 12 signatures from certain citizens of Victoria praying that the Government take action to immediately bring the pricing structure of the Western Region Water Authority in line with that of City West Water or to have Sunbury connected to the City West Water facility at Greenvale.
 Ordered to lie on the Table.
- 3 **PAPERS PURSUANT TO STATUTE —** The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
 Auditor-General — Report on the Changing Profile of State Education: School Reorganisations, October 1995.
 Institute of Marine Sciences — Report, 1994.
 Melbourne Water Corporation — Report, 1994-95.
 Murray-Darling Basin Commission — Report, 1994-95.
 Ombudsman — Report of Deputy Ombudsman (Police Complaints) of Investigation of the Police Withdrawal on 2 May 1994 of Charges Laid Against David Fox and Kenneth Richards — September, 1995.
- 4 **BUSINESS POSTPONED —**
 Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 4 and 6 be postponed until later this day.
 Ordered — That the consideration of Notice of Motion, General Business, No. 5, be postponed until the next day of meeting.
- 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 **MUNICIPAL LIBRARY SERVICES —** The Honourable P. Power moved, That this House is of the opinion that the continued existence of Victoria's network of public municipal libraries can no longer be guaranteed because politically-appointed local government Commissioners are imposing the State Government's Compulsory Competitive Tendering targets on libraries without ratepayers and residents, library users and library staff being properly involved in the process of decision making and of identifying desirable outcomes.
 Debate ensued.
General business having been interrupted at 2.30 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of the Honourable B.T. Pullen.

- 7 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 8 **BUDGET PAPERS, 1995-96** — 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, 1995-96 —
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 the next day of meeting.
- 9 **ADJOURNMENT** — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 24 October 1995.
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 6.10 p.m., adjourned until Tuesday, 24 October 1995.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 47

Wednesday, 25 October 1995

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF;
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and

(g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

4 **THE HON. G.H. COX** — To move, That this House —

(a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;

(b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and

(c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.

6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.

*7 **THE HON. D.R. WHITE** — To move:

1. That a Select Committee of five members be appointed to inquire into and report upon:

(a) The selection, appointment and payment of Coulson Constructions Pty Ltd —

(i) as a commercial fitout company at the temporary casino prior to its opening in July 1994;

(ii) as a commercial fitout sub-contractor to the Grollo group at the permanent casino construction site;

(iii) as a commercial fitout company undertaking work from time to time over the past eight years for Hudson Conway, including work at the Hilton Hotel;

- (iv) to carry out home renovations at the Richmond residence of Michelle Quigley and Graham Holdsworth, Manager Design, at Crown Casino;
 - (v) to carry out home renovations at the Surrey Hills residence of the Honourable Jeffrey Gibb Kennett, MP, Premier of Victoria;
 - (vi) to carry out home renovations over the past five years at the Toorak residence of Mr. Ron Walker, a Director of Hudson Conway and Crown Casino; and
 - (vii) to carry out renovations on the Richmond house of Mr. Andrew Sharp Peacock; and
- (b) The selection, appointment and payment of Spaces Pty Ltd to provide architectural services at the Surrey Hills residence of the Premier, the Toorak residence of Mr. Ron Walker, the official office of the Premier at 1 Treasury Place, the Liberal Party headquarters in Canberra, and the proposed national cemetery for former Prime Ministers in or adjacent to the Melbourne Cemetery in Carlton, Victoria.
2. That in undertaking its inquiry the Committee further inquire into and report upon whether there has been any breach of the *Members of Parliament (Register of Interests) Act 1978*, the *Casino Control Act 1991* or the *Crimes Act 1958*, especially section 176 of the Crimes Act.
3. That the Committee further inquire into and report upon whether there is any actual, perceived or potential conflict of interest in the selection of Coulson Constructions Pty Ltd and Spaces Pty Ltd to undertake renovations at the Surrey Hills residence of the Premier and the decisions of the Victorian Government to:
- (a) permit Crown Casino to increase the number of gaming tables from 200 to 350 tables;
 - (b) permit Crown Casino to increase the size of the shopping complex, entertainment centre, the number of apartment rooms and cinemas;
 - (c) allow Crown Casino to lower the tax rate for "high rollers";
 - (d) charge a lower licence fee for gaming tables in Victoria than New South Wales; and
 - (e) allow a decision to be made in support of more gaming tables at the same time that serious fraud and blackmail charges relating to the activities of Hudson Conway are being investigated by the Victoria Police and the Casino and Gaming Control Authority.
4. That three members of the Committee shall constitute a quorum.
5. That the Committee have power to send for persons, papers and records.
- *8 THE HON. G.B. ASHMAN — To move, That this House congratulates the Minister for Roads and Ports, the Honourable W.R. Baxter, on his outstanding achievements in finalising the contracts with Transurban to develop a road

transport link system which will provide the City of Melbourne and the State of Victoria with the efficiency of transport movement required for the 21st century and, in particular, notes the ground-breaking provisions within the Agreement which allow private enterprise to finance and develop a major new project without a requirement for the taxpayers of Victoria to carry a commercial risk.

ORDERS OF THE DAY

- 1 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — *(Hon. D.R. White) — Resumption of debate. (Hon. M.A. Birrell).*
- 2 **AUDITOR-GENERAL** — Motion calling on Government to assist Auditor-General with any enquiries by providing full access to all contracts which create a liability for the State, employment and advertising contracts, consultancy arrangements and information on proposed asset sales — *(Hon. T.C. Theophanous)* and amendment of the Hon. R.M. Hallam — *Resumption of debate. (Hon. R.M. Hallam).*
- 3 **ELECTRICITY INDUSTRY PRIVATISATION** — Motion calling for Government's adoption of the recommendations of the independent public inquiry into the privatisation of the electricity industry by — (i) discontinuing the privatisation process and establishing an independent inquiry to investigate methods to improve the performance of a publicly owned electricity industry; (ii) demonstrating how privatisation will reduce debt to a level that leaves the community no worse off; (iii) establishing minimum safety and maintenance standards; (iv) broadening the Regulator-General's role to include price control after the year 2000, environmental controls and greater consumer protection; (v) guaranteeing that rural domestic consumers pay no more than urban consumers; and (iv) developing and adopting a charter of consumer rights — *(Hon. T.C. Theophanous) — Resumption of debate. (Hon. D.R. White).*
- 4 **MUNICIPAL LIBRARY SERVICES** — Motion expressing opinion that continued existence of network of public municipal libraries cannot be guaranteed because of imposition of compulsory competitive tendering targets on libraries without proper involvement in the decision making process of those affected — *(Hon. P. Power) — Resumption of debate. (Hon. B.T. Pullen).*

GOVERNMENT BUSINESS

NOTICES OF MOTION

- *1 **THE HON. W.R. BAXTER** — To move, That he have leave 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.
- *2 **THE HON. W.R. BAXTER** — To move, That he have leave to bring in 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.
- *3 **THE HON. HADDON STOREY** — To move, That he have leave to bring in a Bill to provide for the enforcement of a scheme of classification of publications, films and computer games and for other purposes.
- *4 **THE HON. HADDON STOREY** — To move, That he have leave to bring in a Bill to provide for the transfer of certain trust property to Marcus Oldham College A.C.N. 071 444 409, to cancel the trust created by the will of Marcus William Oldham, deceased, and for other purposes.

ORDERS OF THE DAY

- *1 **RACING (AMENDMENT) BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- *2 **GOVERNMENT EMPLOYEE HOUSING AUTHORITY (REPEAL) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *3 **ROAD TRANSPORT (DANGEROUS GOODS) BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- Ø*4 **APPROPRIATION (1995-96, No. 1) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate. (Hon. R.S. Ives).*
- Ø5 **BUDGET PAPERS, 1995-96** — Motion to take note of papers — (*Hon. R.M. Hallam*) — *Resumption of debate. (Hon. R.S. Ives).*
- *6 **APPROPRIATION (PARLIAMENT 1995-96, No. 1) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- 7 **PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL** — (*from Assembly — Hon. W.R. Baxter*) — To be committed.

- *8 **COMPETITION POLICY REFORM (VICTORIA) BILL** — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- *9 **LOCAL GOVERNMENT (ELECTIONS) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate. (Hon. P. Power).*
- 10 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday — 2.30 p.m.
Wednesday — 10.00 a.m.
Thursday — 10.00 a.m.

Business to take precedence—

Tuesday — Government business.
Wednesday — General business (until 2.00 p.m.).
Thursday — Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

*ADJOURNMENT OF BILLS [Effective until 31 December 1995]

By resolution of the Council on 24 October 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 24 November 1995, 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 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 27 November 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 48

Tuesday, 31 October 1995

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) BILL** — (*Hon. Haddon Storey*) — Second reading.
- 2 **COMPETITION POLICY REFORM (VICTORIA) BILL** — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 3 **LOCAL GOVERNMENT (ELECTIONS) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- *4 **FARM PRODUCE WHOLESALE (AMENDMENT) BILL** — (*Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- 5 **GOVERNMENT EMPLOYEE HOUSING AUTHORITY (REPEAL) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 6 **RACING (AMENDMENT) BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. D.R. White*).
- 7 **ROAD TRANSPORT (DANGEROUS GOODS) BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- *8 **DANGEROUS GOODS (AMENDMENT) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- 9 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
 - (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.
- 3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.
- 4 **THE HON. G.H. COX** — To move, That this House —
 - (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;

- (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
 - (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.
- 5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.
- 6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.
- 7 **THE HON. G.B. ASHMAN** — To move, That this House congratulates the Minister for Roads and Ports, the Honourable W.R. Baxter, on his outstanding achievements in finalising the contracts with Transurban to develop a road transport link system which will provide the City of Melbourne and the State of Victoria with the efficiency of transport movement required for the 21st century and, in particular, notes the ground-breaking provisions within the Agreement which allow private enterprise to finance and develop a major new project without a requirement for the taxpayers of Victoria to carry a commercial risk.

ORDERS OF THE DAY

- 1 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).
- 2 **AUDITOR-GENERAL** — Motion calling on Government to assist Auditor-General with any enquiries by providing full access to all contracts which create a liability for the State, employment and advertising contracts, consultancy arrangements and information on proposed asset sales — (*Hon. T.C. Theophanous*) and amendment of the Hon. R.M. Hallam — *Resumption of debate.* (*Hon. R.M. Hallam*).

- 3 ELECTRICITY INDUSTRY PRIVATISATION** — Motion calling for Government's adoption of the recommendations of the independent public inquiry into the privatisation of the electricity industry by — (i) discontinuing the privatisation process and establishing an independent inquiry to investigate methods to improve the performance of a publicly owned electricity industry; (ii) demonstrating how privatisation will reduce debt to a level that leaves the community no worse off; (iii) establishing minimum safety and maintenance standards; (iv) broadening the Regulator-General's role to include price control after the year 2000, environmental controls and greater consumer protection; (v) guaranteeing that rural domestic consumers pay no more than urban consumers; and (iv) developing and adopting a charter of consumer rights — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.R. White*).
- 4 MUNICIPAL LIBRARY SERVICES** — Motion expressing opinion that continued existence of network of public municipal libraries cannot be guaranteed because of imposition of compulsory competitive tendering targets on libraries without proper involvement in the decision making process of those affected — (*Hon. P. Power*) — *Resumption of debate.* (*Hon. Haddon Storey*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday — 2.30 p.m.
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Thursday — 10.00 a.m.

Business to take precedence—

Tuesday — Government business.
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Thursday — Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1995]

By resolution of the Council on 24 October 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 24 November 1995, 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 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 27 November 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 47 and 48

No. 47 — Tuesday, 24 October 1995

- 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 17 October 1995, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - Drugs, Poisons and Controlled Substances (Amendment) Act*
 - Extractive Industries Development Act*
 - Public Transport Competition Act*
 - Road Transport Charges (Victoria) Act*
 - University Acts (Further Amendment) Act.*
- 3 **APPROPRIATION (1995-96, No. 1) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to appropriate certain sums out of the Consolidated Fund for recurrent services and for certain works and services for the financial year 1995-96 and to appropriate the supplies granted for recurrent services and for certain works and services under the ‘Appropriation (Interim 1995-96) 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 later this day.
- 4 **APPROPRIATION (PARLIAMENT 1995-96, No. 1) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to appropriate moneys out of the Consolidated Fund for recurrent services and for certain works and services for the Parliament for the financial year 1995-96 and to appropriate the supplies granted for recurrent services and for certain works and services under the ‘Appropriation (Parliament) (Interim 1995-96) 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 later this day.
- 5 **LOCAL GOVERNMENT (ELECTIONS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Local Government Act 1989’ 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 **COMPETITION POLICY REFORM (VICTORIA) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to apply certain laws of the Commonwealth relating to competition policy as laws 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.

- 7 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

- 8 **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 24 November 1995, 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 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 27 November 1995 may be taken through all stages; and

(b) this Order shall have effect until 31 December 1995.

Question — put and resolved in the affirmative.

- 9 **PETITION — CROWN CASINO** — The Honourable R.S. de Fegely presented a Petition bearing 163 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 and Anzac Day.

Ordered to lie on the Table.

- 10 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST— The Honourable B.A.E. Skeggs presented Alert Digest No. 12 of 1995 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, Community and Further Education Board — Report, 1994-95.

Adult Parole Board — Report, 1994-95.

Arts Centre Trust — Report, 1994-95.

Auditor-General —

Performance Audit of Office for the three years ended 30 June 1995.

Report on Promoting Industry Development: Assistance by Government, October 1995.

Australian Grand Prix Corporation — Report, 1994-95.

Board of Studies — Report, 1994-95.

Broiler Industry Negotiation Committee — Report, 1994-95.

Campaspe Region Water Authority — Report, 1 July 1994 to 31 October 1994.

- Central Gippsland Region Water Authority — Report, 1994-95.
Colac Region Water Authority — Report, 1994-95.
Conservation Trust — Report, 1994-95.
Construction Industry Long Service Leave Board — Report, 1994-95.
Country Fire Authority — Report, 1994-95.
Crimes Compensation Tribunal — Report, 1994-95.
Debt Retirement Fund — Report, 1994-95.
Docklands Authority — Report, 1994-95.
Education Department — Report, 1994-95.
Electoral Commissioner — Statement of function conferred, 3 October 1995.
Electricity Services Victoria — Report, 1994-95.
Emerald Tourist Railway Board — Report, 1994-95.
Environment Protection Authority — Report, 1994-95.
Equal Opportunity Board — Report, 1994-95.
Equal Opportunity Commission — Report, 1994-95.
Film Victoria — Report, 1994-95.
Financial Institutions Commission — Report, 1994-95.
Financial Operations Statement, 1994-95, together with the Report of the Auditor-General on the Statement.
First Mildura Irrigation Trust — Report, 1994-95.
Gas and Fuel — Report, 1994-95.
Gas Transmission Corporation — Report, 1994-95.
Geelong Performing Arts Centre Trust — Report, 1994-95.
Greyhound Racing Control Board — Report, 1994-95.
Guardianship and Administration Board — Report, 1994-95.
Infertility (Medical Procedures) Act 1984 — Report of the Standing Review and Advisory Committee on Infertility of Approved Experimental Procedure — In Vitro Maturation and Fertilization of Cryopreserved Human Oocytes.
Institute of Forensic Pathology — Report, 1994-95.
Intellectual Disability Review Panel — Report, 1994-95.
Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3)(a) in relation to Statutory Rules Nos. 81 and 82/1995.
Legal Aid Commission — Report, 1994-95.
Libraries Board — Report, 1994-95.
Liquor Licensing Commission — Report, 1994-95.
Loy Yang Power Limited — Report, 1994-95.
Marine Board — Report, 1994-95.
Marine Sciences Institute — Report, 1 January 1995 to 30 June 1995.
Maryborough City Council (water and wastewater function) — Report, 1 July 1994 to 30 November 1994.
Melbourne City Link Authority — Report, 1994-95.
Melbourne Parks and Waterways — Report, 1994-95 (two papers).
Metropolitan Fire Brigades Board — Report, 1994-95.
Museum of Victoria — Report, 1994-95.
Museums Advisory Board — Report, 1994-95.
National Gallery of Victoria — Report, 1994-95.
National Parks — Report of the Director, 1994-95.
National Parks Advisory Council — Report, 1994-95.

Parliamentary Committees Act 1968 — Minister's response to recommendations in Economic Development Committee's reports upon the Victorian Building and Construction Industry: Security of Payments and the final report upon the Victorian Building and Construction Industry and a report upon the BLF Assets.

Patriotic Funds Council — Report, 1994.

Planning and Development Department — Report, 1994-95.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Altona Planning Scheme — Amendment L105.

Cranbourne Planning Scheme — Amendment L143.

Darebin Planning Scheme — Amendment L10.

Frankston Planning Scheme — Amendment L73.

Macedon Ranges Planning Scheme — Amendment L3.

Melbourne Metropolitan Planning Schemes — Amendment R127.

Melbourne Planning Scheme — Amendment L197.

Mitchell Planning Scheme — Amendment L13.

Port Phillip Planning Scheme — Amendment L2.

Sherbrooke Planning Scheme — Amendment L97.

Stonnington Planning Scheme — Amendment L8.

Swan Hill (Shire) Planning Scheme — Amendment L20.

Waverley Planning Scheme — Amendments L48 and L57.

Plumbers, Gasfitters and Drainers Registration Board — Report, 1994-95.

Port of Geelong Authority — Report, 1994-95.

Port of Melbourne Authority — Report, 1994-95.

Port of Portland Authority — Report, 1994-95.

PowerNet Victoria — Report, 1994-95.

Public Advocate Office — Report, 1994-95.

Public Record Office — Report, 1994-95.

Public Transport Corporation — Report, 1994-95.

Recycling and Resource Recovery Council — Report, 1994-95.

Regulator-General's Office — Report, 1994-95.

Roads Corporation — Report, 1994-95.

Royal Botanic Gardens Board — Report, 1994-95.

Small Business Victoria — Report, 1994-95.

Southern Hydro Limited — Report, 1994-95.

State Film Centre Council — Report, 1994-95.

State Insurance Office — Report, 1994-95.

State Library Council — Report, 1994-95.

State Training Board — Report, 1994-95.

State Trustees Limited — Report, 1994-95.

Statutory Rules under the following Acts of Parliament:

Corrections Act 1986 — No. 131.

Tobacco Act 1987 — No. 130.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 124, 125, 130 and 131/1995.

Tourism Victoria — Report, 1994-95.

Urban Land Authority — Report, 1994-95.

Victorian Government Purchasing Board — Report, 1994-95.

Victorian Power Exchange — Report, 1994-95.

West Moorabool Water Board — Report, 1 July 1994 to 31 March 1995.
Zoological Board — Report, 1994-95.

* * * * *

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 6 September 1994:

Corporations (Victoria) (Amendment) Act 1995 — Part 2 — 16 October 1995 (*Gazette No. G40, 12 October 1995*); Part 3 — 17 October 1995 (*Gazette No. G41, 19 October 1995*).

Trade Measurement (Administration) Act 1995 — Sections 5, 6 and 9 — 17 October 1995 (*Gazette No. G41, 19 October 1995*).

11 COMPETITION POLICY REFORM (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 C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

12 APPROPRIATION (1995-96, No. 1) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable 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.

13 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 (1995-96, No. 1) Bill to be taken concurrently with further debate on the motion to take note of the Budget Papers, 1995-96.

Question — put and resolved in the affirmative.

14 APPROPRIATION (PARLIAMENT 1995-96, No. 1) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable 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.

15 LOCAL GOVERNMENT (ELECTIONS) 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 (1995-96, 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 1995-96 Budget Papers having been authorized to be debated concurrently pursuant to an Order of the Council this day] —

Debate resumed.

The Honourable C.J. Hogg (for the Honourable R.S. Ives) moved, That the debate be now adjourned.

Question — 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 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.

- 18 RACING (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Racing Act 1958' to make further provision for the regulation of the greyhound racing industry and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable W.R. Baxter), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 19 GOVERNMENT EMPLOYEE HOUSING AUTHORITY (REPEAL) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to repeal the 'Government Employee Housing Authority Act 1981' 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 PREVENTION OF CRUELTY TO ANIMALS (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.

- 21 ROAD TRANSPORT (DANGEROUS GOODS) BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make provision for safety in the transport of dangerous goods by road as part of the system of nationally consistent road transport laws and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

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 9.47 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 48 — Wednesday, 25 October 1995

1 The President took the Chair and read the Prayer.

2 PETITION — COODE ISLAND CHEMICAL STORAGE— The Honourable D.E. Henshaw presented a Petition bearing 60 signatures from certain citizens of Victoria praying that the Government not relocate the Coode Island Hazardous Chemical Storage Facility to Point Lillias.

Ordered to lie on the Table.

3 PAPERS —

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — BUDGET AND FINANCIAL MANAGEMENT FRAMEWORK — The Honourable P.R. Hall presented the Final Report from the Public Accounts and Estimates Committee upon the State's Budget and Financial Management Framework, 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:

Ethnic Affairs Commission — Report, 1994-95.

Prison Industries Commission — Report, 1994-95.

Transport Accident Commission — Report, 1994-95.

WorkCover Authority — Report, 1994-95.

4 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 6 inclusive, be postponed until later this day.

5 BUILDING CONTRACTS — The Honourable D.R. White moved —

1. That a Select Committee of five members be appointed to inquire into and report upon:

(a) The selection, appointment and payment of Coulson Constructions Pty Ltd —

(i) as a commercial fitout company at the temporary casino prior to its opening in July 1994;

(ii) as a commercial fitout sub-contractor to the Grollo group at the permanent casino construction site;

- (iii) as a commercial fitout company undertaking work from time to time over the past eight years for Hudson Conway, including work at the Hilton Hotel;
 - (iv) to carry out home renovations at the Richmond residence of Michelle Quigley and Graham Holdsworth, Manager Design, at Crown Casino;
 - (v) to carry out home renovations at the Surrey Hills residence of the Honourable Jeffrey Gibb Kennett, MP, Premier of Victoria;
 - (vi) to carry out home renovations over the past five years at the Toorak residence of Mr. Ron Walker, a Director of Hudson Conway and Crown Casino; and
 - (vii) to carry out renovations on the Richmond house of Mr. Andrew Sharp Peacock; and
- (b) The selection, appointment and payment of Spaces Pty Ltd to provide architectural services at the Surrey Hills residence of the Premier, the Toorak residence of Mr. Ron Walker, the official office of the Premier at 1 Treasury Place, the Liberal Party headquarters in Canberra, and the proposed national cemetery for former Prime Ministers in or adjacent to the Melbourne Cemetery in Carlton, Victoria.
2. That in undertaking its inquiry the Committee further inquire into and report upon whether there has been any breach of the *Members of Parliament (Register of Interests) Act 1978*, the *Casino Control Act 1991* or the *Crimes Act 1958*, especially section 176 of the *Crimes Act*.
 3. That the Committee further inquire into and report upon whether there is any actual, perceived or potential conflict of interest in the selection of Coulson Constructions Pty Ltd and Spaces Pty Ltd to undertake renovations at the Surrey Hills residence of the Premier and the decisions of the Victorian Government to:
 - (a) permit Crown Casino to increase the number of gaming tables from 200 to 350 tables;
 - (b) permit Crown Casino to increase the size of the shopping complex, entertainment centre, the number of apartment rooms and cinemas;
 - (c) allow Crown Casino to lower the tax rate for "high rollers";
 - (d) charge a lower licence fee for gaming tables in Victoria than New South Wales; and
 - (e) allow a decision to be made in support of more gaming tables at the same time that serious fraud and blackmail charges relating to the activities of Hudson Conway are being investigated by the Victoria Police and the Casino and Gaming Control Authority.
 4. That three members of the Committee shall constitute a quorum.
 5. That the Committee have power to send for persons, papers and records.

Member named and suspended — The Honourable D.R. White having been named by the President for wilfully disregarding the authority of the Chair —
 The Honourable R.I. Knowles moved, That the Honourable D.R. White be suspended from the service of the Council during the remainder of the sitting.

Question — put.

The Council divided.

AYES, 29

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan (*Teller*)
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding (*Teller*)

NOES, 13

The Hon. B.E. Davidson
 M.M. Gould (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives (*Teller*)
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

Debate continued.

Question — put.

The Council divided.

AYES, 13

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski (*Teller*)
 J. McLean (*Teller*)

NOES, 29

The Hon. L. Asher (*Teller*)
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop

B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole

R.H. Bowden
 A.R. Brideson
 G.P. Connard (*Teller*)
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 8, and Orders of the Day, General Business, Nos. 1 to 3 inclusive, be postponed until later this day.
- 7 **MUNICIPAL LIBRARY SERVICES** — The Order of the Day having been read for the resumption of the debate on the motion expressing the opinion that continued existence of a network of public municipal libraries cannot be guaranteed because of the imposition of compulsory competitive tendering targets on libraries without proper involvement in the decision making process of those affected (*for text see page 267 ante*) —

Debate resumed.

The Honourable Haddon Storey moved, That the debate be now adjourned.

Question — 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 **FARM PRODUCE WHOLESALE (AMENDMENT) BILL** — On the motion of the Honourable W.R. Baxter, 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, by leave, to be read a second time later this day.
- 9 **PROFESSIONAL BOXING AND MARTIAL ARTS BILL** — On the motion of the Honourable W.R. Baxter, leave was given to bring in 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 the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 10 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) BILL** — On the motion of the Honourable Haddon Storey, leave was given to bring in a Bill to provide for the enforcement of a scheme of classification of publications, films and computer games 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 MARCUS OLDHAM COLLEGE BILL** — On the motion of the Honourable Haddon Storey, leave was given to bring in a Bill to provide for the transfer of certain trust property to Marcus Oldham College A.C.N. 071 444 409, to cancel the trust created by the will of Marcus William Oldham, deceased, 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.
- 12 RACING (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 13 GOVERNMENT EMPLOYEE HOUSING AUTHORITY (REPEAL) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
The Honourable 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 ROAD TRANSPORT (DANGEROUS GOODS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable 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 FARM PRODUCE WHOLESALE (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable 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 QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 17 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 4 to 6 inclusive, be postponed until later this day.

18 PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL — This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

19 APPROPRIATION (1995-96, 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 1995-96 Budget Papers having been authorized to be debated concurrently pursuant to an Order of the Council on 24 October 1995] 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 BUDGET PAPERS 1995-96 — The concurrent debate having concluded —
Question — That the Council take note of the Budget Papers 1995-96 — put and resolved in the affirmative.

21 APPROPRIATION (PARLIAMENT 1995-96, 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.

22 MARCUS OLDHAM COLLEGE BILL — ORDER DISCHARGED — The Order of the Day having been read for the second reading of this Bill —
The Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That the said Order be discharged and that the Bill be withdrawn.

Question — put and resolved in the affirmative.

23 PROFESSIONAL BOXING AND MARTIAL ARTS BILL — ORDER DISCHARGED — The Order of the Day having been read for the second reading of this Bill —

The Honourable R.I. Knowles (for the Honourable W.R. Baxter) moved, That the said Order be discharged and that the Bill be withdrawn.

Question — put and resolved in the affirmative.

24 DANGEROUS GOODS (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Dangerous Goods Act 1985' 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, 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.

25 **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 5.43 p.m., adjourned until Tuesday next.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 49

Wednesday, 1 November 1995

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and

- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

4 **THE HON. G.H. COX** — To move, That this House —

(a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;

(b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and

(c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.

6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.

7 **THE HON. G.B. ASHMAN** — To move, That this House congratulates the Minister for Roads and Ports, the Honourable W.R. Baxter, on his outstanding achievements in finalising the contracts with Transurban to develop a road transport link system which will provide the City of Melbourne and the State of Victoria with the efficiency of transport movement required for the 21st century and, in particular, notes the ground-breaking provisions within the Agreement which allow private enterprise to finance and develop a major new project without a requirement for the taxpayers of Victoria to carry a commercial risk.

*8 **THE HON. B.T. PULLEN** — To move, That this House condemns the Minister for Conservation and Environment for his failure to —

(a) protect the public interest in the sale and transfer of the former Flemington Secondary College site to the Victoria Racing Club;

(b) sell the land at the Valuer-General's valuation;

(c) uphold the recommendations of the Gowans Inquiry and the Frost Royal Commission into land deals; and

- (d) adhere to the provisions of the *Land (Amendment) Act 1993* which provides that no sale take place at a price below the valuation of the Valuer-General —

and calls for an independent public inquiry into the circumstances of the sale and leasing deal.

ORDERS OF THE DAY

- 1 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate. (Hon. M.A. Birrell).*
- 2 **AUDITOR-GENERAL** — Motion calling on Government to assist Auditor-General with any enquiries by providing full access to all contracts which create a liability for the State, employment and advertising contracts, consultancy arrangements and information on proposed asset sales — (*Hon. T.C. Theophanous*) and amendment of the Hon. R.M. Hallam — *Resumption of debate. (Hon. R.M. Hallam).*
- 3 **ELECTRICITY INDUSTRY PRIVATISATION** — Motion calling for Government's adoption of the recommendations of the independent public inquiry into the privatisation of the electricity industry by — (i) discontinuing the privatisation process and establishing an independent inquiry to investigate methods to improve the performance of a publicly owned electricity industry; (ii) demonstrating how privatisation will reduce debt to a level that leaves the community no worse off; (iii) establishing minimum safety and maintenance standards; (iv) broadening the Regulator-General's role to include price control after the year 2000, environmental controls and greater consumer protection; (v) guaranteeing that rural domestic consumers pay no more than urban consumers; and (iv) developing and adopting a charter of consumer rights — (*Hon. T.C. Theophanous*) — *Resumption of debate. (Hon. D.R. White).*
- 4 **MUNICIPAL LIBRARY SERVICES** — Motion expressing opinion that continued existence of network of public municipal libraries cannot be guaranteed because of imposition of compulsory competitive tendering targets on libraries without proper involvement in the decision making process of those affected — (*Hon. P. Power*) — *Resumption of debate. (Hon. Haddon Storey).*

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) BILL** — (*Hon. Haddon Storey*) — Second reading.
- *2 **VOCATIONAL EDUCATION AND TRAINING (AMENDMENT) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- 3 **LOCAL GOVERNMENT (ELECTIONS) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Motion for second reading and reasoned amendment of the Hon. P. Power — *Resumption of debate.* (*Hon. P. R. Hall*).
- 4 **GOVERNMENT EMPLOYEE HOUSING AUTHORITY (REPEAL) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. T.C. Theophanous*).
- 5 **FARM PRODUCE WHOLESALE (AMENDMENT) BILL** — (*Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- 6 **RACING (AMENDMENT) BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. D.R. White*).
- 7 **ROAD TRANSPORT (DANGEROUS GOODS) BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- 8 **DANGEROUS GOODS (AMENDMENT) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- *9 **PORT SERVICES BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (*Hon. P. Power*).
- *10 **TRUSTEE AND TRUSTEE COMPANIES (AMENDMENT) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).
- *11 **ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL (No. 2)** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate.* (*Hon. D.R. White*).
- *12 **MENTAL HEALTH (AMENDMENT) BILL** — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 13 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (*Hon. B.T. Pullen*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday — 2.30 p.m.
Wednesday — 10.00 a.m.
Thursday — 10.00 a.m.

Business to take precedence—

Tuesday — Government business.
Wednesday — General business (until 2.00 p.m.).
Thursday — Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

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AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1995]

By resolution of the Council on 24 October 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 24 November 1995, 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 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 27 November 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 50

Tuesday, 14 November 1995

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) BILL** — (*Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 2 **FARM PRODUCE WHOLESALE (AMENDMENT) BILL** — (*Hon. W.R. Baxter*) — Second reading — *Resumption of debate. (Hon. P. Power).*
- 3 **MENTAL HEALTH (AMENDMENT) BILL** — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate. (Hon. C.J. Hogg).*
- 4 **RACING (AMENDMENT) BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate. (Hon. D.R. White).*
- 5 **ROAD TRANSPORT (DANGEROUS GOODS) BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate. (Hon. P. Power).*
- 6 **DANGEROUS GOODS (AMENDMENT) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate. (Hon. P. Power).*
- 7 **PORT SERVICES BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate. (Hon. P. Power).*
- 8 **TRUSTEE AND TRUSTEE COMPANIES (AMENDMENT) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 9 **ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL (No. 2)** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate. (Hon. D.R. White).*
- 10 **VOCATIONAL EDUCATION AND TRAINING (AMENDMENT) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. C.J. Hogg).*

*11 **ZOOLOGICAL PARKS AND GARDENS BILL** — (from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).

12 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
 - (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.
- 3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary

Tuesday, 14 November 1995

College despite its demonstrated success in the provision of education for Aboriginal students.

4 THE HON. G.H. COX — To move, That this House —

- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
- (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
- (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

5 THE HON. D.M. EVANS — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.

6 THE HON. B.T. PULLEN — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.

7 THE HON. G.B. ASHMAN — To move, That this House congratulates the Minister for Roads and Ports, the Honourable W.R. Baxter, on his outstanding achievements in finalising the contracts with Transurban to develop a road transport link system which will provide the City of Melbourne and the State of Victoria with the efficiency of transport movement required for the 21st century and, in particular, notes the ground-breaking provisions within the Agreement which allow private enterprise to finance and develop a major new project without a requirement for the taxpayers of Victoria to carry a commercial risk.

ORDERS OF THE DAY

1 PRIVILEGE OF MEMBERS — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).

- 2 **AUDITOR-GENERAL** — Motion calling on Government to assist Auditor-General with any enquiries by providing full access to all contracts which create a liability for the State, employment and advertising contracts, consultancy arrangements and information on proposed asset sales — (*Hon. T.C. Theophanous*) and amendment of the Hon. R.M. Hallam — *Resumption of debate.* (*Hon. R.M. Hallam*).
- 3 **ELECTRICITY INDUSTRY PRIVATISATION** — Motion calling for Government's adoption of the recommendations of the independent public inquiry into the privatisation of the electricity industry by — (i) discontinuing the privatisation process and establishing an independent inquiry to investigate methods to improve the performance of a publicly owned electricity industry; (ii) demonstrating how privatisation will reduce debt to a level that leaves the community no worse off; (iii) establishing minimum safety and maintenance standards; (iv) broadening the Regulator-General's role to include price control after the year 2000, environmental controls and greater consumer protection; (v) guaranteeing that rural domestic consumers pay no more than urban consumers; and (iv) developing and adopting a charter of consumer rights — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.R. White*).
- 4 **MUNICIPAL LIBRARY SERVICES** — Motion expressing opinion that continued existence of network of public municipal libraries cannot be guaranteed because of imposition of compulsory competitive tendering targets on libraries without proper involvement in the decision making process of those affected — (*Hon. P. Power*) — *Resumption of debate.* (*Hon. C.J. Hogg*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

Tuesday, 14 November 1995

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

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HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

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PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

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ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

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AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

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ADJOURNMENT OF BILLS [Effective until 31 December 1995]

By resolution of the Council on 24 October 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 24 November 1995, 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 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 27 November 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 49 and 50

No. 49 — Tuesday, 31 October 1995

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Honourable M.A. Birrell presented Messages from His Excellency the Governor informing the Council —
That he had, this day, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments:
Building (Amendment) Act.
That he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Honourable the Speaker of the Legislative Assembly:
Appropriation (1995-96, No. 1) Act
Appropriation (Parliament 1995-96, No. 1) Act.
- 3 **PORT SERVICES BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make further provision relating to ports, to amend the 'Port of Melbourne Authority Act 1958', the 'Port of Geelong Authority Act 1958', the 'Port of Portland Authority Act 1958', the 'Marine Act 1988' and certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable W.R. Baxter, the Bill transmitted by the 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 **TRUSTEE AND TRUSTEE COMPANIES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Trustee Act 1958 and the Trustee Companies Act 1984' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL (No. 2)** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make further amendments to the 'Electricity Industry Act 1993' and the 'State Electricity Commission 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.

- 6 **MENTAL HEALTH (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend 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.

- 7 **QUESTIONS** — Questions without notice were taken 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:

Alexandra District Hospital — Report, 1994-95 (two papers).

Alfred Healthcare Group — Report, 1994-95.

Altona District Hospital — Report, 1994-95.

Aluminium Smelters of Victoria Pty Ltd — Report, 1994-95.

Angliss Hospital — Report, 1994-95.

Anne Caudle Centre — Report, 1994-95.

Bairnsdale Regional Health Service — Report, 1994-95.

Benalla and District Memorial Hospital — Report, 1994-95.

Bendigo Hospital — Report, 1994-95.

Bethlehem Hospital Incorporated — Report, 1994-95 (two papers).

Birregurra and District Community Hospital — Report, 1994-95.

Boort District Hospital — Report, 1994-95.

Box Hill Hospital — Report, 1994-95.

Bright District Hospital and Health Services — Report, 1994-95.

Bundoora Extended Care Centre — Report, 1994-95 (two papers).

Burwood and District Community Hospital — Report, 1994-95.

Caritas Christi Hospice Limited — Report, 1994-95.

Casino (Management Agreement) Act 1993 — Authorized changes to Drawings of the Melbourne Casino Complex pursuant to section 16(2) (28 papers).

Casterton Memorial Hospital — Report, 1994-95.

CitiPower Limited — Report, 11 May 1994 to 30 June 1995.

Clunes District Hospital — Report, 1994-95.

Coal Corporation — Report, 1 July 1994 to 20 June 1995.

Cobram District Hospital — Report, 1994-95.

Cohuna District Hospital — Report, 1994-95.

Colac District Hospital — Report, 1994-95.

Coleraine and District Hospital — Report, 1994-95.

Donald District Hospital — Report, 1994-95.

Eastern Energy Limited — Report, 11 May 1994 to 30 June 1995.

Echuca Regional Health — Report, 1994-95 (two papers).

Energy Brix Australia Corporation — Report, 1994-95.

Fairfield Hospital — Report, 1994-95.

GFE Resources Limited — Report, 1994-95 (two papers).

Goulburn Valley Base Hospital — Report, 1994-95 (two papers).

Grace McKellar Centre — Report, 1994-95.

Hampton Rehabilitation Hospital — Report, 1994-95.

Hazelwood Power Corporation Limited — Report, 1994-95.

Healesville and District Hospital — Report, 1994-95.

Heywood and District Memorial Hospital — Report, 1994-95.

- Inglewood Hospital — Report, 1994-95.
- Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4)(a) in relation to Amendment No. 8 of the Building Code of Australia.
- Kerang and District Hospital — Report, 1994-95.
- Kilmore and District Hospital — Report, 1994-95.
- Kingston Centre — Report, 1994-95.
- Koroit and District Memorial Hospital — Report, 1994-95.
- Kyabram and District Memorial Community Hospital — Report, 1994-95.
- Kyneton District Health Service — Report, 1994-95.
- Latrobe Regional Hospital — Report, 1994-95 (two papers).
- Lorne Community Hospital — Report, 1994-95.
- Maffra District Hospital — Report, 1994-95 (two papers).
- Maldon Hospital — Report, 1994-95.
- Manangatang and District Hospital — Report, 1994-95.
- Mansfield District Hospital — Report, 1994-95.
- Maroondah Hospital — Report, 1994-95.
- Maryborough District Health Service — Report, 1994-95.
- McIvor Health and Community Services — Report, 1994-95.
- Melbourne Exhibition Centre Trust — Minister for Industry and Employment's report of receipt of Trust's Report for the period 18 August 1994 to 30 June 1995.
- Melbourne Market Authority — Report, 1994-95 (two papers).
- Mercy Public Hospitals Incorporated — Report, 1994-95 (two papers).
- Mildura Base Hospital — Report, 1994-95.
- Monash Medical Centre — Report, 1994-95.
- Mordialloc-Cheltenham Community Hospital — Report, 1994-95.
- Mt Alexander Hospital — Report, 1994-95.
- Mount Eliza Centre — Report, 1994-95.
- Murray Valley Wine Grape Industry Negotiating Committee — Report, 1994-95.
- Nathalia District Hospital — Report, 1994-95 (three papers).
- North West Hospital — Report, 1994-95.
- Numurkah and District War Memorial Hospital — Report, 1994-95.
- O'Connell Family Centre (Grey Sisters) Incorporated — Report, 1994-95.
- Omeo District Hospital — Report, 1994-95.
- Ouyen and District Hospital — Report, 1994-95.
- Peter James Centre — Report, 1994-95.
- Pharmacy Board — Report, 1994-95.
- Physiotherapists Registration Board — Report, 1994-95.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Flinders Planning Scheme — Amendments L120 and L124.
 - Geelong — Greater Geelong Planning Scheme — Amendment L147.
 - Healesville Planning Scheme — Amendments L51 and L57.
 - Lillydale Planning Scheme — Amendment L140.
 - Macedon Ranges Planning Scheme — Amendment L5.
 - Melbourne Planning Scheme — Amendment L200.
 - Mitchell Planning Scheme — Amendment L15.
 - Stonnington Planning Scheme — Amendments L1 and L2.
 - Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan — Amendment 58.
 - Warrnambool (City) Planning Scheme — Amendment L9.

Planning and Environment Act 1987 —(continued)

Whittlesea Planning Scheme — Amendment L123.

Port Fairy Hospital — Report, 1994-95.

Portland and District Hospital — Report, 1994-95.

Powercor Australia Limited — Report, 11 May 1994 to 30 June 1995.

Queen Elizabeth Centre — Report, 1994-95.

Renewable Energy Authority — Report, 1994-95.

Rochester and Elmore District Health Service — Report, 1994-95.

Royal Dental Hospital of Melbourne — Report, 1994-95.

Royal Melbourne Hospital — Report, 1994-95 (two papers).

Royal Victorian Eye and Ear Hospital — Report, 1994-95.

Royal Women's Hospital — Report, 1994-95.

St Arnaud District Hospital — Report, 1994-95.

Sandringham and District Memorial Hospital — Report, 1994-95 (two papers).

Solaris Power Limited — Report, 11 May 1994 to 30 June 1995.

South Gippsland Hospital — Report, 1994-95.

State Electricity Commission — Report, 1994-95.

Statutory Rules under the following Acts of Parliament:

Criminal Injuries Compensation Act 1983 — No. 132.

Transport Accident Act 1986 — No. 133.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 133/1995.

Swan Hill District Hospital — Report, 1994-95.

Tallangatta Hospital — Report, 1994-95.

Terang and Mortlake Health Service — Report, 1 November 1994 to 30 June 1995.

Timboon and District Hospital — Report, 1994-95.

Tricontinental Holdings Limited — Report, 1994.

Tweddle Child and Family Health Service — Report, 1994-95.

Upper Murray Health and Community Services — Report, 1994-95.

Vicfleet Pty Ltd — Report, 1994-95.

Victorian Relief Committee — Report, 1994-95.

Wangaratta District Base Hospital — Report, 1994-95.

Waranga Memorial Hospital — Report, 1994-95 (three papers).

Warrnambool and District Base Hospital — Report, 1994-95.

Western Hospital — Report, 1994-95.

West Gippsland Hospital — Report, 1994-95 (two papers).

Williamstown Hospital — Report, 1994-95 (two papers).

Wodonga District Hospital — Report, 1994-95 (two papers).

Wycheproof and District Health Service — Report, 1994-95.

Yallourn Energy Limited — Report, 1994-95.

Yea and District Memorial Hospital — Report, 1994-95.

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PROCLAMATION — A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council on 6 September 1994:

Superannuation Acts (General Amendment) Act 1995 — Sections 33(4) to 33(7) — 1 November 1995 (*Gazette No. S106, 24 October 1995*).

- 9 **PORT SERVICES BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable P. Power moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 10 **TRUSTEE AND TRUSTEE COMPANIES (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 11 **ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL (No. 2)** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable D.R. White) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 12 **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 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 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

- 14 **COMPETITION POLICY REFORM (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 committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time 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.

15 LOCAL GOVERNMENT (ELECTIONS) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

The Honourable P. Power moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and redrafted to provide for the immediate return of democratically elected councils in each of Victoria’s 78 municipalities.”.

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 the next day of meeting.

16 PREVENTION OF CRUELTY TO ANIMALS (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.

17 VOCATIONAL EDUCATION AND TRAINING (AMENDMENT) BILL — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Vocational Education and Training Act 1990’ to enable certain powers and functions of the State Training Board in relation to apprenticeships and traineeships to be carried out by persons or bodies approved by the Governor in Council and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam (for the Honourable Haddon Storey), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

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 10.19 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 50 — Wednesday, 1 November 1995

1 The President took the Chair and read the Prayer.

2 PAPERS —

PARLIAMENTARY DEPARTMENTS — The Honourable D.M. Evans moved, by leave, That there be laid before this House a copy of the Report of the —

- (a) Clerk on the operations of the Department of the Legislative Council for the year 1994-95;
- (b) Librarian on the operations of the Library of the Parliament of Victoria for the year 1994-95;
- (c) Chief Reporter on the operations of the Department of Victorian Parliamentary Debates for the year 1994-95; and
- (d) Secretary on the operations of the Department of the House Committee for the year 1994-95.

Question — put and resolved in the affirmative.

The said reports were thereupon presented by the Honourable D.M. Evans and ordered to lie on the Table.

* * * * *

PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

City West Water Limited — Report, 8 November 1994 to 30 June 1995.

South East Water Limited — Report, 8 November 1994 to 30 June 1995.

Vistel Limited — Report, 1994-95.

Yarra Bend Park Trust — Report, 1994-95.

Yarra Valley Water Limited — Report, 8 November 1994 to 30 June 1995.

3 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 7 inclusive, be postponed until later this day.

4 FLEMINGTON SECONDARY COLLEGE SITE — The Honourable B.T. Pullen moved, That this House condemns the Minister for Conservation and Environment for his failure to —

(a) protect the public interest in the sale and transfer of the former Flemington Secondary College site to the Victoria Racing Club;

(b) sell the land at the Valuer-General's valuation;

(c) uphold the recommendations of the Gowans Inquiry and the Frost Royal Commission into land deals; and

(d) adhere to the provisions of the *Land (Amendment) Act 1993* which provides that no sale take place at a price below the valuation of the Valuer-General —

and calls for an independent public inquiry into the circumstances of the sale and leasing deal.

Debate ensued.

Question — put.

The Council divided.

AYES, 12

The Hon. B.E. Davidson (*Teller*)
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 L. Kokocinski
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

NOES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop (*Teller*)
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam

W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 Dr. R.J.H. Wells (*Teller*)
 Sue deC. Wilding

And so it passed in the negative.

- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, General Business, Nos. 1 to 3 inclusive, be postponed until the next day of meeting.
- 6 **MUNICIPAL LIBRARY SERVICES** — The Order of the Day having been read for the resumption of the debate on the motion expressing the opinion that continued existence of a network of public municipal libraries cannot be guaranteed because of the imposition of compulsory competitive tendering targets on libraries without proper involvement in the decision making process of those affected (*for motion see page 267 ante*) —

Debate resumed.

General Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of the Honourable C.J. Hogg.

- 7 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 8 **VOCATIONAL EDUCATION AND TRAINING (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable Haddon Storey) moved, That this Bill be now read a second time.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — 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 **LOCAL GOVERNMENT (ELECTIONS) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time and on the reasoned amendment of the Honourable P. Power — 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 immediate return of democratically elected councils in each of Victoria’s 78 municipalities” —

Debate resumed.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —

- 10 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 11 LOCAL GOVERNMENT (ELECTIONS) 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 ante*) —

The Honourable D.E. Henshaw moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until later this day.

- 12 GOVERNMENT EMPLOYEE HOUSING 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.

Question — put.

The Council divided.

AYES, 26

The Hon. L. Asher
 G.B. Ashman (*Teller*)
 B.N. Atkinson
 W.R. Baxter
 R.A. Best (*Teller*)
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson (*Teller*)
 M.M. Gould
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 B.W. Mier
 D.A. Nardella
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 LOCAL GOVERNMENT (ELECTIONS) 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 ante*) —

Debate resumed.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 25

NOES, 11

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson (*Teller*)
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden (*Teller*)
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 Dr. R.J.H. Wells
 Sue deC. Wilding

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 B.W. Mier
 P. Power
 B.T. Pullen (*Teller*)
 D.T. Walpole (*Teller*)
 D.R. White

And so it was resolved in the affirmative — Amendment negatived.

Question — That this Bill be now read a second time — put 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 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.

14 ZOOLOGICAL PARKS AND GARDENS BILL — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for “An Act to establish the Zoological Parks and Gardens Board and define its functions, to provide for the management and administration of zoological parks and gardens, to repeal the ‘Zoological Parks and Gardens Act 1967’, to amend the ‘Borrowing and Investment Powers Act 1987’ and the ‘Conservation, Forests and Lands 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 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 (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

15 ADJOURNMENT — The Honourable R.I. Knowles moved, That the Council, at its rising, adjourn until Tuesday, 14 November 1995.

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 7.01 p.m., adjourned until Tuesday, 14 November 1995.

A.V. BRAY

Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 51

Wednesday, 15 November 1995

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and

(g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

4 **THE HON. G.H. COX** — To move, That this House —

(a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;

(b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and

(c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.

6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.

7 **THE HON. G.B. ASHMAN** — To move, That this House congratulates the Minister for Roads and Ports, the Honourable W.R. Baxter, on his outstanding achievements in finalising the contracts with Transurban to develop a road transport link system which will provide the City of Melbourne and the State of Victoria with the efficiency of transport movement required for the 21st century and, in particular, notes the ground-breaking provisions within the Agreement which allow private enterprise to finance and develop a major new project without a requirement for the taxpayers of Victoria to carry a commercial risk.

*8 **THE HON. T.C. THEOPHANOUS** — To move, That this House condemns the Minister for Roads and Ports for misleading the House and the people of Victoria by —

(a) indicating to the House on 25 October 1995 that the Government had no intention of closing Batman Avenue, when, on 20 October 1995, he had signed an agreement between the Government and Transurban which states "Batman Ave closed west of Morell Bridge";

- (b) indicating to the House on 31 October 1995, in relation to the relocation of Victoria Dock required under the City Link Project, that "it is the Government's intention that wherever possible this relocation be funded by the private sector", when the Premier indicated on the same day that the cost of port changes will all be borne by the Government;
- (c) commenting to the press on 2 November 1995 that Stonnington Council supported the changes to Toorak Road as part of the City Link, when the Council indicated the following day that they had not been consulted despite several requests; and
- (d) indicating to the House on 31 May 1995 that the Government would not bear any of the commercial risk associated with City Link, whereas the contract signed between Transurban and the Government on 20 October 1995 shows that much of the risk will be borne by the Government and the Government will be liable for compensation in a range of circumstances.

ORDERS OF THE DAY

- 1 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).
- 2 **AUDITOR-GENERAL** — Motion calling on Government to assist Auditor-General with any enquiries by providing full access to all contracts which create a liability for the State, employment and advertising contracts, consultancy arrangements and information on proposed asset sales — (*Hon. T.C. Theophanous*) and amendment of the Hon. R.M. Hallam — *Resumption of debate.* (*Hon. R.M. Hallam*).
- 3 **ELECTRICITY INDUSTRY PRIVATISATION** — Motion calling for Government's adoption of the recommendations of the independent public inquiry into the privatisation of the electricity industry by — (i) discontinuing the privatisation process and establishing an independent inquiry to investigate methods to improve the performance of a publicly owned electricity industry; (ii) demonstrating how privatisation will reduce debt to a level that leaves the community no worse off; (iii) establishing minimum safety and maintenance standards; (iv) broadening the Regulator-General's role to include price control after the year 2000, environmental controls and greater consumer protection; (v) guaranteeing that rural domestic consumers pay no more than urban consumers; and (iv) developing and adopting a charter of consumer rights — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.R. White*).

- 4 **MUNICIPAL LIBRARY SERVICES** — Motion expressing opinion that continued existence of network of public municipal libraries cannot be guaranteed because of imposition of compulsory competitive tendering targets on libraries without proper involvement in the decision making process of those affected — (Hon. P. Power) — *Resumption of debate.* (Hon. C.J. Hogg).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 **MARCUS OLDHAM COLLEGE BILL (No. 2)** — (from Assembly — Hon. Haddon Storey) — Second reading.
- *2 **GAS INDUSTRY (EXTENSION OF SUPPLY) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading.
- *3 **WATER (FURTHER AMENDMENT) BILL** — (from Assembly — Hon. M.A. Birrell) — Second reading.
- *4 **STATE TAXATION (FURTHER AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading.
- *5 **FISHERIES BILL** — (from Assembly — Hon. M.A. Birrell) — Second reading.
- *6 **DOMESTIC BUILDING CONTRACTS AND TRIBUNAL BILL** — (from Assembly — Hon. R.I. Knowles) — Second reading.
- *7 **LAND REVOCATIONS (AND OTHER MATTERS) BILL** — (from Assembly — Hon. M.A. Birrell) — Second reading.
- *8 **MISCELLANEOUS ACTS (OMNIBUS AMENDMENTS) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading.
- 9 **RACING (AMENDMENT) BILL** — (from Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. D.R. White).
- 10 **DANGEROUS GOODS (AMENDMENT) BILL** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. P. Power).
- 11 **VOCATIONAL EDUCATION AND TRAINING (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- 12 **TRUSTEE AND TRUSTEE COMPANIES (AMENDMENT) BILL** — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 13 **ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL (No. 2)** — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. D.R. White).

- 14 **ZOOLOGICAL PARKS AND GARDENS BILL** — *(from Assembly — Hon. M.A. Birrell) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*
- 15 **PORT SERVICES BILL** — *(from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. P. Power).*
- 16 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — *(from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday — 2.30 p.m.
Wednesday — 10.00 a.m.
Thursday — 10.00 a.m.

Business to take precedence—

Tuesday — Government business.
Wednesday — General business (until 2.00 p.m.).
Thursday — Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1995]

By resolution of the Council on 24 October 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 24 November 1995, 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 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 27 November 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 52

Tuesday, 21 November 1995

Mr. President takes the Chair at 2.30 p.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 **MARCUS OLDHAM COLLEGE BILL (No. 2)** — *(from Assembly — Hon. Haddon Storey)* — Second reading — *Resumption of debate. (Hon. D.E. Henshaw).*
- 2 **ZOOLOGICAL PARKS AND GARDENS BILL** — *(from Assembly — Hon. M.A. Birrell)* — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 3 **GAS INDUSTRY (EXTENSION OF SUPPLY) BILL** — *(from Assembly — Hon. R.M. Hallam)* — Second reading — *Resumption of debate. (Hon. D.R. White).*
- 4 **WATER (FURTHER AMENDMENT) BILL** — *(from Assembly — Hon. M.A. Birrell)* — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 5 **STATE TAXATION (FURTHER AMENDMENT) BILL** — *(from Assembly — Hon. R.M. Hallam)* — Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- 6 **FISHERIES BILL** — *(from Assembly — Hon. M.A. Birrell)* — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 7 **DOMESTIC BUILDING CONTRACTS AND TRIBUNAL BILL** — *(from Assembly — Hon. R.I. Knowles)* — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 8 **LAND REVOCATIONS (AND OTHER MATTERS) BILL** — *(from Assembly — Hon. M.A. Birrell)* — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 9 **MISCELLANEOUS ACTS (OMNIBUS AMENDMENTS) BILL** — *(from Assembly — Hon. R.M. Hallam)* — Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- 10 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — *(from Assembly — Hon. R.I. Knowles)* — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
 - (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.
- 3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.
- 4 **THE HON. G.H. COX** — To move, That this House —
 - (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;

- (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
 - (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.
- 5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.
- 6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.
- 7 **THE HON. G.B. ASHMAN** — To move, That this House congratulates the Minister for Roads and Ports, the Honourable W.R. Baxter, on his outstanding achievements in finalising the contracts with Transurban to develop a road transport link system which will provide the City of Melbourne and the State of Victoria with the efficiency of transport movement required for the 21st century and, in particular, notes the ground-breaking provisions within the Agreement which allow private enterprise to finance and develop a major new project without a requirement for the taxpayers of Victoria to carry a commercial risk.

ORDERS OF THE DAY

- 1 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).
- 2 **AUDITOR-GENERAL** — Motion calling on Government to assist Auditor-General with any enquiries by providing full access to all contracts which create a liability for the State, employment and advertising contracts, consultancy arrangements and information on proposed asset sales — (*Hon. T.C. Theophanous*) and amendment of the Hon. R.M. Hallam — *Resumption of debate.* (*Hon. R.M. Hallam*).

- 3 **ELECTRICITY INDUSTRY PRIVATISATION** — Motion calling for Government's adoption of the recommendations of the independent public inquiry into the privatisation of the electricity industry by — (i) discontinuing the privatisation process and establishing an independent inquiry to investigate methods to improve the performance of a publicly owned electricity industry; (ii) demonstrating how privatisation will reduce debt to a level that leaves the community no worse off; (iii) establishing minimum safety and maintenance standards; (iv) broadening the Regulator-General's role to include price control after the year 2000, environmental controls and greater consumer protection; (v) guaranteeing that rural domestic consumers pay no more than urban consumers; and (iv) developing and adopting a charter of consumer rights — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.R. White*).
- 4 **MUNICIPAL LIBRARY SERVICES** — Motion expressing opinion that continued existence of network of public municipal libraries cannot be guaranteed because of imposition of compulsory competitive tendering targets on libraries without proper involvement in the decision making process of those affected — (*Hon. P. Power*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- *5 **CITY LINK PROJECT** — Motion condemning Minister for Roads and Ports for misleading the House and people of Victoria in statements on the City Link Project relating to — (i) closure of Batman Avenue; (ii) funding for the relocation of Victoria Dock; (iii) Stonnington Council's support for changes to Toorak Road; and (iv) commercial risk associated with the Project — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. B.N. Atkinson*).

* * * *

At 6.15 p.m.—

***JOINT SITTING IN THE LEGISLATIVE ASSEMBLY CHAMBER** —
Appointments to the Monash University and Royal Melbourne Institute of
Technology Councils.

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday — 2.30 p.m.
Wednesday — 10.00 a.m.
Thursday — 10.00 a.m.

Business to take precedence—

Tuesday — Government business.
Wednesday — General business (until 2.00 p.m.).
Thursday — Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1995]

By resolution of the Council on 24 October 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 24 November 1995, 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 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 27 November 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 51 and 52

No. 51 — Tuesday, 14 November 1995

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE HERBERT ARTHUR THOMAS** — The Honourable M.A. Birrell moved, That this House expresses its sincere sorrow at the death, on 2 November 1995, of the Honourable Herbert Arthur Thomas 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 Melbourne West Province from 1970 to 1982.
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 Herbert Arthur Thomas, 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 2.46 p.m., adjourned until this day at 4.00 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:
 - Competition Policy Reform (Victoria) Act*
 - Government Employee Housing Authority (Repeal) Act*
 - Local Government (Elections) Act*
 - Prevention of Cruelty to Animals (Amendment) Act.*
 - 3 **GAS INDUSTRY (EXTENSION OF SUPPLY) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act 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.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 **WATER (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Water Act 1989' and 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 **STATE TAXATION (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Business Franchise (Tobacco) Act 1974', the 'Financial Institutions Duty Act 1982', the 'Gift Duty Act 1971', the 'Land Tax Act 1958', the 'Pay-roll Tax Act 1971', the 'Probate Duty Act 1962', the 'Stamps 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.

- 6 **FISHERIES BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to reform the law relating to Victorian fisheries, to repeal the 'Fisheries Act 1968' and to make consequential amendments to certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable 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 **COMPETITION POLICY REFORM (VICTORIA) 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.

- 8 **QUESTIONS** — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

- 9 **PAPERS** —

ECONOMIC DEVELOPMENT COMMITTEE — EXPORT OF ENVIRONMENTAL SERVICES — The Honourable G.B. Ashman presented a Report from the Economic Development Committee upon the Export of Environmental Services and Associated Technologies, 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 DIGEST —

The Honourable B.A.E. Skeggs presented Alert Digest No. 13 of 1995 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, 1994-95.

Casino and Gaming Authority — Report, 3 June 1994 to 30 June 1995.

Chief Electrical Inspector's Office — Report, 1994-95.

City of Melbourne Superannuation Fund — Report, 1994-95.

Coal Mine Workers' Pensions Tribunal — Report, 1994-95.

- Coliban Region Water Authority — Report, 1994-95.
- Dairy Industry Authority — Report, 1994-95.
- Dandenong Hospital — Report, 1994-95.
- East Gippsland Region Water Authority — Report, 1994-95.
- Emergency Services Superannuation Scheme — Report, 1994-95.
- Geelong Hospital — Report, 1994-95.
- Generation Victoria — Treasurer's advice of failure to submit 1994-95 report to him within the prescribed period and the reasons therefor and extension of time granted until 10 November 1995 to submit the report.
- Goulburn-Murray Rural Water Authority — Report, 1994-95 (two papers).
- Grants Commission — Report, year ended 31 August 1995.
- Hamilton Base Hospital — Report, 1994-95 (two papers).
- Hesse Rural Health Service — Report, 1994-95 (two papers).
- Hospitals Superannuation Board — Report, 1994-95.
- Hospitals Superannuation Fund — Actuarial Investigation as at 30 June 1995.
- Local Authorities Superannuation Board — Report, 1994-95.
- Meat Authority — Report, 1994-95.
- Melbourne Water Corporation Act 1992 — Minister for Natural Resources' direction of 25 May 1995 to Melbourne Water Corporation.
- Mental Health Review Board and Psychosurgery Review Board — Report, 1994-95.
- Mid-Goulburn Regional Water Board — Report, 1994-95.
- National Crime Authority — Report, 1994-95 (including comments on the report by the Inter-Governmental Committee) (two papers).
- Otway Health and Community Service — Report, 1994-95.
- Parliamentary Contributory Superannuation Fund — Report, 1994-95.
- Penshurst and District Memorial Hospital — Report, 1994-95 (two papers).
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Ballaarat (City) Planning Scheme — Amendment L59.
 - Bendigo — Greater Bendigo Planning Scheme — Amendments L4, L34 and L36.
 - Berwick Planning Scheme — Amendment L100.
 - Birchip Planning Scheme — Amendment L2.
 - Bulla Planning Scheme — Amendment L110.
 - Campaspe Planning Scheme — Amendment L1.
 - Chiltern Planning Scheme — Amendment L26.
 - Croydon Planning Scheme — Amendment L74.
 - Dandenong Planning Scheme — Amendments L40 and L41.
 - Darebin Planning Scheme — Amendments L2 and L7.
 - Diamond Valley Planning Scheme — Amendment L58.
 - Doncaster and Templestowe Planning Scheme — Amendment L76.
 - Essendon Planning Scheme — Amendments L55 and L57.
 - Flinders Planning Scheme — Amendment L135.
 - Geelong — Greater Geelong Planning Scheme — Amendments R126 and RL124.
 - Hastings Planning Scheme — Amendment L68 Part 1.

Planning and Environment Act 1987 - *continued*

- Healesville Planning Scheme — Amendment L59.
- Horsham (Rural City) Planning Scheme — Amendment L5.
- Keilor Planning Scheme — Amendment L90.
- Kerang (Borough) Planning Scheme — Gannawarra Amalgamation Amendment.
- Kerang (Shire) Planning Scheme — Amendment L6.
- Lillydale Planning Scheme — Amendment L156.
- Macedon Ranges Planning Scheme — Amendment L4.
- Milawa Planning Scheme — Amendment L2.
- Mitchell Planning Scheme — Amendment L36.
- Moira Planning Scheme — Amendments L6 and L8.
- Mornington Planning Scheme — Amendment L57.
- Narracan Planning Scheme — Amendments L36 and L45.
- Oakleigh Planning Scheme — Amendment L43.
- Orbost Planning Scheme — Amendment L24 Part 1.
- Pakenham Planning Scheme — Amendment L104.
- Port Phillip Planning Scheme — Amendments L1 and L14.
- Ringwood Planning Scheme — Amendment L47.
- Rodney Planning Scheme — Amendment L70.
- South Gippsland Planning Scheme — Amendment L35.
- Springvale Planning Scheme — Amendment L58.
- Surf Coast Planning Scheme — Amendments L21 and R13.
- Swan Hill (Shire) Planning Scheme — Amendment L21.
- Upper Yarra Planning Scheme — Amendment L42.
- Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan — Amendment No. 81.
- Waverley Planning Scheme — Amendment L56.
- Whittlesea Planning Scheme — Amendment L118.
- Williamstown Planning Scheme — Amendment L36.
- Wonthaggi Planning Scheme — Amendment L24.
- Portland Coast Region Water Authority — Report, 1994-95.
- Public Prosecutions Office — Report, 1994-95 [incorporating reports of the Director of Public Prosecutions and the Committee for Public Prosecutions].
- Public Service Commissioner's Office — Report, 1994-95.
- Queen Elizabeth Centre, Ballarat — Report, 1994-95 (two papers).
- Radiation Advisory Committee — Report, year ended 30 September 1995.
- Southern Rural Water Authority — Report, 1994-95.
- South West Water Authority — Report, 1994-95 (two papers).
- Statutory Rules under the following Acts of Parliament:
 - Cemeteries Act 1958 — No. 137.
 - Magistrates' Court Act 1989 — No. 136.
 - Physiotherapists Act 1978 — No. 138.
 - Supreme Court Act 1986 — No. 135.
 - Vegetation and Vine Diseases Act 1958 — No. 134.
- Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 134, 137 and 138/1995.
- Sunraysia Rural Water Authority — Report, 1994-95.

Superannuation Board — Report, 1994-95.

Tattersall Sweep Consultation — Financial statements, 1994-95.

United Energy Limited — Treasurer's advice of failure to submit 1994-95 report to him within the prescribed period and the reasons therefor.

Westernport Memorial Hospital — Report, 1994-95.

Westernport Region Water Authority — Report, 1994-95.

Wimmera-Mallee Rural Water Authority — Report, 1994-95.

Wonthaggi and District Hospital — Report, 1994-95.

Yarram and District Health Service — Report, 1994-95.

Youth Parole Board and Youth Residential Board — Reports, 1993-94 and 1994-95 (two papers).

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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 6 September 1994:

Health Acts (Amendment) Act 1995 — Sections 8 to 11 — 1 January 1996 (*Gazette No. G44, 9 November 1995*).

Melbourne and Olympic Parks (Amendment) Act 1995 — Parts 4 and 5 — 9 November 1995 (*Gazette No. G44, 9 November 1995*).

University Acts (Further Amendment) Act 1995 — Whole Act, except sections 1, 2, 57 and 75 — 1 November 1995 (*Gazette No. S109, 1 November 1995*).

10 BUSINESS POSTPONED — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

11 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 committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

12 MARCUS OLDHAM COLLEGE BILL (No. 2) — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide for the transfer of certain trust property to Marcus Oldham College A.C.N. 071 444 409, to cancel the trust created by the will of Marcus William Oldham, deceased, and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable Haddon Storey), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

13 DOMESTIC BUILDING CONTRACTS AND TRIBUNAL BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to regulate domestic building contracts and to establish a Domestic Building Disputes Tribunal and to amend 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 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.

- 14 LAND REVOCATIONS (AND OTHER MATTERS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for *"An Act to revoke certain reservations over land and Crown grants in relation to certain land, to re-reserve certain areas of land, to amend the 'Kew and Heidelberg Lands Act 1933' and the 'Ballarat (Sovereign Hill) Land Act 1970', to repeal the 'Ballarat (Sovereign Hill) Land 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 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 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.

- 17 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

The Honourable B.T. Pullen moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted to include -

- (a) an education strategy to assist parents and teachers in protecting children from unsuitable material; and
- (b) a code of practice for on-line information services. "

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 committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

18 MISCELLANEOUS ACTS (OMNIBUS AMENDMENTS) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "An Act to amend the 'Borrowing and Investment Powers Act 1987', the 'Business Names Act 1962', the 'Civil Aviation (Carriers' Liability) Act 1961', the 'Corporations (Victoria) Act 1990', the 'Evidence Act 1958', the 'Extractive Industries (Lysterfield) Act 1986', the 'Financial Management Act 1994', the 'Historic Buildings Act 1981', the 'Interpretation of Legislation Act 1984', the 'Juries Act 1967', the 'Marine Act 1988', the 'Melbourne Exhibition Centre Act 1994', the 'Museums Act 1983', the 'Public Holidays Act 1993', the 'Road Safety Act 1986', the 'Shop Trading Act 1987', the 'Sport and Recreation Act 1972' and the 'Transport Act 1983' and certain other Acts, to repeal the 'Exhibition Act 1957', the 'Livery and Agistment Act 1958' and the 'Management and Budget 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.

19 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

20 ROAD TRANSPORT (DANGEROUS GOODS) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be 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 W.R. Baxter 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. 52 — Wednesday, 15 November 1995

1 The President took the Chair and read the Prayer.

2 PETITION — NARRE WARREN NORTH ROAD — The Honourable C.J. Hogg presented a Petition bearing 683 signatures from certain citizens of Victoria requesting that the Government immediately release funding to upgrade Narre Warren North Road between the Princes Highway and Narre Warren North to improve safety for all users.

Ordered to lie on the Table.

3 PAPERS —

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — BIRD PESTS — The Honourable B.T. Pullen presented a Report from the Environment and Natural Resources Committee upon Problems in Victoria

caused by Long-billed Corellas, Sulphur-crested Cockatoos and Galahs, 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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PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Ararat and District Hospital — Report, 1994-95 (two papers).

Bacchus Marsh and Melton Memorial Hospital — Report, 1994-95.

Beechworth Hospital — Report, 1994-95 (two papers).

Dunmunkle Health Service — Report, 1994-95.

Edenhope and District Memorial Hospital — Report, 1994-95.

Health Computing Services—Victoria Limited — Report, 1994-95.

Intellectually Disabled Persons' Services Act 1986 — Report of Community Visitors, 1994-95.

Myrtleford District War Memorial Hospital — Report, 1994-95.

Seymour District Memorial Hospital — Report, 1994-95.

Stawell District Hospital — Report, 1994-95 (two papers).

Willaura and District Hospital — Report, 1994-95 (two papers).

Wimmera Base Hospital — Report, 1994-95.

4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 7 inclusive, be postponed until later this day.

5 **CITY LINK PROJECT** — The Honourable T.C. Theophanous moved, That this House condemns the Minister for Roads and Ports for misleading the House and the people of Victoria by —

(a) indicating to the House on 25 October 1995 that the Government had no intention of closing Batman Avenue, when, on 20 October 1995, he had signed an agreement between the Government and Transurban which states "Batman Ave closed west of Morell Bridge";

(b) indicating to the House on 31 October 1995, in relation to the relocation of Victoria Dock required under the City Link Project, that "it is the Government's intention that wherever possible this relocation be funded by the private sector", when the Premier indicated on the same day that the cost of port changes will all be borne by the Government;

(c) commenting to the press on 2 November 1995 that Stonnington Council supported the changes to Toorak Road as part of the City Link, when the Council indicated the following day that they had not been consulted despite several requests; and

(d) indicating to the House on 31 May 1995 that the Government would not bear any of the commercial risk associated with City Link, whereas the contract signed between Transurban and the Government on 20 October 1995 shows that much of the risk will be borne by the Government and the Government will be liable for compensation in a range of circumstances.

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 B.N. Atkinson.

6 **MARCUS OLDHAM COLLEGE BILL (No. 2)** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable D.E. Henshaw moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until later this day.

- 7 **GAS INDUSTRY (EXTENSION OF SUPPLY) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

The Honourable D.R. White moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until later this day.

- 8 **WATER (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 M.A. Birrell) moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 9 **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 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 **JOINT SITTING — MONASH UNIVERSITY COUNCIL AND ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY COUNCIL** — The President announced the receipt of —

(a) letters from the Minister for Tertiary Education and Training requesting that arrangements be made for a Joint Sitting of the Council and the Assembly for the purpose of making appointments to the Councils of Monash University and the Royal Melbourne Institute of Technology following the expiry of the terms of the current Parliamentary representatives on 9 December 1995 and 31 December 1995, respectively; 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, 21 November 1995 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 Monash University and the Royal Melbourne Institute of Technology and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Tuesday, 21 November 1995 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 QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 12 FISHERIES BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.
The Honourable M.A. Birrell made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
The Honourable B.T. Pullen moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 13 DOMESTIC BUILDING CONTRACTS AND TRIBUNAL BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.
The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
The Honourable B.T. Pullen moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 14 LAND REVOCATIONS (AND OTHER MATTERS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.
The Honourable B.T. Pullen moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 15 MISCELLANEOUS ACTS (OMNIBUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 16 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.
- 17 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.

18 VOCATIONAL EDUCATION AND TRAINING (AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 26

The Hon. L. Asher
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 Graeme Stoney (*Teller*)
 Haddon Storey
 C.A. Strong (*Teller*)
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 11

The Hon. B.E. Davidson
 M.M. Gould (*Teller*)
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 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.

19 TRUSTEE AND TRUSTEE COMPANIES (AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative — Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill with an amendment, the

House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment, and desiring their concurrence therein.

20 ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL (No. 2) — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable R.S. Ives moved, That the 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 W.R. Baxter moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

22 ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL (No. 2) — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Question — put.

The Council divided.

AYES, 25

NOES, 11

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs (*Teller*)
 K.M. Smith (*Teller*)
 Graeme Stoney
 C.A. Strong
 Rosemary Varty
 Sue deC. Wilding

The Hon. M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 P. Power (*Teller*)
 B.T. Pullen (*Teller*)
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

23 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 14, be postponed until later this day.

24 PORT 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.

And the Council having continued to sit until after 12 midnight —

THURSDAY, 16 NOVEMBER 1995

Debate continued.

Question — put.

The Council divided.

AYES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best (*Teller*)
M.A. Birrell
B.W. Bishop (*Teller*)
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Rosemary Varty
Sue deC. Wilding

NOES, 11

The Hon. M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives (*Teller*)
L. Kokocinski
J. McLean
B.W. Mier
P. Power
B.T. Pullen
D.T. Walpole (*Teller*)
D.R. White

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third 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 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 12.52 a.m., adjourned until Tuesday next.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 53

Wednesday, 22 November 1995

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and

- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

4 **THE HON. G.H. COX** — To move, That this House —

- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
- (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
- (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.

6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.

7 **THE HON. G.B. ASHMAN** — To move, That this House congratulates the Minister for Roads and Ports, the Honourable W.R. Baxter, on his outstanding achievements in finalising the contracts with Transurban to develop a road transport link system which will provide the City of Melbourne and the State of Victoria with the efficiency of transport movement required for the 21st century and, in particular, notes the ground-breaking provisions within the Agreement which allow private enterprise to finance and develop a major new project without a requirement for the taxpayers of Victoria to carry a commercial risk.

*8 **THE HON. T.C. THEOPHANOUS** — To move, That this House condemns the Government for the sales of Eastern Energy, Powercor and CitiPower, which were rushed through by the Government and which —

- (a) ignored proper tendering processes, including the preparation of due diligence studies prior to the sales;
- (b) failed to secure any Australian participation, with all three businesses being 100 per cent owned and controlled by American companies;

- (c) handed over to overseas interests exclusive rights to extract monopoly profits from the distribution of electricity within each distribution area; and
- (d) failed to set any limits or guidelines on executive salaries, profits going overseas and the promotion of excessive electricity consumption.

ORDERS OF THE DAY

- 1 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).
- 2 **AUDITOR-GENERAL** — Motion calling on Government to assist Auditor-General with any enquiries by providing full access to all contracts which create a liability for the State, employment and advertising contracts, consultancy arrangements and information on proposed asset sales — (*Hon. T.C. Theophanous*) and amendment of the Hon. R.M. Hallam — *Resumption of debate.* (*Hon. R.M. Hallam*).
- 3 **ELECTRICITY INDUSTRY PRIVATISATION** — Motion calling for Government's adoption of the recommendations of the independent public inquiry into the privatisation of the electricity industry by — (i) discontinuing the privatisation process and establishing an independent inquiry to investigate methods to improve the performance of a publicly owned electricity industry; (ii) demonstrating how privatisation will reduce debt to a level that leaves the community no worse off; (iii) establishing minimum safety and maintenance standards; (iv) broadening the Regulator-General's role to include price control after the year 2000, environmental controls and greater consumer protection; (v) guaranteeing that rural domestic consumers pay no more than urban consumers; and (iv) developing and adopting a charter of consumer rights — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.R. White*).
- 4 **MUNICIPAL LIBRARY SERVICES** — Motion expressing opinion that continued existence of network of public municipal libraries cannot be guaranteed because of imposition of compulsory competitive tendering targets on libraries without proper involvement in the decision making process of those affected — (*Hon. P. Power*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 5 **CITY LINK PROJECT** — Motion condemning Minister for Roads and Ports for misleading the House and people of Victoria in statements on the City Link Project relating to — (i) closure of Batman Avenue; (ii) funding for the relocation

of Victoria Dock; (iii) Stonnington Council's support for changes to Toorak Road; and (iv) commercial risk associated with the Project — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. B.N. Atkinson).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 HERITAGE BILL — (from Assembly — Hon. R.I. Knowles) — Second reading.
- 2 FISHERIES BILL — (from Assembly — Hon. M.A. Birrell) — To be committed.
- 3 DOMESTIC BUILDING CONTRACTS AND TRIBUNAL BILL — (from Assembly — Hon. R.I. Knowles) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 4 LAND REVOCATIONS (AND OTHER MATTERS) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- *5 LEGAL PROFESSION PRACTICE (AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 6 MISCELLANEOUS ACTS (OMNIBUS AMENDMENTS) BILL — (from Assembly — Hon. R.M. Hallam) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- *7 MISCELLANEOUS ACTS (HEALTH AND JUSTICE) AMENDMENT BILL — (from Assembly — Hon. R.I. Knowles) — Second reading — *Resumption of debate.* (Hon. C.J. Hogg).
- *8 CARLTON (RECREATION GROUND) LAND (AMENDMENT) BILL — (from Assembly — Hon. M.A. Birrell) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- *9 LIQUOR CONTROL (FURTHER AMENDMENT) BILL — (from Assembly — Hon. W.R. Baxter) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- *10 AUSTRALIAN GRAND PRIX (FURTHER AMENDMENT) BILL — (from Assembly — Hon. Haddon Storey) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- 11 PLANNING AND ENVIRONMENT (AMENDMENT) BILL — (from Assembly — Hon. R.I. Knowles) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday — 2.30 p.m.
 Wednesday — 10.00 a.m.
 Thursday — 10.00 a.m.

Business to take precedence—

Tuesday — Government business.
 Wednesday — General business (until 2.00 p.m.).
 Thursday — Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1995]

By resolution of the Council on 24 October 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 24 November 1995, 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 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 27 November 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 54

Thursday, 23 November 1995

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 **DOMESTIC BUILDING CONTRACTS AND TRIBUNAL BILL** — (*from Assembly — Hon. R.I. Knowles*) — Motion for second reading and reasoned amendment of the Hon. B.T. Pullen — *Resumption of debate. (Hon. G.B. Ashman).*
- 2 **HERITAGE BILL** — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 3 **LEGAL PROFESSION PRACTICE (AMENDMENT) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 4 **MISCELLANEOUS ACTS (OMNIBUS AMENDMENTS) BILL** — (*from Assembly — Hon. R.M. Hallam*) — Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- 5 **MISCELLANEOUS ACTS (HEALTH AND JUSTICE) AMENDMENT BILL** — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate. (Hon. C.J. Hogg).*
- 6 **CARLTON (RECREATION GROUND) LAND (AMENDMENT) BILL** — (*from Assembly — Hon. M.A. Birrell*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 7 **LIQUOR CONTROL (FURTHER AMENDMENT) BILL** — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate. (Hon. T.C. Theophanous).*
- 8 **AUSTRALIAN GRAND PRIX (FURTHER AMENDMENT) BILL** — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*
- 9 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate. (Hon. B.T. Pullen).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
 - (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.
- 3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.
- 4 **THE HON. G.H. COX** — To move, That this House —
 - (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;

- (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
 - (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.
- 5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.
 - 6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.
 - 7 **THE HON. G.B. ASHMAN** — To move, That this House congratulates the Minister for Roads and Ports, the Honourable W.R. Baxter, on his outstanding achievements in finalising the contracts with Transurban to develop a road transport link system which will provide the City of Melbourne and the State of Victoria with the efficiency of transport movement required for the 21st century and, in particular, notes the ground-breaking provisions within the Agreement which allow private enterprise to finance and develop a major new project without a requirement for the taxpayers of Victoria to carry a commercial risk.

ORDERS OF THE DAY

- 1 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — *(Hon. D.R. White) — Resumption of debate. (Hon. M.A. Birrell).*
- 2 **AUDITOR-GENERAL** — Motion calling on Government to assist Auditor-General with any enquiries by providing full access to all contracts which create a liability for the State, employment and advertising contracts, consultancy arrangements and information on proposed asset sales — *(Hon. T.C. Theophanous)* and amendment of the Hon. R.M. Hallam — *Resumption of debate. (Hon. R.M. Hallam).*

- 3 ELECTRICITY INDUSTRY PRIVATISATION** — Motion calling for Government's adoption of the recommendations of the independent public inquiry into the privatisation of the electricity industry by — (i) discontinuing the privatisation process and establishing an independent inquiry to investigate methods to improve the performance of a publicly owned electricity industry; (ii) demonstrating how privatisation will reduce debt to a level that leaves the community no worse off; (iii) establishing minimum safety and maintenance standards; (iv) broadening the Regulator-General's role to include price control after the year 2000, environmental controls and greater consumer protection; (v) guaranteeing that rural domestic consumers pay no more than urban consumers; and (iv) developing and adopting a charter of consumer rights — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.R. White*).
- 4 MUNICIPAL LIBRARY SERVICES** — Motion expressing opinion that continued existence of network of public municipal libraries cannot be guaranteed because of imposition of compulsory competitive tendering targets on libraries without proper involvement in the decision making process of those affected — (*Hon. P. Power*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 5 CITY LINK PROJECT** — Motion condemning Minister for Roads and Ports for misleading the House and people of Victoria in statements on the City Link Project relating to — (i) closure of Batman Avenue; (ii) funding for the relocation of Victoria Dock; (iii) Stonnington Council's support for changes to Toorak Road; and (iv) commercial risk associated with the Project — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. B.N. Atkinson*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

Thursday, 23 November 1995

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1995]

By resolution of the Council on 24 October 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 24 November 1995, 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 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 27 November 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 55

Tuesday, 28 November 1995

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- *1 THE CONSTITUTION ACT AMENDMENT (AMENDMENT) BILL — (*from Assembly — Hon. M.A. Birrell*) — Second reading.
- *2 SUPERANNUATION ACTS (MISCELLANEOUS AMENDMENTS) BILL — (*from Assembly — Hon. R.M. Hallam*) — Second reading.
- *3 CASINO (MANAGEMENT AGREEMENT) (FURTHER AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading.
- *4 MELBOURNE CITY LINK BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading.
- 5 AUSTRALIAN GRAND PRIX (FURTHER AMENDMENT) BILL — (*from Assembly — Hon. Haddon Storey*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).
- *6 LIQUOR CONTROL (LICENCES AND PERMITS) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- 7 PLANNING AND ENVIRONMENT (AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).

GENERAL BUSINESS

NOTICES OF MOTION

- 1 THE HON. D.R. WHITE — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a

memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.

2 THE HON. D.R. WHITE — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —

- (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
- (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
- (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
- (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
- (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
- (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

3 THE HON. C.J. HOGG — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

4 THE HON. G.H. COX — To move, That this House —

- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
- (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
- (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway,

Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

- 5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.
- 6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.
- 7 **THE HON. G.B. ASHMAN** — To move, That this House congratulates the Minister for Roads and Ports, the Honourable W.R. Baxter, on his outstanding achievements in finalising the contracts with Transurban to develop a road transport link system which will provide the City of Melbourne and the State of Victoria with the efficiency of transport movement required for the 21st century and, in particular, notes the ground-breaking provisions within the Agreement which allow private enterprise to finance and develop a major new project without a requirement for the taxpayers of Victoria to carry a commercial risk.

ORDERS OF THE DAY

- 1 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).
- 2 **AUDITOR-GENERAL** — Motion calling on Government to assist Auditor-General with any enquiries by providing full access to all contracts which create a liability for the State, employment and advertising contracts, consultancy arrangements and information on proposed asset sales — (*Hon. T.C. Theophanous*) and amendment of the Hon. R.M. Hallam — *Resumption of debate.* (*Hon. R.M. Hallam*).
- 3 **ELECTRICITY INDUSTRY PRIVATISATION** — Motion calling for Government's adoption of the recommendations of the independent public inquiry into the privatisation of the electricity industry by — (i) discontinuing the privatisation process and establishing an independent inquiry to investigate methods to improve the performance of a publicly owned electricity industry; (ii) demonstrating how privatisation will reduce debt to a level that leaves the community no worse off; (iii) establishing minimum safety and maintenance standards; (iv) broadening the Regulator-General's role to include price control after the year 2000, environmental controls and greater consumer protection; (v)

guaranteeing that rural domestic consumers pay no more than urban consumers; and (iv) developing and adopting a charter of consumer rights — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. D.R. White).

- 4 **MUNICIPAL LIBRARY SERVICES** — Motion expressing opinion that continued existence of network of public municipal libraries cannot be guaranteed because of imposition of compulsory competitive tendering targets on libraries without proper involvement in the decision making process of those affected — (Hon. P. Power) — *Resumption of debate.* (Hon. C.J. Hogg).
- 5 **CITY LINK PROJECT** — Motion condemning Minister for Roads and Ports for misleading the House and people of Victoria in statements on the City Link Project relating to — (i) closure of Batman Avenue; (ii) funding for the relocation of Victoria Dock; (iii) Stonnington Council's support for changes to Toorak Road; and (iv) commercial risk associated with the Project — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. B.N. Atkinson).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

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COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday — 2.30 p.m.
 Wednesday — 10.00 a.m.
 Thursday — 10.00 a.m.

Business to take precedence—

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Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1995]

By resolution of the Council on 24 October 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 24 November 1995, 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 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 27 November 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 53, 54 and 55

No. 53 — Tuesday, 21 November 1995

- 1 The President took the Chair and read the Prayer.
- 2 **CARLTON (RECREATION GROUND) LAND (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Carlton (Recreation Ground) Land 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, by leave, to be read a second time later this day.
- 3 **LIQUOR CONTROL (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make further amendments to the 'Liquor Control Act 1987' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **LEGAL PROFESSION PRACTICE (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Legal Profession Practice Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **AUSTRALIAN GRAND PRIX (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Australian Grand Prix Act 1994' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **MISCELLANEOUS ACTS (HEALTH AND JUSTICE) AMENDMENT BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Dentists Act 1972', the 'Health Services Act 1988', the 'Magistrates' Court Act 1989' and the 'Prostitution Control Act 1994' 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 **HERITAGE BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to provide a framework for heritage protection and conservation in Victoria, to repeal the 'Historic Buildings Act 1981' and the 'Historic Shipwrecks Act 1981' and to amend the 'Archaeological and Aboriginal Relics Preservation Act 1972' and 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.

- 8 **QUESTIONS** — Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

- 9 **MELBOURNE UNIVERSITY COUNCIL** — The Honourable R.I. Knowles moved, by leave, That the Honourable W. Forwood be recommended to the Governor in Council for appointment to the Council of the Melbourne University.

Question — put and resolved in the affirmative.

- 10 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable B.A.E. Skeggs presented Alert Digest No. 14 of 1995 from the Scrutiny of Acts and Regulations Committee, together with an Appendix and the Guidelines referred to in the Report.

Ordered to lie on the Table and the Report and Appendix to be printed.

* * * * *

PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Agriculture, Energy and Minerals Department — Report, 1994-95.

Arts, Sport and Tourism Department — Report, 1994-95.

Ballarat Base Hospital — Report, 1994-95 (two papers).

Business and Employment Department — Report, 1994-95.

Crown Land (Reserves) Act 1978 — Minister's order of 16 November 1995 giving approval to granting of lease (Albert Park).

Generation Victoria — Report, 1994-95.

Gippsland Southern Health Service — Report, 1994-95.

Health Services Act 1988 — Report of Community Visitors, 1994-95.

Housing Guarantee Fund Limited — Report, 1994-95.

Justice Department — Report, 1994-95.

Legal Profession Practice Act 1958 — Report of the Lay Observer to the Solicitors' Board and Barristers' Disciplinary Tribunal, 1994.

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, September 1995.

Mental Health Act 1986 — Report of Community Visitors, 1994-95.

Northern Victorian Fresh Tomato Industry Development Committee — Report, 1994-95.

Nurses Board — Report, 1994-95.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Altona Planning Scheme — Amendment L43.

- Bendigo — Greater Bendigo Planning Scheme — Amendment L21.
 Berwick Planning Scheme — Amendment L85.
 Doncaster and Templestowe Planning Scheme — Amendment L90.
 Golden Plains (Shire) Planning Scheme — Golden Plains Amalgamation Amendment.
 Keilor Planning Scheme — Amendment L99.
 Lowan Planning Scheme — Amendment L12.
 Melbourne Planning Scheme — Amendment L185.
 Milawa Planning Scheme — Amendment L5.
 Mildura (Shire) Planning Scheme — Amendment L36.
 Port Phillip Planning Scheme — Amendment L12.
 Rutherglen Planning Scheme — Amendments L10 and L11.
 Sunshine Planning Scheme — City of Brimbank Amendment.
 Upper Yarra Planning Scheme — Amendment L49.
 Yarra Planning Scheme — Amendment L4.
- Police — Chief Commissioner's Office — Report, 1994-95.
 Premier and Cabinet Department — Report, 1994-95.
 Preston and Northcote Community Hospital — Report, 1994-95.
 St George's Hospital and Inner Eastern Geriatric Service — Report, 1994-95.
 St Vincent's Hospital (Melbourne) Limited — Report, 1994-95 (two papers).
 Skipton and District Memorial Hospital — Report, 1994-95.
 State Electoral Office — Report, 1994-95.
- Statutory Rules under the following Acts of Parliament:
- Fisheries Act 1968 — No. 140.
 - National Parks Act 1975 — No. 139.
 - Road Safety Act 1986 — No. 142.
 - Subordinate Legislation Act 1994 — No. 141.
- Subordinate Legislation Act 1994 —
- Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 129 and 139/1995.
 - Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 11, 113 and 140/1995.
- Tawonga District General Hospital — Report, 1994-95.
 Treasury and Finance Department — Report, 1994-95.
 Yarrawonga District Hospital — Report, 1994-95.

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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 6 September 1994:

- Building Act 1993 — Sections 3 to 6, 8, 10 to 19 and 22 to 25 — 1 December 1995 (*Gazette No. G45, 16 November 1995*).
- Land (Miscellaneous Matters) and National Tennis Centre (Amendment) Act 1994 — Section 16 — 16 November 1995 (*Gazette No. G45, 16 November 1995*).
- Ports Acts (Amendment) Act 1995 — Parts 2 and 3 — 16 November 1995 (*Gazette No. G45, 16 November 1995*).

11 CARLTON (RECREATION GROUND) LAND (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable M.A. Birrell) moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 12 LIQUOR CONTROL (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable 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 LEGAL PROFESSION PRACTICE (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 14 AUSTRALIAN GRAND PRIX (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable B.T. Pullen moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 15 MISCELLANEOUS ACTS (HEALTH AND JUSTICE) AMENDMENT BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey (for the Honourable the Honourable R.I. Knowles) moved, That this Bill be now read a second time.

The Honourable Haddon Storey made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable C.J. Hogg moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 16 MARCUS OLDHAM COLLEGE BILL (No. 2)**— The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

And the Deputy President having ruled the Bill to be a Private Bill —

The Honourable Haddon Storey moved, That this Bill be dealt with as a Public Bill.

Question — put and resolved in the affirmative.

Debate resumed.

Question — That this Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 17 **ZOOLOGICAL PARKS AND GARDENS BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative — Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18 **GAS INDUSTRY (EXTENSION OF SUPPLY) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Interruption —

- 19 **JOINT SITTING** — The Deputy 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 Monash University and the Royal Melbourne Institute of Technology.

Accordingly, the Council then proceeded to the Assembly Chamber, and having returned — The President reported that, at the Joint Sitting —

The Honourable James Vincent Chester Guest, M.L.C.;

The Honourable Peter Ronald Hall, M.L.C.; and

Dr. Gerard Marshall Vaughan, M.P.,

were chosen to be recommended for appointment as members of the Council of the Monash University for a four year term commencing on 10 December 1995; and

The Honourable Gerald Barry Ashman, M.L.C.;

The Honourable David Mylor Evans, M.L.C.; and

Ms Sherryl Maree Garbutt, M.P.,

were chosen to be recommended for appointment as members of the Council of the Royal Melbourne Institute of Technology for a three year term commencing on 1 January 1996.

- 20 **GAS INDUSTRY (EXTENSION OF SUPPLY) BILL** — Debate continued on the question, That this Bill be now read a second time.

Question — put.

The Council divided.

AYES, 28

The Hon. L. Asher (*Teller*)
G.B. Ashman (*Teller*)
B.N. Atkinson
R.A. Best
M.A. Birrell
B.W. Bishop

NOES, 13

The Hon. B.E. Davidson (*Teller*)
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives (*Teller*)
L. Kokocinski

R.H. Bowden	B.W. Mier
A.R. Brideson	D.A. Nardella
G.P. Connard	P. Power
G.H. Cox	B.T. Pullen
G.R. Craige	T.C. Theophanous
P.R. Davis	D.T. Walpole
R.S. de Fegely	D.R. White
D.M. Evans	
W. Forwood	
J.V.C. Guest	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
R.I. Knowles	
B.A.E. Skeggs	
K.M. Smith	
Graeme Stoney	
Haddon Storey	
C.A. Strong	
Rosemary Varty	
Dr. R.J.H. Wells	
Sue deC. Wilding	

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third 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 **WATER (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative — Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 23 **STATE TAXATION (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 gives a guarantee that no small business which is currently exempt will become liable for payroll

tax and that no business will be liable for increased payroll tax as a result of this legislation."

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 28

NOES, 13

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis (*Teller*)
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan (*Teller*)
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski (*Teller*)
J. McLean
B.W. Mier
D.A. Nardella
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 and, by leave, read a third 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 **FISHERIES 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, 22 NOVEMBER 1995

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.

Ordered — That the Bill be committed to a Committee of the whole on the next day of meeting.

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 1.37 a.m., adjourned until this day.

A.V. BRAY

Clerk of the Legislative Council

No. 54 — Wednesday, 22 November 1995

1 The President took the Chair and read the Prayer.

2 **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 1994 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.

* * * * *

PRESIDING OFFICERS — The Honourable D.M. Evans moved, by leave, That there be laid before this House a copy of the Report of the Presiding Officers for the period October 1994 to September 1995.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable D.M. Evans 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:

Ambulance Officers' Training Centre — Report, 1994-95.

Ambulance Service Victoria —

Metropolitan Region — Report, 1994-95.

North Eastern Region — Report, 1994-95.

North Western Region — Report, 1994-95.

South Eastern Region — Report, 1994-95.

South Western Region — Report, 1994-95.

Western Region — Report, 1994-95.

Auditor-General — Report on Privatisation: An audit framework for the future, November 1995.

Catchment and Land Protection Council — Report, 1994-95.

Chiropractors and Osteopaths Registration Board — Report, 1994.

Dimboola District Hospital — Report, 1994-95.
 Far East Gippsland Health and Support Service — Report, 1994-95.
 Health and Community Services Department — Report, 1994-95.
 Health Promotion Foundation — Report, 1994-95.
 Kaniva District Hospital — Report, 1994-95.
 Latrobe Regional Commission — Report, 1 July 1994 to 15 August 1995.
 Optometrists Registration Board — Report, 1994-95.
 Royal Children's Hospital — Report, 1994-95.
 Transport Department — Report, 1994-95.
 Warracknabeal District Hospital — Report, 1994-95.

- 3 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 7 inclusive, be postponed until later this day.
- 4 **ELECTRICITY COMPANIES SALES** — The Honourable T.C. Theophanous moved, That this House condemns the Government for the sales of Eastern Energy, Powercor and CitiPower, which were rushed through by the Government and which —
- (a) ignored proper tendering processes, including the preparation of due diligence studies prior to the sales;
 - (b) failed to secure any Australian participation, with all three businesses being 100 per cent owned and controlled by American companies;
 - (c) handed over to overseas interests exclusive rights to extract monopoly profits from the distribution of electricity within each distribution area; and
 - (d) failed to set any limits or guidelines on executive salaries, profits going overseas and the promotion of excessive electricity consumption.

Debate ensued.

Question — put.

The Council divided.

AYES, 12

The Hon. B.E. Davidson (*Teller*)
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole

NOES, 27

The Hon. L. Asher
 G.B. Ashman
 W.R. Baxter
 R.A. Best (*Teller*)
 M.A. Birrell
 B.W. Bishop (*Teller*)
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles

B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

- 5 **HERITAGE BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles moved, That this Bill be now read a second time.

The Honourable R.I. Knowles made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable C.J. Hogg (for the Honourable B.T. Pullen) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until later this day.

- 6 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 7 **FISHERIES BILL** — This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 8 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

- 9 **LAND REVOCATIONS (AND OTHER MATTERS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative — Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable J.V.C. Guest 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 **DOMESTIC BUILDING CONTRACTS AND TRIBUNAL BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable B.T. Pullen moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted so as to retain the Housing Guarantee Fund but apply the minimum warranties and guarantees proposed in this Bill to the Fund."

Debate ensued.

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 the next day of meeting.

And then the Council, at 6.03 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 55 — Thursday, 23 November 1995

1 The President took the Chair and read the Prayer.

2 PAPERS —

SOLICITORS' GUARANTEE FUND — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of the Report of the Solicitors' Guarantee Fund for the year 1994-95.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable Haddon Storey and ordered to lie on the Table.

* * * * *

WOMEN'S BUDGET — The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of the Victoria Women's Budget for the year 1995-96.

Question — put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable Haddon Storey and ordered to lie on the Table.

* * * * *

CLIENT DEATHS, PROTECTION AND CARE — The Honourable R.I. Knowles moved, by leave, That there be laid before this House a copy of the Report of Inquiries into Client Deaths, Protection and Care, November 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.

* * * * *

LAW REFORM COMMITTEE — JURY SERVICE IN VICTORIA — The Honourable J.V.C. Guest moved, by leave, That there be laid before this House a copy of Issues Paper No. 2 from the Law Reform Committee upon the Inquiry into Jury Service in Victoria.

Question — put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable J.V.C. Guest and ordered to lie on the Table.

* * * * *

LAW REFORM COMMITTEE — CORPORATIONS LAW — The Honourable J.V.C. Guest presented the Third Report from the Law Reform Committee upon the Law Relating to Directors and Managers of Insolvent Corporations entitled *Curbing the Phoenix Company*, together with Appendices.

Ordered to lie on the Table and to be printed.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — REDUNDANT AND UNCLEAR LEGISLATION — The Honourable B.A.E. Skeggs presented the following Reports from the Scrutiny of Acts and Regulations Committee:

Second report upon Redundant and Unclear Legislation, together with Appendices.

Ordered to lie on the Table and to be printed.

Report on Redundant and Unclear Legislation concerning the Review of the *Trade Unions Act 1958*, 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:

Australian Barley Board — Report, 1994-95 (two papers).

Conservation and Natural Resources Department — Report, 1994-95.

Fair Trading — Report of Secretary to the Department of Justice, 1994-95.

Freedom of Information Act 1982 — Report of the Attorney-General on operation of the Act, 1994-95.

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 1 October 1995 and 22 November 1995.

Murray Valley Citrus Marketing Board — Report, 1994-95.

Olympic Park Management — Report, 1994-95.

Police Board — Report, 1994-95.

Rural Finance Act 1988 — Acting Treasurer's direction of 14 November 1995 to Rural Finance Corporation.

Strawberry Industry Development Committee — Report, 1994-95.

Tomato Industry Negotiating Committee — Report, 1994-95.

- 3 **DOMESTIC BUILDING CONTRACTS AND TRIBUNAL BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time and on the reasoned amendment of the Honourable B.T. Pullen — That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted so as to retain the Housing Guarantee Fund but apply the minimum warranties and guarantees proposed in this Bill to the Fund" —

Debate resumed.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 25

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter

NOES, 12

The Hon. B.E. Davidson
M.M. Gould (*Teller*)
D.E. Henshaw
C.J. Hogg

R.A. Best	R.S. Ives
B.W. Bishop	L. Kokocinski
R.H. Bowden	J. McLean
A.R. Brideson	B.W. Mier
G.R. Craige	D.A. Nardella (<i>Teller</i>)
P.R. Davis	P. Power
R.S. de Fegely	B.T. Pullen
D.M. Evans	D.R. White
W. Forwood	
J.V.C. Guest	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
R.I. Knowles	
B.A.E. Skeggs (<i>Teller</i>)	
K.M. Smith	
Graeme Stoney	
Haddon Storey	
C.A. Strong	
Dr. R.J.H. Wells (<i>Teller</i>)	
Sue deC. Wilding	

And so it was resolved in the affirmative — Amendment negatived.

Question — That this Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time 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 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

5 **LEGAL PROFESSION PRACTICE (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable B.T. Pullen moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted to provide for one per cent of the annual income of the Solicitors' Guarantee Fund to be set aside for consumer education concerning legal services. "

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 25

NOES, 12

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw (*Teller*)

W.R. Baxter	C.J. Hogg
R.A. Best	R.S. Ives (<i>Teller</i>)
B.W. Bishop	L. Kokocinski
R.H. Bowden	J. McLean
A.R. Brideson	B.W. Mier
G.R. Craige (<i>Teller</i>)	D.A. Nardella
P.R. Davis	P. Power
R.S. de Fegely	B.T. Pullen
D.M. Evans	D.R. White
W. Forwood	
J.V.C. Guest	
P.R. Hall	
R.M. Hallam	
W.A.N. Hartigan	
R.I. Knowles	
B.A.E. Skeggs	
K.M. Smith (<i>Teller</i>)	
Graeme Stoney	
Haddon Storey	
C.A. Strong	
Dr. R.J.H. Wells	
Sue deC. Wilding	

And so it was resolved in the affirmative — Amendment negatived.

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.

- 6 **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 committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved — That the Council will, later this day, again resolve itself into the said Committee.

- 7 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 8 **MISCELLANEOUS ACTS (OMNIBUS AMENDMENTS) BILL** — The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

9 SUPERANNUATION ACTS (MISCELLANEOUS AMENDMENTS) BILL —
The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Emergency Services Superannuation Act 1986', the 'Hospitals Superannuation Act 1988', the 'Local Authorities Superannuation Act 1988', the 'Public Sector Superannuation (Administration) Act 1993', the 'State Employees Retirement Benefits Act 1979', the 'State Superannuation Act 1988', the 'Superannuation Acts (Further Amendment) Act 1994', the 'Superannuation Acts (General Amendment) Act 1995', the 'Superannuation (Public Sector) Act 1992' 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.

10 LIQUOR CONTROL (LICENCES AND PERMITS) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Liquor Control Act 1987' to make further provision in relation to licences and permits and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

11 MISCELLANEOUS ACTS (HEALTH AND JUSTICE) AMENDMENT BILL —
The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative — Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill 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 CARLTON (RECREATION GROUND) 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 the President having ruled the Bill to be a Private Bill —

The Honourable Haddon Storey moved, That this Bill be dealt with as a Public Bill.

Question — put and resolved in the affirmative.

Debate resumed.

The Honourable B.T. Pullen moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the Government -

- (a) provides copies of a detailed traffic and parking plan that has been prepared, including the impact on Princes Park and park users;
- (b) investigates a more appropriate proposal not requiring the removal of existing trees;

- (c) provides specific information on impacts of any proposed extension of use beyond AFL football and cricket; and
- (d) makes public details of the agreement between the Carlton Cricket and Football Social Club and Optus".

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood (*Teller*)
 J.V.C. Guest (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 B.W. Mier
 D.A. Nardella
 P. Power (*Teller*)
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.R. White

And so it was resolved in the affirmative — Amendment negatived.

Question — That this Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved — That the Council will, later this day, again resolve itself into the said Committee.

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 **CARLTON (RECREATION GROUND) LAND (AMENDMENT) BILL** — The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honourable R.I. Knowles moved, That the Bill be now read a third time.

Question — put.

The Council divided.

AYES, 27

NOES, 12

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
B.W. Bishop
R.H. Bowden (*Teller*)
A.R. Brideson (*Teller*)
G.P. Connard
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

The Hon. B.E. Davidson (*Teller*)
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
B.W. Mier
D.A. Nardella (*Teller*)
P. Power
B.T. Pullen
T.C. Theophanous
D.R. White

And so it was resolved in the affirmative — 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 **MESSAGES FROM THE ASSEMBLY** — The President announced the receipt of Messages from the Assembly —

Acquainting the Council that they had agreed to the Classification (Publications, Films and Computer Games) (Enforcement) Bill without amendment.

Acquainting the Council that they had agreed to the amendments made by the Council in the following Bills:

Mental Health (Amendment) Bill

Trustee and Trustee Companies (Amendment) Bill.

16 CASINO (MANAGEMENT AGREEMENT) (FURTHER AMENDMENT) BILL

— The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to ratify a second Deed of Variation to the Management Agreement for the Melbourne Casino Project, 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 Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

17 MELBOURNE CITY LINK BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to ratify the Agreement for the Melbourne City Link Project, to make further provision for the Melbourne City Link Project, to amend the 'Melbourne City Link Authority Act 1994' and certain other Acts and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W.R. Baxter, 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 THE CONSTITUTION ACT AMENDMENT (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend 'The Constitution Act Amendment Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.I. Knowles (for the Honourable M.A. Birrell), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

19 VALUATION OF LAND (FURTHER AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Valuation of Land Act 1960' to make further provision for determining the estimated annual value of land and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable R.M. Hallam, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable R.M. Hallam moved, That this Bill be now read a second time.

Debate ensued.

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.

20 LIQUOR CONTROL (LICENCES AND PERMITS) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable R.I. Knowles (for the Honourable W.R. Baxter) moved, That this Bill be now read a second time.

The Honourable C.J. Hogg (for the Honourable T.C. Theophanous) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 21 **HERITAGE BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill 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.

- 22 **LIQUOR CONTROL (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 produces a comprehensive strategy aimed at combating the issues surrounding under age drinking and which recognises that most under age drinking takes place away from licensed premises."

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, 24 NOVEMBER 1995

AYES, 27

The Hon. L. Asher
G.B. Ashman (*Teller*)
B.N. Atkinson
W.R. Baxter
R.A. Best
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard (*Teller*)
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall

NOES, 12

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives (*Teller*)
L. Kokocinski (*Teller*)
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.R. White

R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it was resolved in the affirmative — Amendment negatived.

Question — That this Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

23 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 12.16 a.m., adjourned until Tuesday next at 10.00 a.m.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 56

Wednesday, 29 November 1995

Mr. President takes the Chair at 10.00 a.m.

GENERAL BUSINESS

[To take precedence until 12.00 noon]

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
 - (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and

- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.
- 3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.
- 4 **THE HON. G.H. COX** — To move, That this House —
- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
 - (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
 - (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.
- 5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.
- 6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.
- 7 **THE HON. G.B. ASHMAN** — To move, That this House congratulates the Minister for Roads and Ports, the Honourable W.R. Baxter, on his outstanding achievements in finalising the contracts with Transurban to develop a road transport link system which will provide the City of Melbourne and the State of Victoria with the efficiency of transport movement required for the 21st century and, in particular, notes the ground-breaking provisions within the Agreement which allow private enterprise to finance and develop a major new project without a requirement for the taxpayers of Victoria to carry a commercial risk.
- *8 **THE HON. D.R. WHITE** — To move, That the Minister for Gaming no longer possesses the confidence of this House.

ORDERS OF THE DAY

- 1 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino

tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (Hon. D.R. White) — *Resumption of debate.* (Hon. M.A. Birrell).

- 2 **AUDITOR-GENERAL** — Motion calling on Government to assist Auditor-General with any enquiries by providing full access to all contracts which create a liability for the State, employment and advertising contracts, consultancy arrangements and information on proposed asset sales — (Hon. T.C. Theophanous) and amendment of the Hon. R.M. Hallam — *Resumption of debate.* (Hon. R.M. Hallam).
- 3 **ELECTRICITY INDUSTRY PRIVATISATION** — Motion calling for Government's adoption of the recommendations of the independent public inquiry into the privatisation of the electricity industry by — (i) discontinuing the privatisation process and establishing an independent inquiry to investigate methods to improve the performance of a publicly owned electricity industry; (ii) demonstrating how privatisation will reduce debt to a level that leaves the community no worse off; (iii) establishing minimum safety and maintenance standards; (iv) broadening the Regulator-General's role to include price control after the year 2000, environmental controls and greater consumer protection; (v) guaranteeing that rural domestic consumers pay no more than urban consumers; and (iv) developing and adopting a charter of consumer rights — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. D.R. White).
- 4 **MUNICIPAL LIBRARY SERVICES** — Motion expressing opinion that continued existence of network of public municipal libraries cannot be guaranteed because of imposition of compulsory competitive tendering targets on libraries without proper involvement in the decision making process of those affected — (Hon. P. Power) — *Resumption of debate.* (Hon. C.J. Hogg).
- 5 **CITY LINK PROJECT** — Motion condemning Minister for Roads and Ports for misleading the House and people of Victoria in statements on the City Link Project relating to — (i) closure of Batman Avenue; (ii) funding for the relocation of Victoria Dock; (iii) Stonnington Council's support for changes to Toorak Road; and (iv) commercial risk associated with the Project — (Hon. T.C. Theophanous) — *Resumption of debate.* (Hon. B.N. Atkinson).

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 **THE CONSTITUTION ACT AMENDMENT (AMENDMENT) BILL** — (from Assembly — Hon. M.A. Birrell) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).

- 2 LIQUOR CONTROL (LICENCES AND PERMITS) BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- 3 MELBOURNE CITY LINK BILL — (*from Assembly — Hon. W.R. Baxter*) — Second reading — *Resumption of debate.* (Hon. T.C. Theophanous).
- 4 PLANNING AND ENVIRONMENT (AMENDMENT) BILL — (*from Assembly — Hon. R.I. Knowles*) — Second reading — *Resumption of debate.* (Hon. B.T. Pullen).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday — 2.30 p.m.
 Wednesday — 10.00 a.m.
 Thursday — 10.00 a.m.

Business to take precedence—

Tuesday — Government business.
 Wednesday — General business (until 2.00 p.m.).
 Thursday — Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1995]

By resolution of the Council on 24 October 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 24 November 1995, 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 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 27 November 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 57

Thursday, 30 November 1995

Mr. President takes the Chair at 10.00 a.m.

GOVERNMENT BUSINESS

ORDERS OF THE DAY

- 1 **MELBOURNE CITY LINK BILL** — *(from Assembly — Hon. W.R. Baxter) — Second reading — Resumption of debate. (Hon. T.C. Theophanous).*
- 2 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — *(from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
 - (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;

- (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and
 - (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;
- (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

3 **THE HON. C.J. HOGG** — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

4 **THE HON. G.H. COX** — To move, That this House —

- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
- (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
- (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

5 **THE HON. D.M. EVANS** — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.

6 **THE HON. B.T. PULLEN** — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.

7 **THE HON. G.B. ASHMAN** — To move, That this House congratulates the Minister for Roads and Ports, the Honourable W.R. Baxter, on his outstanding achievements in finalising the contracts with Transurban to develop a road transport link system which will provide the City of Melbourne and the State of Victoria with the efficiency of transport movement required for the 21st century and, in particular, notes the ground-breaking provisions within the Agreement which allow private enterprise to finance and develop a major new project without a requirement for the taxpayers of Victoria to carry a commercial risk.

ORDERS OF THE DAY

- 1 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate.* (*Hon. M.A. Birrell*).
- 2 **AUDITOR-GENERAL** — Motion calling on Government to assist Auditor-General with any enquiries by providing full access to all contracts which create a liability for the State, employment and advertising contracts, consultancy arrangements and information on proposed asset sales — (*Hon. T.C. Theophanous*) and amendment of the Hon. R.M. Hallam — *Resumption of debate.* (*Hon. R.M. Hallam*).
- 3 **ELECTRICITY INDUSTRY PRIVATISATION** — Motion calling for Government's adoption of the recommendations of the independent public inquiry into the privatisation of the electricity industry by — (i) discontinuing the privatisation process and establishing an independent inquiry to investigate methods to improve the performance of a publicly owned electricity industry; (ii) demonstrating how privatisation will reduce debt to a level that leaves the community no worse off; (iii) establishing minimum safety and maintenance standards; (iv) broadening the Regulator-General's role to include price control after the year 2000, environmental controls and greater consumer protection; (v) guaranteeing that rural domestic consumers pay no more than urban consumers; and (iv) developing and adopting a charter of consumer rights — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. D.R. White*).
- 4 **MUNICIPAL LIBRARY SERVICES** — Motion expressing opinion that continued existence of network of public municipal libraries cannot be guaranteed because of imposition of compulsory competitive tendering targets on libraries without proper involvement in the decision making process of those affected — (*Hon. P. Power*) — *Resumption of debate.* (*Hon. C.J. Hogg*).
- 5 **CITY LINK PROJECT** — Motion condemning Minister for Roads and Ports for misleading the House and people of Victoria in statements on the City Link Project relating to — (i) closure of Batman Avenue; (ii) funding for the relocation of Victoria Dock; (iii) Stonnington Council's support for changes to Toorak Road; and (iv) commercial risk associated with the Project — (*Hon. T.C. Theophanous*) — *Resumption of debate.* (*Hon. B.N. Atkinson*).

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

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PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

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Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1995]

By resolution of the Council on 24 October 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 24 November 1995, 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 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 27 November 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

Notice Paper No. 58

Day and hour of next meeting
to be fixed by Mr President

Issued 1 December 1995

GOVERNMENT BUSINESS

ORDER OF THE DAY

- 1 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** — *(from Assembly — Hon. R.I. Knowles) — Second reading — Resumption of debate. (Hon. B.T. Pullen).*

GENERAL BUSINESS

NOTICES OF MOTION

- 1 **THE HON. D.R. WHITE** — To move, That this House condemns the Premier for standing down Mr. George Brouwer, for falsely accusing him of circulating a memo to heads of department without authority, thereby further eroding the independence and integrity of the Victorian public sector.
- 2 **THE HON. D.R. WHITE** — To move, That this House views with concern irregularities in the Melbourne Casino selection process, specifically —
- (a) the failure of the Chief Executive of the Casino Control Authority, Mr Paul Connolly, to record all his meetings with the Crown Casino Consortium in the contact summary book in accordance with the protocol;
 - (b) the failure of the Chairman of the Authority, Mr John Richards, to supervise the day-to-day activities of the Authority;
 - (c) the forwarding to persons outside the Authority of documents from the Authority outlining the financial and planning details of the two major bidders;
 - (d) the inclusion of Federal Hotels as an equity partner in Crown Casino Consortium, when it was clear that this was designed to deceive the Casino Control Authority, the State Government and the public of Victoria;
 - (e) the failure of the Casino Control Authority to give adequate regard to —
 - (i) the payment of secret commissions by Dominion Properties on the

instructions of Mr Lloyd Williams to Mr Norm Gallagher of the BLF; and (ii) the payment to Mrs Fay Hinze of the amount of \$80,000 by a \$2 company which had as a major client Hudson Conway;

- (f) the failure of the Chairman of the Casino Control Authority to recognise and deal with a conflict of interest in relation to Mrs Tina McMeckan; and
- (g) the failure to report breaches of the Corporations Law to the Australian Securities Commission.

3 THE HON. C.J. HOGG — To move, That this House condemns the Minister for Education for his protracted and costly campaign to close Northland Secondary College despite its demonstrated success in the provision of education for Aboriginal students.

4 THE HON. G.H. COX — To move, That this House —

- (a) notes that the Commonwealth Government is seeking to dispose of the nation's historic lighthouse properties as part of its asset disposal program;
- (b) regrets the Commonwealth Government's failure to accept the offer of the Victorian Government and other State Governments, including the Queensland Government, to take over and bear the high cost of owning and managing the lighthouses in order to preserve their heritage values and manage them in the public interest; and
- (c) calls on the Commonwealth Government to transfer ownership and management of the Cape Schanck, Wilson's Promontory, Cape Otway, Gabo Island, Point Hicks and Cape Nelson lighthouses to the Victorian Government without cost and without further delay.

5 THE HON. D.M. EVANS — To move, That this House is of the opinion that the Commonwealth should legislate to subject itself and all of its agencies, authorities and enterprises to all State environment and planning laws.

6 THE HON. B.T. PULLEN — To move, That this House condemns the Government and the Minister for Natural Resources for the deception and secrecy used in the development and preparation of head leases and development plans for Mount Stirling.

7 THE HON. G.B. ASHMAN — To move, That this House congratulates the Minister for Roads and Ports, the Honourable W.R. Baxter, on his outstanding achievements in finalising the contracts with Transurban to develop a road transport link system which will provide the City of Melbourne and the State of Victoria with the efficiency of transport movement required for the 21st century and, in particular, notes the ground-breaking provisions within the Agreement which allow private enterprise to finance and develop a major new project without a requirement for the taxpayers of Victoria to carry a commercial risk.

ORDERS OF THE DAY

- 1 **PRIVILEGE OF MEMBERS** — Motion noting with concern service by Lloyd John Williams and others of a statement of claim for damages on the Honourable D.R. White for republication of extracts from his speech on the Melbourne Casino tender process; rejecting the statement's claim that Parliamentary privilege is not available to Mr. White in respect of republication of filmed extracts of his speech outside Parliament; expressing the view that such legal action undermines the independence and autonomy of the House; reaffirming the House's commitment to the privilege of freedom of speech as bestowed by the Bill of Rights 1689; and condemning any attempt to inhibit a Member in this way — (*Hon. D.R. White*) — *Resumption of debate. (Hon. M.A. Birrell).*
- 2 **AUDITOR-GENERAL** — Motion calling on Government to assist Auditor-General with any enquiries by providing full access to all contracts which create a liability for the State, employment and advertising contracts, consultancy arrangements and information on proposed asset sales — (*Hon. T.C. Theophanous*) and amendment of the Hon. R.M. Hallam — *Resumption of debate. (Hon. R.M. Hallam).*
- 3 **ELECTRICITY INDUSTRY PRIVATISATION** — Motion calling for Government's adoption of the recommendations of the independent public inquiry into the privatisation of the electricity industry by — (i) discontinuing the privatisation process and establishing an independent inquiry to investigate methods to improve the performance of a publicly owned electricity industry; (ii) demonstrating how privatisation will reduce debt to a level that leaves the community no worse off; (iii) establishing minimum safety and maintenance standards; (iv) broadening the Regulator-General's role to include price control after the year 2000, environmental controls and greater consumer protection; (v) guaranteeing that rural domestic consumers pay no more than urban consumers; and (iv) developing and adopting a charter of consumer rights — (*Hon. T.C. Theophanous*) — *Resumption of debate. (Hon. D.R. White).*
- 4 **MUNICIPAL LIBRARY SERVICES** — Motion expressing opinion that continued existence of network of public municipal libraries cannot be guaranteed because of imposition of compulsory competitive tendering targets on libraries without proper involvement in the decision making process of those affected — (*Hon. P. Power*) — *Resumption of debate. (Hon. C.J. Hogg).*
- 5 **CITY LINK PROJECT** — Motion condemning Minister for Roads and Ports for misleading the House and people of Victoria in statements on the City Link Project relating to — (i) closure of Batman Avenue; (ii) funding for the relocation of Victoria Dock; (iii) Stonnington Council's support for changes to Toorak Road; and (iv) commercial risk associated with the Project — (*Hon. T.C. Theophanous*) — *Resumption of debate. (Hon. B.N. Atkinson).*

A.V. BRAY

Clerk of the Legislative Council

B.A. CHAMBERLAIN

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES — The Honourable D.M. Evans.

TEMPORARY CHAIRMEN — The Honourables G.B. Ashman, G.H. Cox, J.V.C. Guest, P.R. Hall, D.E. Henshaw, R.S. Ives and L. Kokocinski.

* * * *

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT) — The Honourables B.N. Atkinson, C.J. Hogg and L. Kokocinski.

CRIME PREVENTION (JOINT) — The Honourables D.A. Nardella and K.M. Smith.

ECONOMIC DEVELOPMENT (JOINT) — The Honourables G.B. Ashman, G.P. Connard, P.R. Davis and P. Power.

ENVIRONMENT AND NATURAL RESOURCES (JOINT) — The Honourables G.H. Cox, R.S. de Fegely, D.M. Evans, D.E. Henshaw, B.T. Pullen and Dr. R.J.H. Wells.

HOUSE (JOINT) — The Honourables the President (*ex officio*), R.A. Best, M.M. Gould, D.E. Henshaw, D.A. Nardella and K.M. Smith.

LAW REFORM (JOINT) — The Honourables W. Forwood, J.V.C. Guest and J. McLean.

LIBRARY (JOINT) — The Honourables the President, G.P. Connard, P.R. Hall, R.S. Ives and P. Power.

PRINTING (JOINT) — The Honourables the President, B.W. Mier, C.A. Strong and D.T. Walpole.

PRIVILEGES — The Honourables G.R. Craige, J.V.C. Guest, P.R. Hall, R.S. Ives and D.R. White.

PUBLIC ACCOUNTS AND ESTIMATES (JOINT) — The Honourables P.R. Hall, T.C. Theophanous and D.R. White.

PUBLIC BODIES REVIEW (JOINT) — The Honourables B.W. Bishop, A.R. Brideson, W.A.N. Hartigan, R.S. Ives and C.A. Strong.

ROAD SAFETY (JOINT) — The Honourables R.A. Best, B.E. Davidson, B.W. Mier, Graeme Stoney, D.T. Walpole and Sue deC. Wilding.

SCRUTINY OF ACTS AND REGULATIONS (JOINT) — The Honourables L. Asher, M.M. Gould and B.A.E. Skeggs.

STANDING ORDERS — The Honourables the President, G.B. Ashman, R.A. Best, R.S. de Fegely, P.R. Hall, B.W. Mier and D.A. Nardella.

SESSIONAL ORDERS

BUSINESS OF THE HOUSE

By resolution of the Council on 7 September 1994 the following sitting arrangements will apply unless the House otherwise orders:

Meetings—

Tuesday	—	2.30 p.m.
Wednesday	—	10.00 a.m.
Thursday	—	10.00 a.m.

Business to take precedence—

Tuesday	—	Government business.
Wednesday	—	General business (until 2.00 p.m.).
Thursday	—	Government business.

Questions without notice and answers to questions on notice shall be taken at 2.30 p.m. each day.

No new business shall be taken after 10.00 p.m.

* * * *

AUTOMATIC DISCHARGE OF ORDERS OF THE DAY

By order of the Council on 6 September 1994, an Order of the Day, General business, for consideration of a Ministerial Statement or a paper tabled either pursuant to Statute, His Excellency's Command or an Order of the House will be discharged from the Notice Paper after five consecutive listings, unless a "take note" motion is pending resolution.

* * * *

ADJOURNMENT OF BILLS [Effective until 31 December 1995]

By resolution of the Council on 24 October 1995 where a Bill is introduced by a Minister or is received from the Legislative Assembly after 6.00 p.m. on 24 November 1995, 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 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 27 November 1995 may be taken through all stages.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 56, 57 and 58

No. 56 — Tuesday, 28 November 1995

- 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:
 - Dangerous Goods (Amendment) Act*
 - Electricity Industry (Further Amendment) Act*
 - Gas Industry (Extension of Supply) Act*
 - Marcus Oldham College Act*
 - Port Services Act*
 - Racing (Amendment) Act*
 - Road Transport (Dangerous Goods) Act*
 - Vocational Education and Training (Amendment) Act*
 - Water (Further Amendment) Act.*
- 3 **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 over other business from 12 noon during the sitting of the Council on Wednesday, 29 November 1995.
Question — put and resolved in the affirmative.
- 4 **PAPERS** —
PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 1994-95 BUDGET ESTIMATES AND OUTCOMES — The Honourable P.R. Hall presented the Final Report from the Public Accounts and Estimates Committee upon the 1994-95 Budget Estimates and Outcomes, 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:
 - Daratech Proprietary Limited — Report, 1994-95.
 - Gas and Fuel Superannuation Fund — Report, 1994-95.
 - Infertility (Medical Procedures) Act 1984 — Report on IVF Central Register, 1994-95.

Local Authorities Superannuation Scheme — Actuarial Investigation as at 30 June 1995.

Parliamentary Committees Act 1968 —

Minister's response to recommendations in Public Accounts and Estimates Committee's final report upon the 1993-94 Budget Estimates and Outcomes.

Minister's supplementary response to recommendations in Public Accounts and Estimates Committee's interim report upon the State's Budget and Financial Management Framework.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Cranbourne Planning Scheme — Amendment L118.

Darebin Planning Scheme — Amendment L3.

Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan — Amendment No. 82.

Statutory Rules under the following Acts of Parliament:

Casino Control Act 1991 — No. 144.

Gaming Machine Control Act 1991 — No. 145.

Mineral Resources Development Act 1990 — No. 143.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 144 and 145/1995.

* * * *

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 6 September 1994:

Public Transport Competition Act 1995 — Sections 40 to 42 and 45 to 48 — 23 November 1995 (*Gazette No. G46, 23 November 1995*).

5 **BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 to 3 inclusive, be postponed until later this day.

6 **MELBOURNE CITY LINK BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable W.R. Baxter moved, That this Bill be now read a second time.

The Honourable W.R. Baxter made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable C.J. Hogg (for the Honourable 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 **AUSTRALIAN GRAND PRIX (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 B.T. Pullen moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the Government has had further consultation with relevant organisations and the community which would allow citizens the opportunity to express their concerns about restrictions imposed on their access and conduct in Albert Park."

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney (*Teller*)
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding (*Teller*)

NOES, 11

The Hon. M.M. Gould (*Teller*)
C.J. Hogg
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole (*Teller*)
D.R. White

And so it was resolved in the affirmative — Amendment negatived.

Question — That this Bill be now read a second time — put.

The Council divided.

AYES, 27

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
M.A. Birrell
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis (*Teller*)
R.S. de Fegely

NOES, 12

The Hon. B.E. Davidson
M.M. Gould
C.J. Hogg
L. Kokocinski (*Teller*)
J. McLean
B.W. Mier
D.A. Nardella (*Teller*)
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

D.M. Evans
 W. Forwood
 J.V.C. Guest (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third 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 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 9 **THE CONSTITUTION ACT AMENDMENT (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.A. Birrell moved, That this Bill be now read a second time.
 The Honourable C.J. Hogg (for the Honourable 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 **SUPERANNUATION ACTS (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable R.M. Hallam moved, That this Bill be now read a second time.
 The Honourable 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.
- 11 **CASINO (MANAGEMENT AGREEMENT) (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable Haddon Storey moved, That this Bill be now read a second time.
 Debate ensued.
 The Honourable D.R. White moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until such time as there has been a full social and economic impact study into the effects of Crown Casino and the proposed expansion of the casino and of gaming in Victoria generally and the report on such study has been made available for consideration by the Parliament."
 Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 25

NOES, 11

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.H. Cox
 G.R. Craige (*Teller*)
 P.R. Davis (*Teller*)
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

The Hon. B.E. Davidson
 M.M. Gould
 C.J. Hogg
 R.S. Ives (*Teller*)
 L. Kokocinski (*Teller*)
 J. McLean
 B.W. Mier
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.R. White

And so it was resolved in the affirmative — Amendment negatived.

Question — That this Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

12 SUPERANNUATION ACTS (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 and, by leave, read a third 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 11.24 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 57 — Wednesday, 29 November 1995

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 new business being taken after 10.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

3 **PETITION — NILLUMBIK SHIRE ELECTIONS** — The Honourable P. Power presented a Petition bearing 1,509 signatures from certain citizens of Victoria requesting that local government elections for the Shire of Nillumbik be held in March 1996 or by 30 June 1996 at the latest.

Ordered to lie on the Table.

4 **PAPERS** —

CRESWICK RESOURCES NL AND ASSOCIATED COMPANIES — The Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Summary Report and Recommendations of the Mining Warden from the Mining Warden's Investigations into Mining licence applications by Creswick Resources NL and associated companies, together with Exhibits.

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 and the Report to be printed.

The Honourable R.M. Hallam made a Ministerial Statement in connection with the tabling of the report.

* * * * *

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 and Gaming Authority — Report, 3 June 1994 to 30 June 1995 (*in lieu of that tabled on 14 November 1995*).

Central Wellington Health Service — Report, 1994-95.

5 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 7 inclusive, be postponed until later this day.

6 **WANT OF CONFIDENCE IN MINISTER** — The Honourable D.R. White moved, That the Minister for Gaming no longer possesses the confidence of this House, which motion was seconded by the Honourable D.A. Nardella.

Debate ensued.

Question — put.

The Council divided.

AYES, 12

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
L. Kokocinski
J. McLean (*Teller*)
B.W. Mier
D.A. Nardella (*Teller*)
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

NOES, 27

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson (*Teller*)
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs (*Teller*)
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

- 7 **THE CONSTITUTION ACT AMENDMENT (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 declines to read this Bill a second time until the Government has given an undertaking that changes to the electoral process, designed to strengthen Parliamentary democracy in Victoria, will not be made without approval of a popular referendum."

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 **THE CONSTITUTION ACT AMENDMENT (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 ante*) —

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 25

The Hon. L. Asher (*Teller*)
 G.B. Ashman
 B.N. Atkinson (*Teller*)
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 R.H. Bowden
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 9

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 B.W. Mier
 P. Power (*Teller*)
 B.T. Pullen (*Teller*)
 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.

10 LIQUOR CONTROL (LICENCES AND PERMITS) 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 re-drafted to ensure that -

(a) the purposes are consistent with its provisions; and

(b) it recognises that the problems it seeks to address are not confined to the King Street Precinct and require a more comprehensive response."

Debate ensued.

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 27

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best (*Teller*)
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
P.R. Davis
R.S. de Fegely
D.M. Evans
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney (*Teller*)
Haddon Storey
C.A. Strong
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 12

The Hon. M.M. Gould
D.E. Henshaw (*Teller*)
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean
B.W. Mier
D.A. Nardella
P. Power (*Teller*)
B.T. Pullen
T.C. Theophanous
D.T. Walpole

And so it was resolved in the affirmative — Amendment negatived.

Question — That this Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

11 ADJOURNMENT — The Honourable R.I. Knowles moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.29 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 58 — Thursday, 30 November 1995

- 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:
 - Dried Fruits Board — Report, 1 January 1995 to 30 June 1995.
 - Financial Management Act 1994 — Minister for Health's report of 29 November 1995 of failure of certain hospitals and an ambulance service to submit 1994-95 reports to her within the prescribed period and the reasons therefor.
 - Parliamentary Committees Act 1968 — Minister's response to recommendations in Crime Prevention Committee's report upon Sexual Offences Against Children and Adults — Combating Child Sexual Assault: An Integrated Model.
 - Peter MacCallum Cancer Institute — Report, 1994-95.
 - Statutory Rule under the County Court Act 1958 — No. 146.
 - Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 146/1995.
- 3 **MELBOURNE CITY LINK 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) the Minister provides answers to 57 of the 75 questions given to him by the Opposition prior to a briefing on the Bill that remain unanswered, despite the undertaking given by the Minister that he would provide answers to these questions;
 - (b) the Minister makes available to the Parliament and the people of Victoria the cost benefit study that has recently been completed by the Allen Consulting Group for the Melbourne City Link Authority on Transurban's proposal for the City Link; and
 - (c) the Auditor-General has made a full and comprehensive report to the Parliament in relation to the City Link contract and associated legislation."

Debate ensued.

Business having been interrupted at 2.30 p.m. pursuant to Sessional Orders —
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.
- 5 **MELBOURNE CITY LINK BILL** — Debate continued on the question, That this Bill be now read a second time and on the reasoned amendment (*for text see item 3 ante*) —

Question — That the words proposed to be omitted stand part of the question — put.

The Council divided.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop (*Teller*)
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 C.A. Strong (*Teller*)
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 11

The Hon. B.E. Davidson (*Teller*)
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 L. Kokocinski
 J. McLean (*Teller*)
 B.W. Mier
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole

And so it was resolved in the affirmative — Amendment negatived.

Question — That this Bill be now read a second time — put.

The Council divided.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 D.M. Evans

NOES, 11

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 L. Kokocinski
 J. McLean
 B.W. Mier
 P. Power (*Teller*)
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole

W. Forwood
 J.V.C. Guest
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 C.A. Strong
 Dr. R.J.H. Wells (*Teller*)
 Sue deC. Wilding (*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.

And having continued to sit until after 12 midnight —

FRIDAY, 1 DECEMBER 1995

The President resumed the Chair and the Honourable D.M. Evans having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honourable W.R. Baxter moved, That the Bill be now read a third time.

Question — put.

The Council divided.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop (*Teller*)
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 R.S. de Fegely
 D.M. Evans
 W. Forwood
 J.V.C. Guest
 P.R. Hall (*Teller*)
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould
 C.J. Hogg
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power (*Teller*)
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

Graeme Stoney
Haddon Storey
C.A. Strong
Dr. R.J.H. Wells
Sue deC. Wilding

And so it was resolved in the affirmative.

Bill read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 6 **COMPETITIVE TENDERING** — By leave, the Honourable R.M. Hallam moved, by leave, That there be laid before this House a copy of the Report on Competitive Tendering: Better service, Best value, November 1995.

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.

- 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 4.05 a.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

A.V. BRAY
Clerk of the Legislative Council

SESSION 1994-96

**MESSAGES RECEIVED AFTER THE FINAL
ADJOURNMENT OF BOTH HOUSES AND BEFORE THE
PROROGATION**

Messages were received from His Excellency the Governor, that he had, on the dates mentioned hereunder, given the Royal Assent to the undermentioned Acts presented to them by the Clerk of the Parliaments:

On 5 December 1995 -

Australian Grand Prix (Further Amendment) Act
 Carlton (Recreation Ground) Land (Amendment) Act
 Casino (Management Agreement) (Further Amendment) Act
 Classification (Publications, Films and Computer Games) (Enforcement) Act
 Domestic Building Contracts and Tribunal Act
 Fisheries Act
 Heritage Act
 Land Revocations (And Other Matters) Act
 Legal Profession Practice (Amendment) Act
 Liquor Control (Further Amendment) Act
 Liquor Control (Licences and Permits) Act
 Mental Health (Amendment) Act
 Miscellaneous Acts (Health and Justice) Amendment Act
 Miscellaneous Acts (Omnibus Amendments) Act
 State Taxation (Further Amendment) Act
 Superannuation Acts (Miscellaneous Amendments) Act
 The Constitution Act Amendment (Amendment) Act
 Trustee and Trustee Companies (Amendment) Act
 Valuation of Land (Further Amendment) Act
 Zoological Parks and Gardens Act

On 12 December 1995 -

Melbourne City Link Act



Victoria Government Gazette

No. S 17 Tuesday 5 March 1996
By Authority, Victorian Government Printer

SPECIAL

PROCLAMATION

I, Richard E. McGarvie, AC, Governor of the State of Victoria, acting under sections 8 (1), 8 (2) and 8 (3) of the **Constitution Act 1975** and all other powers vested in me, **PROROGUE** the Legislative Council and **DISSOLVE** the Legislative Assembly forthwith.

I have today ordered that the Writs be issued according to law for a general election of Members to be returned to serve in the Legislative Assembly and for a periodical election of Members to be returned to serve in the Legislative Council

Given under my Hand and the Seal of the State of Victoria, at Melbourne, this 5th day of March 1996

(L.S.) R. E. McGARVIE
By His Excellency's Command

JEFF KENNETT
Premier

SIMULTANEOUS ELECTION

Notice is hereby given that His Excellency the Governor will issue Writs for a General Election of Members to serve in the Legislative Assembly of Victoria, and for the Periodical Election of Members to serve in the Legislative Council of Victoria, as follows:

Date for the Issue of Writs	Tuesday, 5 March 1996
Date for the Close of the Rolls	Friday, 8 March 1996
Date of Nomination (before or day on which nominations are to be made)	Friday, 15 March 1996
Day of Polling	Saturday, 30 March 1996
Return of Writs	On or before Friday, 19 April 1996

By His Excellency's Command
KATHY WILSON
Clerk of the Executive Council

SESSION 1994-96

COMMITTEES

COMMUNITY DEVELOPMENT (JOINT)

*(Appointed 10 November 1992 -
See Act No. 7727 s. 4)*

The Hon. B.N. Atkinson
C.J. Hogg
L. Kokocinski

ECONOMIC DEVELOPMENT (JOINT)

*(Appointed 10 November 1992 -
See Act No. 7727 s. 4)*

The Hon. G.B. Ashman
G.P. Connard
P.R. Davis
P. Power
B.W. Mier
*(from 21 April 1993
to 27 May 1994)*

HOUSE (JOINT)

(Appointed 18 October 1994)

The Hon. the President *(ex officio)*
R.A. Best
M.M. Gould
D.E. Henshaw
D.A. Nardella
K.M. Smith

LIBRARY (JOINT)

*(Appointed 18 October 1994 -
See Act 7727 s. 36)*

The Hon. the President
G.P. Connard
P.R. Hall
R.S. Ives
P. Power

CRIME PREVENTION (JOINT)

*(Appointed 10 November 1992 -
See Act No. 7727 s. 4)*

The Hon. D.A. Nardella
K.M. Smith

ENVIRONMENT AND NATURAL RESOURCES (JOINT)

*(Appointed 10 November 1992 -
See Act No. 7727 s. 4)*

The Hon. G.H. Cox
R.S. de Fegely
D.M. Evans
D.E. Henshaw
B.T. Pullen
Dr. R.J.H. Wells

LAW REFORM (JOINT)

*(Appointed 10 November 1992 -
See Act No. 7727 s. 4)*

The Hon. W. Forwood
J.V.C. Guest
J. McLean

PRINTING (JOINT)

(Appointed 18 October 1994)

The Hon. the President
B.W. Mier
C.A. Strong
D.T. Walpole

PRIVILEGES

(Appointed 18 October 1994)

The Hon. G.R. Craige
J.V.C. Guest
P.R. Hall
R.S. Ives
D.R. White

PUBLIC BODIES REVIEW (JOINT)

(Appointed 10 November 1992 -

See Act No. 7727 s. 4)

The Hon. B.W. Bishop
A.R. Brideson
W.A.N. Hartigan
R.S. Ives
C.A. Strong

SCRUTINY OF ACTS AND REGULATIONS (JOINT)

(Appointed 10 November 1992 -

See Act No. 7727 s. 4)

The Hon. L. Asher
J.M. Brumby
*(from 30 March 1993 to
10 August 1993)*
M.M. Gould
(from 19 October 1993)
W.A. Landeryou
(to 10 December 1993)
B.A.E. Skeggs

PUBLIC ACCOUNTS AND ESTIMATES (JOINT)

(Appointed 10 November 1992 -

See Act No. 7727 s. 4)

The Hon. P.R. Hall
T.C. Theophanous
D.R. White

ROAD SAFETY (JOINT)

(Appointed 10 November 1992 -

See Act No. 7727 s. 4)

The Hon. R.A. Best
B.E. Davidson
B.W. Mier
(from 27 May 1994)
Graeme Stoney
D.T. Walpole
Sue deC. Wilding

STANDING ORDERS

(Appointed 18 October 1994)

The Hon. the President
G.B. Ashman
R.A. Best
R.S. de Fegely
P.R. Hall
B.W. Mier
D.A. Nardella

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 1
 —

Tuesday, 18 October 1994

No. 1 — AUSTRALIAN GRAND PRIX BILL — Clause 6.

Extra-territorial operation

It is the intention of the Parliament that the operation of sections 44 and 45 should, as far as possible, include operation in relation to acts, transactions and matters done, entered into or occurring outside Victoria, whether in or outside Australia.

— (*Hon. Haddon Storey*)

Amendment proposed — That the expression “44 and 45” be omitted with the view of inserting in place thereof “41 and 42”.

— (*Hon. B.T. Pullen*)

Question — That the expression proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. P.R. Hall in the Chair.

AYES, 25

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard (*Teller*)
 G.H. Cox (*Teller*)
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson (*Teller*)
 M.M. Gould (*Teller*)
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 B.W. Mier
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative — Amendment negatived.

No. 2 — AUSTRALIAN GRAND PRIX BILL — Clause 49.

Freedom of Information Act 1982

- (1) Despite anything to the contrary in the **Freedom of Information Act 1982**, that Act does not apply to a document, whether created before, on or after the commencement of this section, to the extent that the document is, or discloses information about a contract between the Corporation or a company referred to in sub-section (2) and one more of—
- (a) the bodies, whether corporate or unincorporate, partnerships or trusts—
 - (i) granting the right to hold a round of the Fédération Internationale de l'Automobile Formula One World Championship; or
 - (ii) responsible for the organisation of, or granting the right to hold, an approved motor sport event;
 - (b) bodies, whether corporate or unincorporate, partnerships or trusts owned by, or associates of, a body, partnership or trust referred to in paragraph (a);
 - (c) a person not ordinarily resident in Australia in concert with whom a body, partnership or trust referred to in paragraph (a) or (b) is acting in relation to that contract.
- (2) The companies referred to in this sub-section are the following companies incorporated under the Corporations Law of Victoria—
- (a) Melbourne Grand Prix Promotions Pty Ltd A.C.N. 059 230 278;
 - (b) Melbourne Major Events Company Ltd A.C.N. 050 270 089.
- (3) Despite anything to the contrary in Part 7 of the **Financial Management Act 1994**, the Corporation is not required to disclose in a report under that Part any information about a contract to which sub-section (1) applies.
- (4) This section does not affect the rights of the parties in the proceeding known as Mildenhall and Department of Treasury, Melbourne Grand Prix Promotions Pty Ltd and Melbourne Major Events Company Ltd (No. 1994/017694) in the Administrative Appeals Tribunal or in any proceeding by way of appeal from a decision in that proceeding.
- (5) In sub-section (1), “associate” means—
- (a) in relation to a body corporate—
 - (i) a director or secretary of the body;
 - (ii) a related body corporate within the meaning of section 50 of the Corporations Law;
 - (iii) a director or secretary of such a related body corporate.
 - (b) in relation to an unincorporated body, a member or officer of that body;
 - (c) in relation to a partnership, a partner;
 - (d) in relation to a trust, a trustee or beneficiary.

— (Hon. Haddon Storey)

Question — That clause 49 stand part of the Bill — put.

Committee divided — The Hon. P.R. Hall in the Chair.

AYES, 25

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson (Teller)
 G.P. Connard (Teller)
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegeley

NOES, 12

The Hon. M.M. Gould
 D.E. Henshaw (Teller)
 C.J. Hogg
 R.S. Ives (Teller)
 L. Kokocinski
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

W. Forwood
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it was resolved in the affirmative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 2
 —

Thursday, 17 November 1994

No. 1 — TRANSPORT ACCIDENT (GENERAL AMENDMENT) BILL — Clause 5.

Meaning of “transport accident”

* * * * *

(2) After section 3 (1) of the Principal Act insert —

“(1A) For the purposes of the definition of “transport accident” in section 3 (1) an incident includes an incident —

(a) involving a motor vehicle, a railway train or a tram which is out of control:

(b) involving a collision between a pedal cycle and an open or opening door of a motor vehicle.

* * * * *

— (Hon. R.M. Hallam)

Amendment proposed — That the following paragraph be inserted after (b):

“(c) involving a pedal cyclist while travelling to or from his or her place of employment.”

— (Hon. T.C. Theophanous)

Question — That the paragraph proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 13

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 L. Kokocinski (*Teller*)
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

NOES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craig (*Teller*)
 P.R. Davis (*Teller*)
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney

Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 3
 —

Wednesday, 30 November 1994

**No. 1 — LAND (MISCELLANEOUS MATTERS) AND NATIONAL TENNIS CENTRE
 (AMENDMENT) BILL — Clause 2.**

Commencement

* * * * *

(2) Section 18 is deemed to have come into operation on the day on which section 15 of the Land (Further Miscellaneous Matters) Act 1994 came into operation.

* * * * *

— (Hon. M.A. Birrell)

Amendment proposed — That the expression “18” be omitted with the view of inserting in place thereof “17”.

— (Hon. B.T. Pullen)

Question — That the expression proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 25

The Hon. L. Asher
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige (*Teller*)
 P.R. Davis (*Teller*)
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Sue deC. Wilding

NOES, 11

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski (*Teller*)
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power
 B.T. Pullen
 T.C. Theophanous

And so it was resolved in the affirmative — Amendment negatived.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 4
 —

Thursday, 8 December 1994

No. 1 — PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT BILL — Clause 9.

Tabling of orders

The Premier must cause a copy of each nomination order and application order to be laid before each House of Parliament within 14 sitting days after it is made.

— (Hon. R.I. Knowles)

Amendment proposed — That the expression “(1)” be inserted before “The Premier”.

— (Hon. D.R. White)

Question — That the expression proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 12

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 R.S. Ives
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

NOES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis
 R.S. de Fegely
 W. Forwood (*Teller*)
 J.V.C. Guest (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 5
 —

Wednesday, 12 April 1995

No. 1 — COASTAL MANAGEMENT BILL — Clause 16.

Preparing the Victorian Coastal Strategy

* * * *

(2) The Council may comply with sub-section (1) (c) and (d) by —

(a) making the draft Strategy available for inspection by the public for at least 4 weeks after its preparation; and

* * * *

— (Hon. M.A. Birrell)

Amendment proposed — That the expression “4” be omitted with the view of inserting in place thereof “8”.

— (Hon. B.T. Pullen)

Question — That the expression proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. P.R. Hall in the Chair.

AYES, 25

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 P.R. Davis

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power (Teller)
 B.T. Pullen
 D.R. White (Teller)

R.S. de Fegely
W. Forwood
J.V.C. Guest
R.M. Hallam
W.A.N. Hartigan (*Teller*)
R.I. Knowles
B.A.E. Skeggs (*Teller*)
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.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

No. 6

Tuesday, 30 May 1995

No. 1 — LEGAL AID COMMISSION (AMENDMENT) BILL — Clause 6.

Substitution of Part II

For Part II of the Principal Act substitute —

‘PART II — VICTORIA LEGAL AID

* * * * *

12K. *Community consultative committee*

* * * * *

(2) The function of the committee is to make recommendations to the board in relation to any matter referred to the committee by the board.

* * * * *

— (*Hon. Haddon Storey*)

Amendment proposed — That the words “referred to the committee by the board” be omitted with the view of inserting in place thereof “connected with the provision of legal aid”.

— (*Hon. B.T. Pullen*)

Question — That the words proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. P.R. Hall in the Chair.

AYES, 25

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard

NOES, 12

The Hon. B.E. Davidson (*Teller*)
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen

G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
R.M. Hallam
W.A.N. Hartigan
B.A.E. Skeggs
K.M. Smith (*Teller*)
Graeme Stoney (*Teller*)
Haddon Storey
C.A. Strong
Rosemary Varty
Sue deC. Wilding

T.C. Theophanous
D.T. Walpole (*Teller*)

And so it was resolved in the affirmative — Amendment negated.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

No. 7

Tuesday, 6 June 1995

No. 1 — NATIONAL PARKS (YARRA RANGES AND OTHER AMENDMENTS)
BILL — Clause 17.

Yarra Ranges National Park

In Schedule Two to the Principal Act, after part 38 insert —

“PART 39 — YARRA RANGES NATIONAL PARK

All those pieces or parcels of land containing 760 square kilometres, more or less, situate in the Parishes of Brimbonga, Bullung, Buxton, Coomburt, Glenwatts, Gracedale, Granton, Manango, Monda, Narbethong, Noojee, St. Clair, Steavenson, Taponga, Toorongu, Torbreck, Youarrabuck and Yuonga, Counties of Anglesey, Buln Buln, Evelyn, Tanjil and Wonnangatta being the land delineated and bordered red or green or coloured yellow excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue also excepting therefrom the Crown Allotments listed in the plans lodged in the Central Plan Office of the Department of Finance and numbered N.P. 102A and N.P. 102B.”

— (*Hon. M.A. Birrell*)

Amendment proposed — That the words and expressions “and N.P. 102B” be omitted with the view of inserting in place thereof “N.P. 102B, N.P. 102C and N.P. 102D”.

— (*Hon. B.T. Pullen*)

Question — That the words and expressions proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best

NOES, 13

The Hon. B.E. Davidson
 M.M. Gould (*Teller*)
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 R.S. Ives

M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox (*Teller*)
 G.R. Craige (*Teller*)
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Sue deC. Wilding

L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole

And so it was resolved in the affirmative — Amendment negatived.

**No. 2 — NATIONAL PARKS (YARRA RANGES AND OTHER AMENDMENTS)
 BILL — Clause 25.**

Rights, etc. to cease

* * * * *

- (3) The land delineated and shown hatched on the plan in Part D of Schedule 1 (being part of the alpine resort known as Lake Mountain and being part of the Crown lands declared by the Governor in Council to be an alpine resort under section 19 (1) of the **Alpine Resorts Act 1983** by Order made on 24 March 1987 and published in the Government Gazette on 25 March 1987) ceases to be part of Lake Mountain Alpine Resort on the date on which that land becomes part of Yarra Ranges National Park.

* * * * *

— (*Hon. M.A. Birrell*)

Amendment proposed — That sub-clause (3) be omitted with the view of inserting in place thereof:

- “(3) The alpine resort known as Lake Mountain and being the Crown lands declared by the Governor in Council to be an alpine resort under section 19 (1) of the **Alpine Resorts Act 1983** by Order made on 24 March 1987 and published in the Government Gazette on 25 March 1987 ceases to be an alpine resort on the date on which those lands become part of Yarra Ranges National Park.”

— (*Hon. B.T. Pullen*)

Question — That the sub-clause proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 27

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 P.R. Davis (*Teller*)
 R.S. de Fegely
 W. Forwood (*Teller*)
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Sue deC. Wilding

NOES, 13

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives (*Teller*)
 L. Kokocinski (*Teller*)
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole

And so it was resolved in the affirmative — Amendment negatived.

Wednesday, 7 June 1995

No. 3 — WATER (AMENDMENT) BILL — Clause 22.

Insertion of new sections 224A and 224B

After section 224 of the Principal Act insert —

* * * * *

“224B . Guidelines as to interstate transfers

* * * * *

- (5) An Authority that has a prescribed irrigation district must comply with any guidelines determined by the Minister under this section, as amended from time to time.”

— (*Hon. M.A. Birrell*)

Amendment proposed — That the following sub-section be inserted after proposed section 224B (5) of the Principal Act:

- “(6) In determining guidelines under this section, the Minister must consult with the Victorian Farmers Federation and with any other body that an

Authority that has a prescribed irrigation district requests the Minister to consult.”

— (Hon. B.T. Pullen)

Question — That the sub-section proposed to be inserted be so inserted — put.

Committee divided — The Hon. P.R. Hall in the Chair.

AYES, 14

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
J. McLean (*Teller*)
B.W. Mier
D.A. Nardella (*Teller*)
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

NOES, 27

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong (*Teller*)
Rosemary Varty
Dr. R.J.H. Wells (*Teller*)
Sue deC. Wilding

And so it passed in the negative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

No. 8

Wednesday, 1 November 1995

No. 1 — LOCAL GOVERNMENT (ELECTIONS) BILL — Clause 10.

Removal of references to deputy Mayors

- (1) In section 71 of the **Local Government Act 1989**—
 - (a) sub-section (2) is **repealed**;
 - (b) in sub-section (3), for “and a deputy Mayor (if any) are” **substitute** “is”;
 - (c) in sub-section (3) (b), **omit** “or deputy Mayor”;
 - (d) in sub-section (4), **omit** “or a deputy Mayor”.

- (2) For section 71(5) to (7) of the **Local Government Act 1989** **substitute**—
 - “(5) The Mayor of the City of Melbourne is to be titled the Lord Mayor.
 - (6) The Mayor of a Shire Council may be titled the President
 - (7) Any reference to “Mayor” includes a reference to “Lord Mayor” or “President” as the case may be.”.

- (3) In section 72 of the **Local Government Act 1989**—
 - (a) in sub-section (1), **omit** “or deputy Mayor” (wherever occurring);
 - (b) sub-section (2) is **repealed**;
 - (c) in sub-section (3), **omit** “or deputy Mayor”.

- (4) For section 73 (3) of the **Local Government Act 1989** **substitute**—
 - “(3) If there is a vacancy in the office of Mayor or the mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the acting Mayor.”.

- (5) In section 78(1) (d) of the **Local Government Act 1989**, **omit** “or deputy Mayor”.

—(Hon R.M. Hallam)

Question — That clause 10 stand part of the Bill — put.

Committee divided — The Hon. P.R. Hall in the Chair.

AYES, 22

The Hon. L. Asher (*Teller*)
G.B. Ashman (*Teller*)
B.N. Atkinson
W.R. Baxter
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
Dr. R.J.H. Wells
Sue deC. Wilding

NOES, 10

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
B.W. Mier
P. Power
B.T. Pullen (*Teller*)
D.T. Walpole (*Teller*)

And so it was resolved in the affirmative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 9
 —

Tuesday, 21 November 1995

No. 1 — ZOOLOGICAL PARKS AND GARDENS BILL — Clause 34.

Appointment of Chief Executive Officer

After consultation with the Board, the Minister, by instrument, may appoint a Chief Executive Officer of the Zoological Parks and Gardens Board.

— (*Hon. M.A. Birrell*)

Question — That clause 34 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.H. Cox
 G.R. Craigie
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan (*Teller*)
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 L. Kokocinski
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power (*Teller*)
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it was resolved in the affirmative.

No. 2 — WATER (FURTHER AMENDMENT) BILL — Clause 8.

Permanent transfers of bulk entitlements to irrigators

(1) In section 46A of the Principal Act, after sub-section (3) insert—

“(3A) A transfer may be either permanent or temporary.

(3B) A permanent transfer may only be made with the approval of the Minister.

(3C) The Minister may approve a permanent transfer only if the Minister is satisfied that the entitlement, or part of the entitlement, to be transferred is surplus to the obligations of the Authority to supply water.”.

* * * * *

— (Hon. M.A. Birrell)

Amendment proposed — That the words and expressions

“—

and that the transfer is not likely to have any adverse effect on the environment, including the wetland, riverine and riparian environment and that the requirements of sub-section (3D) have been complied with” be inserted after “water”.

— (Hon. B.T. Pullen)

Question — That the words and expressions proposed to be inserted be so inserted — put.

Committee divided — The Hon. P.R. Hall in the Chair.

AYES, 13

The Hon. B.E. Davidson (*Teller*)
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White (*Teller*)

NOES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
R.A. Best
M.A. Birrell
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles

B.A.E. Skeggs (*Teller*)
 K.M. Smith (*Teller*)
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it passed in the negative.

Wednesday, 22 November 1995

No. 3 — FISHERIES BILL — Clause 42.

Issue of fishery licences

* * * * *

- (3) The Secretary must refuse to issue a fishery licence authorising the controlled activity specified in section 36 (3) (y) until the Minister notifies the Secretary that he or she has received and endorsed a report from the Fisheries Co-Management Council which provides a program for —

* * * * *

- (b) the utilisation of funds from fees obtained from the issue of this class of licence.

* * * * *

— (*Hon. M.A. Birrell*)

Amendment proposed — That the words and expressions

“—

and the report has not been disallowed by either House of the Parliament under subsection (7)” be inserted after “licence” (where secondly occurring).

— (*Hon. B.T. Pullen*)

Question — That the words and expressions proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 12

The Hon. B.E. Davidson
 M.M. Gould (*Teller*)
 D.E. Henshaw (*Teller*)
 R.S. Ives
 L. Kokocinski
 B.W. Mier
 D.A. Nardella
 P. Power

NOES, 25

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden

B.T. Pullen
T.C. Theophanous
D.T. Walpole
D.R. White

A.R. Brideson
G.P. Connard
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney (*Teller*)
Haddon Storey
C.A. Strong (*Teller*)
Rosemary Varty
Sue deC. Wilding

And so it passed in the negative.

No. 4 — FISHERIES BILL — Clause 93.

Fishery committees

* * * * *

(3) The following provisions apply in respect of the membership of a fishery committee —

* * * * *

(c) In appointing the other members the Minister must be satisfied that the members have between them experience and knowledge of matters relevant to the fishery;

* * * * *

— (*Hon. M.A. Birrell*)

Amendment proposed — That the words and expressions “and generally in commercial fishing, fish processing, fish marketing, recreational fishing, traditional fishing uses, aquaculture, conservation and fisheries science” be inserted after “fishery” (where secondly occurring).

— (*Hon. B.T. Pullen*)

Question — That the words and expressions proposed to be inserted be so inserted — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 13

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives (*Teller*)
L. Kokocinski (*Teller*)
J. McLean

NOES, 27

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best (*Teller*)
M.A. Birrell
B.W. Bishop (*Teller*)

B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
D.T. Walpole
D.R. White

R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

And so it passed in the negative.

No. 5 — LAND REVOCATIONS (AND OTHER MATTERS) BILL — Clause 17.

New sections 7, 7AA and 7AB inserted

For section 7 of the **Kew and Heidelberg Lands Act 1933**, substitute —

“7. Appointment of Secretary

- (1) After consultation with the Trust, the Minister, by instrument, may appoint a Secretary of the Trust.

* * * * *

—(Hon. R.I. Knowles)

Amendment proposed — That proposed new section 7(1) of the Principal Act be omitted with the view of inserting in place thereof:

- “() The Trust, by instrument and with the approval of the Minister, may appoint a Secretary of the Trust.”.

—(Hon. B.T. Pullen)

Question — That the words and expressions proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. J.V.C. Guest in the Chair.

AYES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson (*Teller*)
W.R. Baxter
R.A. Best

NOES, 13

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives

M.A. Birrell
B.W. Bishop
R.H. Bowden (*Teller*)
A.R. Brideson
G.P. Connard
G.H. Cox
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
P.R. Hall
R.M. Hallam
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

L. Kokocinski
J. McLean (*Teller*)
B.W. Mier
D.A. Nardella (*Teller*)
P. Power
B.T. Pullen
D.T. Walpole
D.R. White

And so it was resolved in the affirmative — Amendment negated.

Thursday, 23 November 1995

No. 6 — MISCELLANEOUS ACTS (OMNIBUS AMENDMENTS) BILL — Clause 43.

Powers of the Council

In section 24 (2) of the Museums Act 1983 —

(a) in paragraph (j) —

(i) after “fees” insert “fixed by the Council”;

(ii) after “persons” insert “or vehicles”;

(iii) after “Victoria” (where twice occurring) insert “or the Exhibition land”;

(b) after paragraph (j) insert —

“(ja) in relation to the Exhibition land, the granting to other persons or bodies of authorities to occupy any part of the Exhibition land —

(i) for the purpose of or in connection with the provision of facilities for the assembly, education, instruction, entertainment, recreation or convenience of persons using the Museum of Victoria or the Exhibition land; or

- (ii) if the part of the Exhibition land is not presently required for museum or exhibition purposes, for any other purpose which will not substantially interfere with the continued use of the land for museum or exhibition purposes;”;

—(Hon. R.M. Hallam)

Question — That clause 43 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.H. Cox
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong (*Teller*)
Rosemary Varty
Dr. R.J.H. Wells (*Teller*)
Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
M.M. Gould
D.E. Henshaw
C.J. Hogg
R.S. Ives
L. Kokocinski
B.W. Mier
D.A. Nardella
P. Power (*Teller*)
B.T. Pullen (*Teller*)
T.C. Theophanous
D.R. White

And so it was resolved in the affirmative.

**No. 7 — MISCELLANEOUS ACTS (HEALTH AND JUSTICE) AMENDMENT BILL —
Clause 1.**

Purpose

The purpose of this Act is make amendments to the Dentists Act 1972, the Health Services Act 1988, the Magistrates' Court Act 1989 and the Prostitution Control Act 1994.

—(Hon. R. I. Knowles)

Amendment proposed — That the expression “1988,” be omitted with view of inserting in place thereof “1988 and”.

— (Hon. B.T. Pullen)

Question — That the expression proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 25

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best (*Teller*)
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.H. Cox
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Rosemary Varty
 Dr. R.J.H. Wells
 Sue deC. Wilding (*Teller*)

NOES, 12

The Hon. B.E. Davidson (*Teller*)
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.R. White (*Teller*)

And so it was resolved in the affirmative — Amendment negatived.

No. 8 — CARLTON (RECREATION GROUND) LAND (AMENDMENT) BILL — Clause 1.

Purposes

The main purposes of this Act are —

- (a) to amend the Carlton (Recreation Ground) Land Act 1966 to extend by stratum the area over which leases may be granted to facilitate the construction of a cantilevered grandstand; and
- (b) to extend the purposes for which a lease may be granted.

— (Hon. R.I. Knowles)

Question — That clause 1 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher (*Teller*)
 G.B. Ashman (*Teller*)

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould (*Teller*)

B.N. Atkinson
W.R. Baxter
R.A. Best
B.W. Bishop
R.H. Bowden
A.R. Brideson
G.P. Connard
G.R. Craige
P.R. Davis
R.S. de Fegely
W. Forwood
J.V.C. Guest
P.R. Hall
R.M. Hallam
W.A.N. Hartigan
R.I. Knowles
B.A.E. Skeggs
K.M. Smith
Graeme Stoney
Haddon Storey
C.A. Strong
Rosemary Varty
Dr. R.J.H. Wells
Sue deC. Wilding

D.E. Henshaw (*Teller*)
C.J. Hogg
R.S. Ives
L. Kokocinski
B.W. Mier
D.A. Nardella
P. Power
B.T. Pullen
T.C. Theophanous
D.R. White

And so it was resolved in the affirmative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 10
 —

Wednesday, 29 November 1995

No. 1 — LIQUOR CONTROL (LICENCES AND PERMITS) BILL — Clause 1.

Purpose

The main purpose of this Act is to amend the **Liquor Control Act 1987** so as —

- (a) to enable Orders in Council to be made imposing certain requirements on the holders of certain licences and permits; and

* * * * *

— (*Hon. W.R. Baxter*)

Amendment proposed — That the expression “(a)” be omitted in sub-clause (a).

— (*Hon. T.C. Theophanous*)

Question — That the expression proposed to be omitted stand part of the clause — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher (*Teller*)
 G.B. Ashman (*Teller*)
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 P.R. Davis
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam

NOES, 12

The Hon. M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 R.S. Ives
 L. Kokocinski
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power (*Teller*)
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it was resolved in the affirmative — Amendment negated.

Thursday, 30 November 1995

No. 2 — MELBOURNE CITY LINK BILL — Clause 14.

PART 2 — RATIFICATION OF AGREEMENT

Ratification of the Agreement

- (1) The Agreement is ratified and takes effect as if it had been enacted in this Act.
- (2) The Minister —
 - (a) is deemed to have been authorised to enter into, for and on behalf of the State, any Project Document within the meaning of the Agreement that was entered into by the Minister before the commencement of this section; and
 - (b) may, with the approval of the Treasurer, enter into, for and on behalf of the State, any other Project Document within the meaning of the Agreement.
- (3) The Government, its Ministers and its public authorities, will do all things necessary and practicable to ensure that the State and all its public authorities facilitate the implementation of the Agreement and to enable the State to discharge its obligations under the Agreement.
- (4) Any amount that the State is required to pay under or arising out of the Agreement, or an agreement referred to in sub-section (2), is payable from the Consolidated Fund which is, to the necessary extent, appropriated accordingly.

— (Hon. W.R. Baxter)

Question — That clause 14 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould
 D.E. Henshaw

W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden (*Teller*)
 A.R. Brideson (*Teller*)
 G.P. Connard
 G.H. Cox
 G.R. Craige
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

C.J. Hogg
 L. Kokocinski (*Teller*)
 J. McLean (*Teller*)
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.R. White

And so it was resolved in the affirmative.

No. 3 — MELBOURNE CITY LINK BILL — Clauses 16 and 17.

16. Agreement to prevail if inconsistent with Act

- (1) If a provision of the Agreement is inconsistent with a provision of this Act —
- (a) the provision of the Agreement prevails; and
 - (b) the application of this Act is modified accordingly.
- (2) Nothing in this section derogates from the operation of sections 14, 97 and 98.

17. Modification of law of Victoria

If a provision of the Agreement is inconsistent with a provision of an enactment or any other law of Victoria, the provision of the Agreement prevails and the provision of the enactment or other law of Victoria is, to the extent of the inconsistency, modified accordingly.

— (*Hon. W.R. Baxter*)

Question — That clauses 16 and 17 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best

NOES, 12

The Hon. B.E. Davidson
 D.E. Henshaw
 C.J. Hogg
 L. Kokocinski
 J. McLean

M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard (*Teller*)
 G.H. Cox (*Teller*)
 G.R. Craige
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole (*Teller*)
 D.R. White (*Teller*)

And so it was resolved in the affirmative.

No. 4 — MELBOURNE CITY LINK BILL — Clause 21.

Amendment of planning schemes

- (1) In addition to any other power to prepare, adopt or approve amendments to planning schemes, the Minister administering the **Planning and Environment Act 1987** may —
 - (a) on the recommendation of the Minister administering this Act, prepare; and
 - (b) adopt and approve —

amendments to any planning scheme applying to any land in the Project area to facilitate the Project.
- (2) Without limiting what an amendment may include, an amendment prepared under this section may —
 - (a) impose any conditions on the development and use of land for the purposes of the Project that the Minister administering the **Planning and Environment Act 1987** may determine; and
 - (b) provide that no permit is required for all or any part of that development or use of land; and
 - (c) specify the Minister administering the **Planning and Environment Act 1987** as the responsible authority for the administration or enforcement of any provision of a planning scheme applicable to the Project.
- (3) The **Planning and Environment Act 1987** (except for section 12 (1) (a) and (e), (2) and (3) and Divisions 1 and 2 of Part 3 and sections 38 (2) to (5)

and 39 (1) to (6) and any regulations made for the purposes of those provisions) applies to the preparation, adoption and approval of an amendment under this section.

- (4) This section has effect despite anything in section 46 of the **Planning and Environment Act 1987** and that section does not apply to an amendment prepared, adopted or approved under this section.
- (5) Section 39 (7) of the **Planning and Environment Act 1987** applies to an amendment prepared, adopted or approved under this section as if before "Division 1" there were inserted "section 12 (1) or".
- (6) Section 39 (8) of the **Planning and Environment Act 1987** applies to an amendment prepared or adopted under this section as if—
 - (a) the words "Except for an application under this section" were deleted; and
 - (b) before "Division 1" there were inserted "section 12 (1) or".

—(Hon. W.R. Baxter)

Question — That clause 21 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson (*Teller*)
 G.P. Connard
 G.H. Cox
 G.R. Craige (*Teller*)
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson (*Teller*)
 M.M. Gould
 D.E. Henshaw
 C.J. Hogg
 L. Kokocinski
 J. McLean
 B.W. Mier
 P. Power
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

No. 5 — MELBOURNE CITY LINK BILL — Clauses 32 to 36.**32. Closure of roads vested in Councils**

- (1) The Minister may recommend to the Governor in Council that any road or part of a road which is vested in a Council and which is within the Project area be closed and the land comprised in the road or the part of the road surrendered to the Crown on —
 - (a) receiving a plan of land signed by the Surveyor-General; and
 - (b) being satisfied that the land shown on the plan represents the land comprised in the road or the part of the road which is to be surrendered to the Crown.
- (2) On receiving the Minister's recommendation, the Governor in Council may, by Order published in the Government Gazette, declare that the road or the part of the road be closed and that the land shown on the plan be surrendered to the Crown.
- (3) On the publication of an Order under sub-section (2) —
 - (a) the land ceases to be a road and all rights easements and privileges existing or claimed in the land either in the public or by any body or person as incident to any express or implied grant, or past dedication or supposed dedication or by user or operation of law or otherwise, cease; and
 - (b) the land is deemed to be unalienated land of the Crown freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
 - (c) the land is deemed to be temporarily reserved under section 4 (1) of the **Crown Land (Reserves) Act 1978** for public purposes, being in particular, the purposes of the Project, and the reservation may be amended, revoked and otherwise dealt with in accordance with that Act.
- (4) This section has effect despite any provision in any other Act to the contrary.

Division 3 — Compensation for surrendered or divested land**33. Right to compensation on surrender or divesting**

- (1) Subject to this Act and the **Land Acquisition and Compensation Act 1986**, every person (other than a public authority) who —
 - (a) immediately before the publication of an Order under section 25, 26, 28, 29, 31 or 32 had a legal or equitable estate or interest in land to which the Order applies; or

- (b) immediately before the proclamation of section 27 or 30 had a legal or equitable estate or interest in any Crown land to which that section applies —

has a claim for compensation.

- (2) Despite sub-section (1), a Council does not have a claim for compensation under this section in respect of anything done under section 28, 29 or 32.
- (3) The **Land Acquisition and Compensation Act 1986** (except sections 31 to 36) applies to the determination of compensation payable under this section —
- (a) in the case of an estate or interest in land to which sub-section (1) (a) applies, as if the publication of the Order were a notice of acquisition of that estate or interest and the Authority had acquired that estate or interest; or
- (b) in the case of an estate or interest in land to which sub-section (1) (b) applies, as if the proclamation of the commencement of section 30 were a notice of acquisition of that estate or interest and the Authority had acquired that estate or interest.
- (4) Section 43 of the **Land Acquisition and Compensation Act 1986** applies to the determination of compensation under this section and section 34 as if after section 43 (1) (b) there were inserted —

“(ba) Any special suitability or adaptability of the land in which the estate or interest for which a claim for compensation can be made subsists for a purpose for which it could be used under the **Melbourne City Link Act 1995** for the purpose of the Project within the meaning of that Act.”.

34. Right to compensation on surrender of underground land which is not Crown land

- (1) Subject to this Act and the **Land Acquisition and Compensation Act 1986**, every person (other than a public authority) who, immediately before the proclamation of section 30 had an interest in land (other than Crown land) to which section 30 applies, has a claim for compensation.
- (2) The **Land Acquisition and Compensation Act 1986** (except sections 31 to 36) applies to the determination of compensation payable in respect of an interest in land under this section as if the proclamation of the commencement of section 30 were a notice of acquisition of that interest and the Authority had acquired that interest.
- (3) In this section “interest” in relation to land has the same meaning as in the **Land Acquisition and Compensation Act 1986**.

35. Compensation for persons affected by road closures

- (1) If a road or part of a road is closed under Division 2, the Authority must make provision for the payment of compensation to any owner of property

(other than the land comprised in the road) which, in the opinion of the Authority is likely to be substantially affected by that closure.

- (2) The Authority may certify that, having regard to the extent to which any person referred to in sub-section (1) is or is likely to be affected by the closure of the road or the part of the road, the compensation payable to that person under sub-section (1) should not exceed the amount stated in the certificate (not being more than \$400).
- (3) If the Authority so certifies under sub-section (2), the amount stated in the certificate in respect of that person shall be the full amount payable to him or her under sub-section (1) by the Authority by way of compensation.
- (4) If the Authority is satisfied that a person who might be entitled to compensation under sub-section (1) cannot be found, the Authority may direct that no provision, or such provision as the Authority specifies, shall be made for payment of compensation to that person.
- (5) If sub-section (3) or (4) does not apply, the compensation payable to a person under sub-section (1) shall be —
 - (a) the amount agreed between the Authority and the person; or
 - (b) if agreement is not reached, the amount determined as if the amount of compensation payable were a disputed claim under Part 10 of the **Land Acquisition and Compensation Act 1986**.

36. Compensation for Councils in certain circumstances

- (1) If—
 - (a) the reservation of any land under the **Crown Land (Reserves) Act 1978** has been revoked under section 28 or 29 and that land was, immediately before the revocation of that reservation, under the control of a Council, whether as a committee of management or under a trust or otherwise; or
 - (b) a road vested in a Council has been closed under section 32 —
and that Council has —
 - (c) sustained any pecuniary loss; or
 - (d) incurred any expense —as a direct, natural and reasonable consequence of that revocation or closure, the Council may claim the amount of that loss or expense from the Authority.
- (2) For the purposes of sub-section (1), the value of the land must not be taken into account when calculating the loss sustained or expense incurred by the Council.
- (3) A claim under sub-section (1) must be made within 2 years after the reservation was revoked or the road was closed

- (4) Section 48 and Parts 10 and 11 of the **Land Acquisition and Compensation Act 1986** apply to a claim under sub-section (1) as if it were a claim under section 47 (1) of that Act.

— (Hon. W.R. Baxter)

Question — That clauses 32 to 36 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 R.S. de Fegely
 W. Forwood (*Teller*)
 J.V.C. Guest (*Teller*)
 P.R. Hall
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould (*Teller*)
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 L. Kokocinski
 J. McLean
 B.W. Mier
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

No. 6 — MELBOURNE CITY LINK BILL — Clauses 61 to 65.

61. Road deemed to be declared road

- (1) On the commencement of a lease granted under section 60 any road specified in the lease is deemed to be —
- (a) a declared road within the meaning of the **Transport Act 1983**; and
 - (b) a road open to and for use by the public for passage with vehicles; and
 - (c) a highway within the meaning of the **Road Safety Act 1986**.
- (2) This section does not affect the grant or operation of a lease despite anything to the contrary in Schedule 5 of the **Transport Act 1983**.

- (3) The Minister must publish a notice in the Government Gazette of the granting of a lease under section 60 describing any road specified in that lease.

62. Road operation and management powers in relation to leased land

- (1) If the Agreement, or another agreement made under the terms of the Agreement, provides for road operation and management powers in respect of leased land to be conferred on the Link corporation, then, despite anything to the contrary in the **Transport Act 1983** or regulations under that Act or the **Local Government Act 1989** or the regulations under that Act, on and from the grant of a lease under section 60 —
 - (a) the Link corporation or any officer or employee of the Link corporation authorised by the Link corporation may exercise those powers in respect of the leased land; and
 - (b) the Roads Corporation and any Council must not exercise those powers in respect of the leased land.
- (2) In this section “road operation and management powers” means powers relating to the operation and maintenance of, and traffic management of a kind applicable to, a freeway or declared road.

63. Agreements about the use of land

- (1) Where the Authority is disposing of the whole of its interest in any land granted to it (being land which was, at any time before being granted to the Authority, reserved project land) the Authority may enter into an agreement with any person concerning the use or development of that land.
- (2) Division 2 of Part 9 of the **Planning and Environment Act 1987** applies to the agreement as if —
 - (a) the agreement were an agreement under that Division;
 - (b) that Division referred to the Authority instead of the responsible authority for the planning scheme;
 - (c) section 174 (2) (c) of that Act were omitted;
 - (d) sections 177 (2), 178 and 179 (1) of that Act referred to the Authority instead of the Minister.

Division 9 — Other provisions relating to buildings and land

64. Certain Acts not to apply

- (1) In this section “excluded Act” means —
 - (a) the **Building Act 1993**;
 - (b) the **South Melbourne Land Act 1986**;
 - (c) the **Extractive Industries Act 1966**;

- (d) the **Extractive Industries Development Act 1995**;
 - (e) the **Mineral Resources Development Act 1991**.
- (2) An excluded Act does not apply to or in relation to any licensed land and anything done on that licensed land on and from the date on which the licence is issued under section 56 until the licence is terminated in respect of that land.
 - (3) An excluded Act does not apply to or in relation to any part of any leased land and anything done on any part of that leased land on and from the date on which the lease of that land is granted under section 60 until that lease is terminated in respect of that land.

65. *Historic buildings*

- (1) The Minister administering the **Historic Buildings Act 1981**, by Order published in the Government Gazette, may exempt any registered building or registered land or other building or any part of the Project area from the operation of that Act.
- (2) On the making of an Order under sub-section (1), the **Historic Buildings Act 1981** ceases to apply to the building or land in respect of which the Order is made and any registered building or registered land ceases to be registered under that Act.
- (3) An Order under sub-section (1) may be made subject to any conditions specified in the Order including —
 - (a) a condition requiring specified things to be done to the satisfaction of the Minister administering the **Historic Buildings Act 1981**; and
 - (b) a condition providing that any use or development of land is conditional on an agreement being entered into with that Minister.
- (4) Any person who fails to comply with a condition of an Order or an agreement made under an Order is guilty of an offence and liable to a penalty not exceeding 1500 penalty units or 2 years imprisonment.
- (5) The Minister may revoke or amend an Order made under sub-section (1).
- (6) On the revocation of an Order made under sub-section (1) —
 - (a) the **Historic Buildings Act 1981** again applies to any building or land affected by the Order; and
 - (b) in the case of any building or land affected by the Order which was previously registered under that Act, that Act applies as if that building or land had not been registered.

—(Hon. W.R. Baxter)

Question — That clauses 61 to 65 stand part of the Bill — put.

Committee divided — The Hon. P.R. Hall in the Chair.

AYES, 25

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard (*Teller*)
 G.H. Cox
 G.R. Craige
 R.S. de Fegely
 W. Forwood
 J.V.C. Guest
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey (*Teller*)
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
 D.E. Henshaw (*Teller*)
 C.J. Hogg
 L. Kokocinski (*Teller*)
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.

No. 7 — MELBOURNE CITY LINK BILL — Clauses 105 to 117.

105. Appointment of authorised officers

- (1) There must be appointed such authorised officers as are necessary for the purposes of this Act.
- (2) A person appointed by the Authority under sub-section (1) must be —
 - (a) an officer or employee or agent of the State, the Authority or the Roads Corporation; or
 - (b) an employee or agent of the licensee.
- (3) An appointment must be in writing.
- (4) The Chief Executive Officer of the Authority must issue an identity card to each authorised officer which must —
 - (a) state the full name of the person to whom it is issued; and
 - (b) state that the person is an authorised officer for the purpose of the Act; and
 - (c) contain a recent photograph of the person.
- (5) In any proceedings under this Act, an identity card purporting to be issued to a person by the Chief Executive Officer of the Authority under this

section is evidence of the appointment of that person as an authorised officer.

106. Restricted access areas

The Authority may mark off or cause to be marked off as a restricted access area any area of —

- (a) licensed land; or
- (b) a temporary construction site —

by —

- (c) the use of fencing, barriers or other permanent or temporary means of physical demarcation; and
- (d) by erecting signs or causing signs to be erected on or in close proximity to the area stating that the area is a restricted access area.

107. Certificates of authorisation

- (1) The Authority may issue a certificate in writing authorising the holder to enter and remain on any part of a restricted access area to any of the following —

- (a) an agent or employee of the Authority;
- (b) an employee of the Crown or any public authority;
- (c) an agent or employee of the licensee;
- (d) any other person requiring entry to the area for the purposes of the Project.

- (2) A certificate under sub-section (1) —

- (a) is issued for the period specified in the certificate; and
- (b) is subject to the conditions specified in the certificate; and
- (c) may be amended or revoked at any time by the Authority.

108. Powers and duties of members of the Authority and authorised officers

- (1) A member of the Authority or an authorised officer may warn any person (other than the owner of the land or a person authorised in writing by the owner) to leave any part of any area of —

- (a) licensed land of which the licensee is the occupier; or
- (b) a temporary construction site.

- (2) For the purposes of section 9 (1) (d) of the **Summary Offences Act 1966**, a member of the Authority or an authorised officer is deemed to be authorised by the licensee or the Authority or the person authorised by the Authority

under Part 9 of the **Land Acquisition and Compensation Act 1986**, as the case requires, in exercising a power under sub-section(1).

109. Offence to enter any part of restricted access area

- (1) A person must not enter into or remain in any part of a restricted access area unless the person —
- (a) has a certificate of authorisation issued under section 107; or
 - (b) is —
 - (i) a member of the police force; or
 - (ii) an officer or employee of the public service within the meaning of the **Public Sector Management Act 1992**; or
 - (iii) an officer or employee of a public body —
 - acting in the performance of his or her duties; or
 - (c) in the case of a temporary construction site, is the owner of that land or a person authorised in writing by the owner.

Penalty: 10 penalty units.

- (2) It is a defence to a charge brought under sub-section (1) against a person to prove that the person had a reasonable excuse for entering into or remaining in the area.

110. Evidence as to area being marked off

- (1) In any proceedings under this Act, if a member of the police force or an authorised officer avers that a person was inside, or an event occurred inside, a restricted access area, the averment is evidence of that fact.
- (2) In any proceedings under this Act, a certificate, signed by the Chief Executive Officer of the Authority, certifying that an area was a restricted access area is evidence of the facts stated in the certificate.

111. Interference with activities

A person must not in any way intentionally —

- (a) interfere with or hinder; or
- (b) cause any other person to interfere with or hinder —

The carrying out of any works by or on behalf of a licensee for the purposes of the Project under a licence issued under Part 3 or an authorisation under Part 9 of the **Land Acquisition and Compensation Act 1986** or the entry into a restricted access area by a person authorised under section 107 to do so.

Penalty: 10 penalty units.

112. Offence not to produce certificate on demand

A person who is in a restricted access area must —

- (a) produce a certificate of authorisation issued under section 107; or
- (b) give his or her name and address —

when asked to do so by a member of the police force or an authorised officer.

Penalty: 5 penalty units.

113. Holding out as an authorised officer

A person who is not an authorised officer must not in any way hold himself or herself out to be an authorised officer.

Penalty: 10 penalty units.

114. Power to remove offenders

- (1) If a member of the police force believes, on reasonable grounds —
 - (a) that a person is committing an offence against section 109; or
 - (b) that a person is committing an offence against section 9 (1) (d) of the **Summary Offences Act 1966** in any area of —
 - (i) licensed land; or
 - (ii) a temporary construction site —

the member of the police force may remove that person from the area in respect of which that person is committing the offence.

- (2) A member of the police force may, in order to remove a person from an area, use such force as is reasonable in the circumstances.
- (3) Any action taken under this section does not prevent the institution of proceedings in respect of the offence.

115. Certificates for the purposes of evidence

In any proceedings under this Act, a certificate, signed by the Chief Executive Officer of the Authority, certifying —

- (a) that a person was or was not an authorised officer at a particular time; or
- (b) that a licence had or had not been issued to a particular person under this Act or that the Authority or a person authorised by the Authority had a right to occupy land under Part 9 of the **Land Acquisition and Compensation Act 1986** —

is evidence of the facts stated in the certificate.

116. Proceedings

- (1) Proceedings for an offence against Part 4 or regulations under that Part may only be brought by —
 - (a) a member of the police force; or
 - (b) an enforcement officer.
- (2) Proceedings for any other offence under this Act or the regulations under this Act may only be brought by —
 - (a) a member of the police force; or
 - (b) a prescribed person.

117. Supreme Court — limitation of jurisdiction

It is the intention of this section to alter or vary section 85 of the **Constitution Act 1975** to the extent necessary to prevent the Supreme Court —

- (a) reviewing matters or entertaining actions of the kind described in section 39 (7) and (8) of the **Planning and Environment Act 1987** (as modified by section 21 of this Act); or
- (b) entertaining actions of the kind described in section 18 (2) or 95 or in respect of which a protection or immunity is given under section 94; or
- (c) entertaining actions for compensation in relation to matters in respect of which this Act provides that no compensation is payable; or
- (d) entertaining actions of a kind described in section 207F (3) of the **Local Government Act 1989** as amended by this Act.

—(Hon. W.R. Baxter)

Question — That clauses 105 to 117 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 R.S. de Fegely
 W. Forwood (*Teller*)
 J.V.C. Guest (*Teller*)

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould (*Teller*)
 C.J. Hogg
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella (*Teller*)
 P. Power
 B.T. Pullen
 T.C. Theophanous
 D.T. Walpole
 D.R. White

W. Forwood (*Teller*)
 J.V.C. Guest (*Teller*)
 R.M. Hallam
 P.R. Hall
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

And so it was resolved in the affirmative.

No. 8 — MELBOURNE CITY LINK BILL — Schedule 1.

For text see pages 85 to 309 of the Bill

—(*Hon. W.R. Baxter*)

Question — That Schedule 1 stand part of the Bill — put.

Committee divided — The Hon. D.M. Evans in the Chair.

AYES, 26

The Hon. L. Asher
 G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 G.P. Connard
 G.H. Cox
 G.R. Craige
 R.S. de Fegely
 W. Forwood (*Teller*)
 J.V.C. Guest
 P.R. Hall (*Teller*)
 R.M. Hallam
 W.A.N. Hartigan
 R.I. Knowles
 B.A.E. Skeggs
 K.M. Smith
 Graeme Stoney
 Haddon Storey
 C.A. Strong
 Dr. R.J.H. Wells
 Sue deC. Wilding

NOES, 12

The Hon. B.E. Davidson
 M.M. Gould
 C.J. Hogg
 L. Kokocinski
 J. McLean
 B.W. Mier
 D.A. Nardella
 P. Power (*Teller*)
 B.T. Pullen (*Teller*)
 T.C. Theophanous
 D.T. Walpole
 D.R. White

And so it was resolved in the affirmative.



PARLIAMENT OF VICTORIA

MINUTES OF THE PROCEEDINGS

OF THE

JOINT SITTING

OF THE HOUSES OF PARLIAMENT OF THE
STATE OF VICTORIA

TO RECOMMEND MEMBERS FOR APPOINTMENT TO THE COUNCILS OF
LA TROBE UNIVERSITY, VICTORIA UNIVERSITY OF TECHNOLOGY
AND UNIVERSITY OF BALLARAT

12 APRIL 1995

Held in accordance with the provisions of Section 7(1)(a) of the La Trobe University Act 1964 (No. 7189); Section 7(2)(j) of the Victoria University of Technology Act 1990 (No. 21/1990); Section 37 of the Universities Act (Amendment) Act 1994 (No. 105/1994) and Section 7(1)(g) of the University of Ballarat Act 1993 (107/1993);

MINUTES OF THE PROCEEDINGS
of the
JOINT SITTING
held in the
LEGISLATIVE ASSEMBLY CHAMBER

Wednesday, 12 APRIL 1995

**LA TROBE UNIVERSITY COUNCIL;
VICTORIA UNIVERSITY OF TECHNOLOGY COUNCIL; AND
UNIVERSITY OF BALLARAT COUNCIL**

*The Members of the Legislative Council and the Members of the Legislative
Assembly having assembled in the Legislative Assembly Chamber pursuant to
resolutions of the two Houses -*

- 1 **ELECTION OF PRESIDENT** - The Honourable J.G. Kennett, M.P., Premier, moved - That the Honourable John Edward Delzoppo, M.P., Speaker of the Legislative Assembly be appointed President of this Joint Sitting, which motion having been seconded by Mr J.M. Brumby, M.P., was resolved in the affirmative.

The Honourable J.E. Delzoppo, M.P., having expressed his acknowledgment of the honour conferred upon him by the Joint Sitting, then took the Chair.

- 2 **RULES OF PROCEDURE** - The President announced that section 7(1)(a) of the *La Trobe University Act 1964*, section 7(2)(j) of the *Victoria University of Technology Act 1990* and section 7(1)(g) of the *University of Ballarat Act 1993* provide that the Joint Sitting shall be conducted in accordance with rules adopted for the purpose by Members at the sitting. Accordingly, the Honourable J.G. Kennett, M.P., submitted the following rules of procedure for the consideration of Honourable Members, and moved - That these rules be the rules of procedure for this Joint Sitting:
1. On any debate arising the same shall be conducted according to Parliamentary usage.
 2. A Member, addressing the President, shall propose a Member or Members to be recommended for appointment and any such proposal shall be duly seconded. When each Member is so proposed, the proposer shall state that such Member is willing to be so recommended for appointment, if chosen.

3. If no more than the required number of Members are proposed and seconded, the President shall declare such Members as having been chosen to be recommended for appointment.
4. If more than the required number of Members are proposed and seconded in respect of the vacancies the Members to be recommended for appointment shall be chosen by ballot in the manner prescribed by rules 5 to 8, inclusive.
5. In the ballot for the vacancies, the President shall announce the names of the Members proposed and shall cause each Member present to be provided with a ballot paper initialled by the Clerk of each House. Each Member shall write on such ballot paper the names of the Members that the Member voting wishes to be recommended for appointment; and if any ballot paper contains more than the appropriate number of names, it shall be rejected. Having marked the ballot paper as provided, the Member voting shall place it in a ballot box provided for the purpose.
6. The President shall appoint three Members to be scrutineers, who, with one of the Clerks, shall ascertain the number of votes for each Member. The Member reported to have the greatest number of votes shall, in the case of a single vacancy, be deemed to be duly chosen to be recommended for appointment. In the case of more than one vacancy, the required number of Members reported to have the greatest number of votes shall be deemed to be duly chosen to be recommended for appointment. In case of doubt arising through two or more Members having an equality of votes, the scrutineers, by drawing lots, shall determine which of such Members has been duly chosen to be recommended for appointment.
7. No informal vote shall be taken into account.
8. The President shall be entitled to a vote.
9. As soon as a ballot has been concluded the President shall declare -

"That has/have been chosen to be recommended for appointment to the Council of".
10. The President shall advise the responsible Minister of the Members chosen to be recommended for appointment to the various governing bodies.
11. The records of the proceedings and the ballot papers shall be retained by the Clerk of the Parliaments who shall be the custodian thereof and shall keep the ballot papers safely for one year and thereafter destroy them.

Mr. J.M. Brumby, M.P., seconded the motion.

Question - put and resolved in the affirmative.

- 3 LA TROBE UNIVERSITY - The President announced that he was now prepared to receive proposals from Honourable Members with regard to the Members to be recommended for appointment to the Council of the La Trobe University.

The Honourable J.G. Kennett, M.P., proposed that the Honourable Ronald Alexander Best, M.L.C. and the Honourable Theo Charles Theophanous, M.L.C., be recommended for appointment as members of the Council of the La Trobe University consequent on the expiration of the terms of office on 18 December 1994, and the Honourable Dr. Ronald James Herbert Wells, M.L.C., be recommended for appointment as a member of the Council of the La Trobe University consequent on the expiration of the term of office on 7 May 1995, and stated that they were willing to accept the appointment if chosen; which proposal was seconded by Mr. J.M. Brumby, M.P.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that the Honourable Ronald Alexander Best, M.L.C. and the Honourable Theo Charles Theophanous, M.L.C., had been recommended for appointment as members of the Council of the La Trobe University consequent on the expiration of the terms of office on 18 December 1994, and the Honourable Dr. Ronald James Herbert Wells, M.L.C., had been recommended for appointment as a member of the Council of the La Trobe University consequent on the expiration of the term of office on 7 May 1995.

- 4 **VICTORIA UNIVERSITY OF TECHNOLOGY** - The President announced that he was now prepared to receive proposals from Honourable Members with regard to the Members to be recommended for appointment to the Council of Victoria University of Technology.

The Honourable J.G. Kennett, M.P., proposed that Mr. George Ian Davis, M.P., the Honourable David Mylor Evans, M.L.C., and the Honourable Licia Kokocinski, M.L.C., be recommended for appointment as members of the Council of the Victoria University of Technology, and stated that they were willing to accept the appointment if chosen; which proposal was seconded by Mr. J.M. Brumby, M.P.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that Mr. George Ian Davis, M.P., the Honourable David Mylor Evans, M.L.C., and the Honourable Licia Kokocinski, M.L.C., had been chosen to be recommended for appointment as members of the Council of the Victoria University of Technology.

- 5 **UNIVERSITY OF BALLARAT COUNCIL** - The President announced that he was now prepared to receive proposals from Honourable Members with regard to a Member to be recommended for appointment to the Council of the University of Ballarat.

The Honourable J.G. Kennett, M.P., proposed that Mr. Stephen Phillip Bracks, M.P., be recommended for appointment as a member of the Council of the University of Ballarat, and stated that he was willing to accept the appointment if chosen; which proposal was seconded by Mr. J.M. Brumby, M.P.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that Mr. Stephen Phillip Bracks, M.P., had been

chosen to be recommended for appointment as a member of the Council of the University of Ballarat.

The President declared the Joint Sitting closed.

A.V. BRAY
Clerk of the Legislative Council

J.G. LITTLE
Clerk of the Legislative Assembly

By Authority L.V. North, Government Printer, Melbourne



MINUTES OF THE PROCEEDINGS

OF THE

JOINT SITTING

**OF THE HOUSES OF PARLIAMENT OF THE
STATE OF VICTORIA**

**TO CHOOSE A PERSON TO HOLD THE PLACE IN THE SENATE
RENDERED VACANT BY THE DEATH OF SENATOR ALICE OLIVE ZAKHAROV**

3 May 1995

Held in accordance with the provisions of section 15 of the Commonwealth of Australia Constitution Act

MINUTES OF THE PROCEEDINGS

of the

JOINT SITTING

held in the

LEGISLATIVE ASSEMBLY CHAMBER

WEDNESDAY, 3 MAY 1995

**TO CHOOSE A PERSON TO HOLD THE PLACE IN THE SENATE
RENDERED VACANT BY THE DEATH OF SENATOR ALICE OLIVE ZAKHAROV**

*The Members of the Legislative Council and the Members of the Legislative
Assembly having assembled in the Legislative Assembly Chamber pursuant to
resolutions of the two Houses -*

- 1 ELECTION OF PRESIDENT** - The Honourable Jeffrey Gibb Kennett, M.P., Premier, moved - That the Honourable Bruce Anthony Chamberlain, M.L.C., President of the Legislative Council, be appointed President of this Joint Sitting, which motion having been seconded by the Honourable John Mansfield Brumby, M.P., the Leader of the Opposition, was resolved in the affirmative.

The Honourable Bruce Anthony Chamberlain, M.L.C., having expressed his acknowledgement of the honour conferred upon him by the Joint Sitting, then took the Chair.

- 2 RULES OF PROCEDURE** - The Honourable Jeffrey Gibb Kennett, M.P., submitted the following rules of procedure for the consideration of Honourable Members, and moved - That these rules be the rules of procedure for the Joint Sitting to fill the Senate vacancy:

1. On any debate arising the same shall be conducted according to Parliamentary usage.

2. A Member, addressing himself to the President, shall propose a person to hold the vacant place in the Senate and any such proposal shall be duly seconded. When a person is so proposed, the proposer shall state that such person is - (a) willing to hold the vacant place, if chosen; and (b) a member of the same political

party as that subscribed to by the Senator last elected by the people in whose place the vacancy has occurred.

3. If only one person be proposed and seconded, the President shall declare "Thathas been chosen to hold the place in the Senate rendered vacant by the death of Senator Alice Olive Zakharov ".

4. If more than one person be proposed and seconded the person to hold the vacant place shall be chosen by ballot in the following manner.

5. In the ballot for the vacancy, the President shall announce the names of the persons proposed and shall cause each Member present to be provided with a ballot paper initialled by the Clerks of the two Houses. The Member shall write on such ballot paper the name of the person desired to be chosen; and if any ballot paper contains more than one name, it shall be rejected. Having marked the ballot paper as provided, the Member voting shall place it in the ballot box provided for the purpose.

6. The President shall ask the proposer of each nominated person to name some Member present to be a scrutineer. The scrutineers, with the Clerks of the two Houses, shall retire and ascertain the number of votes for each person; and the scrutineers shall make a written report of the result to the President showing the number of votes for each person.

7. No informal vote shall be taken into account.

8. The President shall be entitled to vote.

9. If on the first ballot no person shall have received an absolute majority of the votes polled, a second ballot shall be taken, and the name of the person who shall have received the fewest votes at the first ballot shall be excluded; but if at the first ballot the names of only two persons be submitted and the number of votes for such persons be equal, the scrutineers shall by drawing lots determine which of such persons shall be chosen to hold the vacant place, and the person whose name shall be first drawn shall be deemed to have been duly chosen.

10. Until one of the persons proposed obtains an absolute majority of the votes polled, or (as the case may be) is chosen by lot to hold the vacant place, successive ballots shall be taken, and at each such ballot the name of the person who shall have received the fewest votes at the preceding ballot shall be excluded.

11. If on any ballot it shall be necessary to decide between two or more persons as to which one is to be excluded from a subsequent ballot through the number of votes for such persons being equal, a special ballot shall be taken at which the names of only those persons shall be submitted, and the name of the person having the fewest votes at such special ballot shall be excluded; but if on any special ballot it shall be necessary to decide between two or more persons as to which one is to be excluded from a subsequent ballot through the number of votes for such persons being equal, the scrutineers by drawing lots shall determine which one of such persons shall be excluded, and the name of the person last drawn shall be excluded.

12. If at any ballot, other than the first ballot or a special ballot hereinbefore provided for, the names of only two persons be submitted and the number of votes for such persons be equal, the scrutineers shall, by drawing lots, determine which of those persons shall be chosen to hold the vacant place, and the person whose name shall be first drawn shall be deemed to have been duly chosen.

13. As soon as any person obtains an absolute majority of the votes polled, or (as the case may be) is chosen by lot to hold the vacant place, the President shall declare-

".....has been chosen to hold the place in the Senate rendered vacant by the death of Senator Alice Olive Zakharov ".

14. The records of the proceedings and the ballot papers shall be retained by the Clerk of the Parliaments who shall be the custodian thereof and shall keep the ballot papers safely for one year and thereafter destroy them.

The Honourable John Mansfield Brumby, M.P., seconded the motion.

Question - put and resolved in the affirmative.

- 3 **PERSON PROPOSED AND CHOSEN TO HOLD THE VACANT PLACE IN THE SENATE** - The President announced that, the rules having been adopted, he was now prepared to receive proposals from Honourable Members of persons to hold the place in the senate rendered vacant by the death of Senator Alice Olive Zakharov.

The Honourable Jeffrey Gibb Kennett, M.P., proposed Ms Jacinta Mary Ann Collins as the person to hold the vacant place. He also stated that such person was willing to hold the vacant place, if chosen and that he was in possession of advice from the Leader of the Opposition that the nominee was the selection of the Australian Labor Party, the party previously represented in the Senate by Senator Alice Olive Zakharov; which proposal was seconded by the Honourable John Mansfield Brumby, M.P.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that Ms Jacinta Mary Ann Collins, had been chosen to hold the place rendered vacant by the death of Senator Alice Olive Zakharov.

The President declared the Joint Sitting closed.

A.V. BRAY
Clerk of the Legislative Council

J.G. LITTLE
Clerk of the Legislative Assembly



PARLIAMENT OF VICTORIA

MINUTES OF THE PROCEEDINGS

OF THE

JOINT SITTING

OF THE HOUSES OF PARLIAMENT OF THE
STATE OF VICTORIA

TO RECOMMEND MEMBERS FOR APPOINTMENT TO THE COUNCILS OF
ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY, DEAKIN UNIVERSITY
AND SWINBURNE UNIVERSITY OF TECHNOLOGY

31 MAY 1995

Held in accordance with the provisions of Section 7(2)(h) of the Royal Melbourne Institute of Technology Act 1992 (No. 45/1992); Section 7(1)(d) of the Deakin University Act 1974 (No. 8610) and Section 7(2)(g) of the Swinburne University of Technology Act 1992 (44/1992);

MINUTES OF THE PROCEEDINGS
of the
JOINT SITTING
held in the
LEGISLATIVE ASSEMBLY CHAMBER

Wednesday, 31 MAY 1995

**ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY COUNCIL;
 DEAKIN UNIVERSITY COUNCIL; AND
 SWINBURNE UNIVERSITY OF TECHNOLOGY COUNCIL**

*The Members of the Legislative Council and the Members of the Legislative
 Assembly having assembled in the Legislative Assembly Chamber pursuant to
 resolutions of the two Houses -*

- 1 **ELECTION OF PRESIDENT** - The Honourable J.G. Kennett, M.P., Premier, moved - That the Honourable John Edward Delzoppo, M.P., Speaker of the Legislative Assembly be appointed President of this Joint Sitting, which motion having been seconded by Mr J.M. Brumby, M.P., was resolved in the affirmative.

The Honourable J.E. Delzoppo, M.P., having expressed his acknowledgment of the honour conferred upon him by the Joint Sitting, then took the Chair.

- 2 **RULES OF PROCEDURE** - The President announced that section 7(1)(a) of the *La Trobe University Act 1964*, section 7(2)(j) of the *Victoria University of Technology Act 1990* and section 7(1)(g) of the *University of Ballarat Act 1993* provide that the Joint Sitting shall be conducted in accordance with rules adopted for the purpose by Members at the sitting. Accordingly, the Honourable J.G. Kennett, M.P., submitted the following rules of procedure for the consideration of Honourable Members, and moved - That these rules be the rules of procedure for this Joint Sitting:

1. On any debate arising the same shall be conducted according to Parliamentary usage.
2. A Member, addressing the President, shall propose a Member or Members to be recommended for appointment and any such proposal shall be duly seconded. When each Member is so proposed, the proposer shall state that such Member is willing to be so recommended for appointment, if chosen.

3. If no more than the required number of Members are proposed and seconded, the President shall declare such Members as having been chosen to be recommended for appointment.
4. If more than the required number of Members are proposed and seconded in respect of the vacancies the Members to be recommended for appointment shall be chosen by ballot in the manner prescribed by rules 5 to 8, inclusive.
5. In the ballot for the vacancies, the President shall announce the names of the Members proposed and shall cause each Member present to be provided with a ballot paper initialled by the Clerk of each House. Each Member shall write on such ballot paper the names of the Members that the Member voting wishes to be recommended for appointment; and if any ballot paper contains more than the appropriate number of names, it shall be rejected. Having marked the ballot paper as provided, the Member voting shall place it in a ballot box provided for the purpose.
6. The President shall appoint three Members to be scrutineers, who, with one of the Clerks, shall ascertain the number of votes for each Member. The Member reported to have the greatest number of votes shall, in the case of a single vacancy, be deemed to be duly chosen to be recommended for appointment. In the case of more than one vacancy, the required number of Members reported to have the greatest number of votes shall be deemed to be duly chosen to be recommended for appointment. In case of doubt arising through two or more Members having an equality of votes, the scrutineers, by drawing lots, shall determine which of such Members has been duly chosen to be recommended for appointment.
7. No informal vote shall be taken into account.
8. The President shall be entitled to a vote.
9. As soon as a ballot has been concluded the President shall declare -

"That has/have been chosen to be recommended for appointment to the Council of"
10. The President shall advise the responsible Minister of the Members chosen to be recommended for appointment to the various governing bodies.
11. The records of the proceedings and the ballot papers shall be retained by the Clerk of the Parliaments who shall be the custodian thereof and shall keep the ballot papers safely for one year and thereafter destroy them.

Mr. J.M. Brumby, M.P., seconded the motion.

Question - put and resolved in the affirmative.

- 3 **LA TROBE UNIVERSITY** - The President announced that he was now prepared to receive proposals from Honourable Members with regard to the Members to be recommended for appointment to the Council of the La Trobe University.

The Honourable J.G. Kennett, M.P., proposed that the Honourable Ronald Alexander Best, M.L.C. and the Honourable Theo Charles Theophanous, M.L.C., be recommended for appointment as members of the Council of the La Trobe University consequent on the expiration of the terms of office on 18 December 1994, and the Honourable Dr. Ronald James Herbert Wells, M.L.C., be recommended for appointment as a member of the Council of the La Trobe University consequent on the expiration of the term of office on 7 May 1995, and stated that they were willing to accept the appointment if chosen; which proposal was seconded by Mr. J.M. Brumby, M.P.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that the Honourable Ronald Alexander Best, M.L.C. and the Honourable Theo Charles Theophanous, M.L.C., had been recommended for appointment as members of the Council of the La Trobe University consequent on the expiration of the terms of office on 18 December 1994, and the Honourable Dr. Ronald James Herbert Wells, M.L.C., had been recommended for appointment as a member of the Council of the La Trobe University consequent on the expiration of the term of office on 7 May 1995.

- 4 **VICTORIA UNIVERSITY OF TECHNOLOGY** - The President announced that he was now prepared to receive proposals from Honourable Members with regard to the Members to be recommended for appointment to the Council of Victoria University of Technology.

The Honourable J.G. Kennett, M.P., proposed that Mr. George Ian Davis, M.P., the Honourable David Mylor Evans, M.L.C., and the Honourable Licia Kokocinski, M.L.C., be recommended for appointment as members of the Council of the Victoria University of Technology, and stated that they were willing to accept the appointment if chosen; which proposal was seconded by Mr. J.M. Brumby, M.P.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that Mr. George Ian Davis, M.P., the Honourable David Mylor Evans, M.L.C., and the Honourable Licia Kokocinski, M.L.C., had been chosen to be recommended for appointment as members of the Council of the Victoria University of Technology.

- 5 **UNIVERSITY OF BALLARAT COUNCIL** - The President announced that he was now prepared to receive proposals from Honourable Members with regard to a Member to be recommended for appointment to the Council of the University of Ballarat.

The Honourable J.G. Kennett, M.P., proposed that Mr. Stephen Phillip Bracks, M.P., be recommended for appointment as a member of the Council of the University of Ballarat, and stated that he was willing to accept the appointment if chosen; which proposal was seconded by Mr. J.M. Brumby, M.P.

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that Mr. Stephen Phillip Bracks, M.P., had been

chosen to be recommended for appointment as a member of the Council of the University of Ballarat.

The President declared the Joint Sitting closed.

A.V. BRAY
Clerk of the Legislative Council

J.G. LITTLE
Clerk of the Legislative Assembly

By Authority L.V. North, Government Printer, Melbourne



PARLIAMENT OF VICTORIA

MINUTES OF THE PROCEEDINGS

OF THE

JOINT SITTING

OF THE HOUSES OF PARLIAMENT OF THE
STATE OF VICTORIA

TO RECOMMEND MEMBERS OF THE PARLIAMENT FOR APPOINTMENT TO THE
COUNCIL OF MONASH UNIVERSITY AND THE COUNCIL OF THE ROYAL
MELBOURNE INSTITUTE OF TECHNOLOGY

21 NOVEMBER 1995

Held in accordance with the provisions of Section 7(1)(a)(i) of the Monash University Act 1958 (No. 107), Section 7 of the Royal Melbourne Institute of Technology Act 1992 (No. 45/1992) and Section 25 of the University Acts (Amendment) Act 1994 (No. 21)

MINUTES OF THE PROCEEDINGS
of the
JOINT SITTING
held in the
LEGISLATIVE ASSEMBLY CHAMBER

TUESDAY, 21 NOVEMBER 1995

**THE COUNCIL OF MONASH UNIVERSITY AND THE COUNCIL OF THE ROYAL
MELBOURNE INSTITUTE OF TECHNOLOGY**

*The Members of the Legislative Council and the Members of the Legislative
Assembly having assembled in the Legislative Assembly Chamber pursuant to
resolutions of the two Houses -*

- 1 **ELECTION OF PRESIDENT** - The Honourable J.G. Kennett, M.P. moved - That the Honourable Bruce Anthony Chamberlain, M.L.C., President of the Legislative Council be appointed President of this Joint Sitting which motion having been seconded by the Honourable C.J Hogg, M.L.C., was resolved in the affirmative.

The Honourable Bruce Anthony Chamberlain, M.L.C., having expressed his acknowledgement of the honour conferred upon him by the Joint Sitting, then took the Chair.

- 2 **RULES OF PROCEDURE** - The President announced that section 7(1)(a)(i) of the *Monash University Act 1958*, section 7 of the *Royal Melbourne Institute of Technology Act 1992* and section 25 of the *University Acts (Amendment) Act 1994* provided that the Joint Sitting shall be conducted in accordance with rules adopted for the purpose by Members at the sitting. Accordingly, the Honourable J.G. Kennett, M.P. submitted the following rules of procedure for the consideration of Honourable Members, and moved - That these rules be the rules of procedure for this Joint Sitting:

1. On any debate arising the same shall be conducted according to Parliamentary usage.
2. A Member, addressing the President, shall propose a Member or Members to be recommended for appointment and any such proposal shall be duly seconded. When each Member is so proposed, the proposer shall state that such Member is willing to be so recommended for appointment, if chosen.

3. If no more than the required number of Members are proposed and seconded, the President shall declare such Members as having been chosen to be recommended for appointment.
4. If more than the required number of Members are proposed and seconded in respect of the vacancies the Members to be recommended for appointment shall be chosen by ballot in the manner prescribed by rules 5 to 8, inclusive.
5. In the ballot for the vacancies, the President shall announce the names of the Members proposed and shall cause each Member present to be provided with a ballot paper initialled by the Clerk of each House. Each Member shall write on such ballot paper the names of the Members that the Member voting wishes to be recommended for appointment; and if any ballot paper contains more than the appropriate number of names, it shall be rejected. Having marked the ballot paper as provided, the Member voting shall place it in a ballot box provided for the purpose.
6. The President shall appoint three Members to be scrutineers, who, with one of the Clerks, shall ascertain the number of votes for each Member. The Member reported to have the greatest number of votes shall, in the case of a single vacancy, be deemed to be duly chosen to be recommended for appointment. In the case of more than one vacancy, the required number of Members reported to have the greatest number of votes shall be deemed to be duly chosen to be recommended for appointment. In case of doubt arising through two or more Members having an equality of votes, the scrutineers, by drawing lots, shall determine which of such Members has been duly chosen to be recommended for appointment.
7. No informal vote shall be taken into account.
8. The President shall be entitled to a vote.
9. As soon as a ballot has been concluded the President shall declare -

"That has/have been chosen to be recommended for appointment to the Council of.....".
10. The President shall advise the responsible Minister of the Members chosen to be recommended for appointment to the various governing bodies.
11. The records of the proceedings and the ballot papers shall be retained by the Clerk of the Parliaments who shall be the custodian thereof and shall keep the ballot papers safely for one year and thereafter destroy them.

The Honourable C.J Hogg, M.L.C., seconded the motion.

Question - put and resolved in the affirmative.

- 3 **COUNCIL OF MONASH UNIVERSITY** - The President announced that he was now prepared to receive proposals from Honourable Members with regard to the Members to be recommended for appointment to the Council of Monash University.

The Honourable J.G. Kennett, M.P., proposed that the Honourable James Vincent Chester Guest, M.L.C.; the Honourable Peter Ronald Hall, M.L.C.; and Gerard Marshall Vaughan, M.P., be recommended for appointment to the Council, and stated that they were willing to be recommended, if chosen; which proposal was seconded by The Honourable C.J Hogg, M.L.C..

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that Honourable James Vincent Chester Guest, M.L.C.; the Honourable Peter Ronald Hall, M.L.C.; and Gerard Marshall Vaughan, M.P., had been chosen to be recommended for appointment to the Council of Monash University.

- 4 **COUNCIL OF THE ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY** - The President announced that he was now prepared to receive proposals from Honourable Members with regard to the Members to be recommended for appointment to the Council of the Royal Melbourne Institute of Technology.

The Honourable J.G. Kennett, M.P., proposed that the Honourable Gerald Barry Ashman, M.L.C.; the Honourable David Mylor Evans, M.L.C.; and Ms Sherryl Maree Garbutt, M.P., be recommended for appointment to the Council, and stated that they were willing to be recommended, if chosen; which proposal was seconded by The Honourable C.J Hogg, M.L.C..

The President asked if there were any further proposals and, there being no further proposals, thereupon declared that the Honourable Gerald Barry Ashman, M.L.C.; the Honourable David Mylor Evans, M.L.C.; and Ms Sherryl Maree Garbutt, M.P., had been chosen to be recommended for appointment to the Council of Royal Melbourne Institute of Technology.

The President declared the Joint Sitting closed.

A.V. BRAY
Clerk of the Legislative Council

PHILIP.J. MITHEN
Clerk of the Legislative Assembly

**SUMMARY REPORT AND RECOMMENDATIONS OF THE MINING
WARDEN FROM THE MINING WARDEN'S INVESTIGATIONS INTO
MINING LICENCE APPLICATIONS**

CRESWICK RESOURCES NL AND ASSOCIATED COMPANIES

(APPLICATION No. 4446, 4447, 4448, 4450 & 4863)

Ordered to be printed

VICTORIAN
GOVERNMENT
PRINTER
1995

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EXHIBITS

1. List of Exhibits
2. Exhibits

THE SUMMARY REPORT

CRESWICK RESOURCES NL AND ASSOCIATED COMPANIES (APPLICATION No's 4446, 4447, 4448, 4450 & 4863)

1. INTRODUCTION

The Minister of Agriculture, Energy & Minerals, the Honorable Mr S J Plowman, MP, (the "Minister") has referred this matter to the Mining Warden by letter dated 20 March 1995 (Exhibit 1). The Minister directed the Mining Warden to:

- (a) examine the concerns of Mr R Cosgrave and Mrs T Cosgrave in relation to the marking out, exploration and/or mining of the land, the subject of applications by Creswick Resources NL and Associated Companies.
- (b) examine claims by those companies that Mr T P Mullavey is not a director, nor an employee, nor an associate of the company or associated companies, and that they have not had any dealings with him in relation to the project.
- (c) suspend any Permits or Authorities to Enter the properties of the Cosgraves or any properties until the Minister has the Mining Warden's recommendations and this matter has been determined to the Minister's satisfaction.
- (d) examine all files relating to applications by the Companies in the area and report to the Minister as to the suitability under the provisions of section 15(6) of the *Mineral Resources Development Act* 1990 as amended (the "MRDA").

1.1 *Mineral Resources Development Act* 1990

The purpose of the MRDA is stated in section 1 as being to encourage an economically viable mining industry which makes the best use of mineral resources in a way that is compatible with the economic, social and environmental objectives of the State.

The office of the Mining Warden is established under Part 11 of the MRDA comprising sections 96-104 (Exhibit 2). By section 98, the Minister is empowered to refer a matter to the Mining Warden for investigation, report and recommendations.

Section 15(6) provides:

"An applicant for a licence must satisfy the Minister that the applicant -

- (a) is a fit and proper person to hold the licence; and
- (b) intends to comply with this Act; and

- (ba) genuinely intends to do work; and
- (c) has an appropriate program of work; and
- (d) is likely to be able to finance the proposed work and rehabilitation of the land".

2. HISTORY OF APPLICATIONS/COMPANIES

The land the subject of the applications is situated in the Creswick/Smeaton area. This land has been the subject of various mining ventures over the last 100 or so years. Past mining has produced a number of slum dams and tailings dumps which are the refuse of previous mining operations. They may contain some valuable materials such as gold and other minerals which, at the time of previous mining ventures, were not economically viable to extract. As extraction technology has improved over time, the materials contained in the slum dams and tailings dumps have become economically more viable to extract. These dumps also contain a large amount of quartz.

The slum dams and tailings dumps are found on private property, Crown land and land leased from the Crown. The MRDA provides a mechanism for parties to apply for licences to extract the minerals found in these dams and dumps.

Smeaton Tailings Mining Company Pty Limited ACN 052 858 992 ("**Smeaton Tailings**") is a proprietary company incorporated on 4 July 1991. In 1991, Smeaton Tailings applied for a number of mining licences over various parcels of land in the Creswick/Smeaton area (mining licence applications 4446, 4447, 4448 & 4450). The determination of the Smeaton Tailings applications was still pending at the time of the Minister's referral.

The present directors of Smeaton Tailings are Mr Chris Karamountzos (appointed 30 January 1995), Sir William Alexander George Keys (appointed 7 September 1995) and Mr Garry Brian Parker (appointed 7 September 1995). The present company secretary is Mr Chris Karamountzos (appointed 30 January 1995). (Exhibit 3)

Alpha Conveyancing Pty Limited ACN 057 994 368 ("**Alpha Conveyancing**") is a proprietary company incorporated on 4 November 1992. In 1994, Alpha Conveyancing applied for a mining licence over land in the Creswick/Smeaton area (mining licence application 4863). The determination of the Alpha Conveyancing application was still pending at the time of the Minister's referral.

Alpha Conveyancing had previously applied for extractive industries licences under the *Extractive Industries Act 1966* ("**EIA**"), over an area of land that included land the subject of both the Alpha Conveyancing mining licence application and the Smeaton Tailings mining licence applications.

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The present directors of Alpha Conveyancing are Mr Chris Karamountzos (appointed 6 November 1992) and Mr David Henry Leitch (appointed 20 July 1995). The present company secretary is Mr David Henry Leitch (appointed 20 July 1995). (Exhibit 4)

Creswick Resources NL ACN 064 885 847 ("Creswick Resources") is a no liability company incorporated on 26 July 1994. The present directors of Creswick Resources are Mr Chris Karamountzos (appointed 26 July 1994), Sir William Alexander George Keys (appointed 1 February 1995) and Mr Garry Brian Parker (appointed 6 June 1995). The present company secretaries are Mr Desmond Leslie Boucher (appointed 22 June 1995) and Mr William Leonard Morcom (appointed 16 August 1995) (Exhibit 5). Creswick Resources did not lodge any applications with the Department with respect to the Creswick/Smeaton area.

Smeaton Tailings appears to have become a subsidiary of Creswick Resources in 1995. Alpha Conveyancing became a shareholder of Creswick Resources in 1995.

The intentions of Smeaton Tailings and Alpha Conveyancing appear to have been to mine both the gold and the quartz. There is some argument that quartz may not be a mineral for the purposes of the MRDA. However, the Mining Warden was not required to make any finding on this issue.

In 1994, Smeaton Tailings and Alpha Conveyancing initiated Supreme Court action to compel the Chief Administrator, the Department of Agriculture, Energy and Minerals (the "Department") and the Minister to process their respective applications. By way of the terms of settlement, the Department agreed to process the applications under an agreed timetable (Exhibit 6).

In processing the mining licence applications under the MRDA, the Department notified representatives of the two companies under section 15(3) that the companies' respective mining licence applications had priority over all other mining licence application. Subsequently, the Department had also determined that section 15(6) was satisfied.

In 1994 and early 1995, Mr R Cosgrave refused requests of representatives of Smeaton Tailings to enter his property. Their intended purpose was to mark out mining licence applications 4446 and 4448 on his and Mrs Cosgrave's property. Consequently, the Department issued, under section 20 of the MRDA, an "Authority to Enter" the properties of Mr R Cosgrave and Mrs T Cosgrave for the purposes of marking out the boundaries of the land covered by the application (Exhibit 7).

Subsequently, Mr Cosgrave advised the Mining Warden, on 20 March 1995 by facsimile (Exhibit 8), of his grievances regarding:

- (a) the Department overruling his refusal to allow Smeaton Tailings or Alpha Conveyancing or Creswick Resources to enter his land for the purpose of marking out mining licence applications 4446 and 4448;
- (b) the ability of the companies to satisfy section 15(6) of the MRDA; and
- (c) by implication, concerns about Mr Terence Patrick Mullavey.

A letter of similar tenor was received by the Mining Warden's office on 23 March 1995 from Mrs L G Cosgrave. (Exhibit 9)

Mr Terence Patrick Mullavey was declared bankrupt in 1977 and in 1993. Mr Mullavey remains an undischarged bankrupt.

The Minister referred the matter, through his power under section 98 of the MRDA, to the Mining Warden for investigation, report and recommendations.

3. THE INVESTIGATION

In conducting the Mining Warden's investigation, the Mining Warden:

- (a) reviewed the Departmental files relating to the applications, specifically including material relating to section 15(6) of the MRDA;
- (b) interviewed occupiers of land and local business people in the Creswick/Smeaton area;
- (c) visited various dam and dump sites, the subject of the applications;
- (d) conducted meetings with representatives of the applicant companies;
- (e) engaged Blake Dawson Waldron ("BDW") to assist the Mining Warden in his investigation;
- (f) determined to conduct a public hearing under section 100 of the MRDA;
- (g) subpoenaed both documents and witnesses; and
- (h) called for both written and oral submissions.

4. ISSUES

4.1 The central issues in the inquiry became:

- (a) the relationship between the applicant companies, Smeaton Tailings and Alpha Conveyancing, and Creswick Resources, including at the director level;

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- (b) the ownership of the applicants;
- (c) the involvement of Mr Mullavey and/or Mrs Mullavey;
- (d) the representations made to the Department by the applicants, Creswick Resources and its agents; and
- (e) the actions and representations of the applicants, Creswick Resources and its agents, made in relation to potential investors.

5. EVIDENCE

Documentary material, both historical and evidentiary, on these issues came from the Departmental files, the documents produced under subpoena by the Australian Securities Commission ("ASC"), and from searches conducted in the database of publicly available material held by the ASC.

5.1 Smeaton Tailings

Who owned Smeaton Tailings, who were its directors, and what representations were made to the Department?

- (a) A document entitled "Heads of Agreement" dated 16 July 1994 between "Alf Lowther and Robin H. Chambers as the registered shareholders of Smeaton Tailings ("Shareholders") and Creswick Resources" under which "the Shareholders agree to sell to Creswick all the issued shares in Smeaton" with consideration for this transaction being \$250,000. The document is signed by Chris Karamountzos (whose signature was witnessed by Terry Mullavey) on behalf of Creswick Resources and also signed by Alf Lowther and Robin H. Chambers (Exhibit 10).
- (b) A letter dated 27 October 1994 from Karamountzos & Kiatos to the Mining Warden states that "Smeaton Tailing and Mining Company Pty Ltd (sic.) is now a wholly owned subsidiary of Creswick Resources NL". There are a number of other assertions in Creswick Resources' correspondence that Smeaton is a subsidiary of Creswick (eg, letter dated 10 February 1995 from Creswick Resources to the Department, letter dated 21 March 1995 from Karamountzos & Kiatos to the Department and letter dated 23 March 1995 from Creswick Resources to the Minister). (Exhibits 11-14)
- (c) The 1994 annual return of Smeaton Tailings lodged with the ASC states that the annual general meeting of Smeaton Tailings was held on 21 October 1994 and that the shareholders were Alf Lowther and Robin H. Chambers. (Exhibit 15)
- (d) A letter (Exhibit 16) dated 29 December 1994 from the law firm of Chambers & Company, Solicitors, to the Department states that at one stage Creswick Resources had represented to the Victorian Supreme Court that it owned Smeaton Tailings. Chambers & Company added

"but that was not correct, although the legally binding agreement to purchase the Smeaton shares was in existence". The letter further states:

"It is my contention that the Heads of Agreement constitutes a legally binding agreement for the sale of all the shares in Smeaton to Creswick".

- (e) A Share Sale Agreement (Exhibit 17) dated 30 January 1995 between:

"the Vendors .. [namely, Auriferous Pty Limited, Wall Street Consultancy and Management Services Pty Limited, Elletson Mining Consultants Pty Limited, Seventy Two Pty Limited, Henry Bright Pty Limited, Francis Yardley and Arthur William Pulfer] and Creswick Resources"

states that the:

"Vendors hereby sell and transfer to [Creswick Resources] and [Creswick Resources] hereby buys from the Vendors [for consideration of \$150,000] ... the Shares [being defined as all the issued shares in Smeaton Tailings]".

- (f) A letter (Exhibit 18) dated 1 February 1995 from Mr T J Robertson, purportedly company secretary of Smeaton Tailings, to the Department states:

".. as discussed with Mr King [of the Department] on 30 January 1995 there has been a hiatus whilst negotiations between shareholders of the company and Creswick Resources NL for the sale of all shares to the Creswick were completed".

- (g) An ASC form 304 - Notification of change of officeholders (Exhibit 19) dated 10 April 1995 was lodged with the ASC by Clements Partners. This document reports that the directors of Smeaton were Mr Karamountzos and Mr Garnham, who were appointed on 30 January 1995. Mr Karamountzos was also appointed as the company's secretary. Until that time the Directors were Mr R H Chambers, Mr A J Lowther and Mr P F Elletson (Exhibit 3).

5.2 Alpha Conveyancing

Who owned Alpha Conveyancing, who were its directors, and what representations were made to the Department?

- (a) There are a number of assertions in Creswick Resources' correspondence that Alpha Conveyancing is a subsidiary of Creswick (eg, letter dated 13 January 1995 from Creswick Resources to the Department (Exhibit 20), letter dated 10 February 1995 Creswick Resources to the Department; letter dated 21 March 1995 from Karamountzos & Kiatos to the

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Department and letter dated 23 March 1995 Creswick Resources to the Minister (Exhibits 12-14)).

- (b) An ASC search conducted on 23 November 1995 shows that Alpha Conveyancing is presently owned by Mr Chris Karamountzos and Mr Con Kiatos (each holding their interests both legally and beneficially). (Exhibit 4)
- (c) An agreement dated 17 January 1994 between Mrs Mullavey and the law firm of Karamountzos & Kiatos, Barristers & Solicitors, recites that, as at 17 January 1994 the law firm of Karamountzos & Kiatos controlled Alpha. (Exhibit 21)
- (d) Undated hand written notes (Exhibit 22) containing references to AK (presumably Andrew Kay, an employee of Clement and Associates) state, on a page with the heading "Targar":

"- Resolution to buy Con Kiatos' 100 shares in Alpha Conveyancing P/L .. 17/1/94,

...

- Trust Deed re: the little fellow & resolution to this effect, accepting trusteeship & saying the share(s) in Alpha (Creswick Resources NL) is held in trust, not beneficially owned i.e. convert Targar to Trustee Co".

The written notes also contained pages with headings "Creswick Resources NL", "Alpha" and "Alpha Conveyancing".

- (e) ASC search conducted on 23 November 1995 reveals that Messrs Karamountzos and Kiatos were the directors of Alpha Conveyancing until 20 July 1995, from which time Mr David Henry Leitch replaced Mr Kiatos. Messrs Karamountzos and Kiatos were appointed directors on 6 November 1992 (Exhibit 4).

5.3 Involvement of Mr Mullavey

The involvement of Mr Mullavey in the Creswick project, and whether this affected the fitness and propriety of the applicants was a central issue in the Mining Warden's inquiry.

- (a) A Power of Attorney (Exhibit 23) dated 10 January 1994 granted by Mrs Mullavey in favour of Mr Mullavey states that Mr Mullavey may "carry on manage conduct or supervise any and every trade business enterprise adventure or other undertaking [of Mrs Mullavey]...".
- (b) An agreement (Exhibit 21) dated 17 January 1994 between Mrs Mullavey and the law firm of Karamountzos & Kiatos (the "Mullavey Agreement") recites that, as at 17 January 1994:

- (i) the law firm of Karamountzos & Kiatos controlled Alpha. It says that Alpha "has previously entered into an agreement with Targar Pty Ltd";
 - (ii) Mrs Mullavey "is authorised to enter into" the agreement for and on behalf of Targar Pty Limited;
 - (iii) Mrs Mullavey was involved in legal proceedings involving, amongst others, Mr Les Smart, over land at Creswick; and
 - (iv) "Mullavey is well known with landowners in the Creswick areas and will assist in obtaining landowner agreements and landowner consents for the purposes of the MRDA and EIA".
- (c) The Mullavey Agreement (Exhibit 21) states, amongst other things, that:
- (i) Messrs Karamountzos & Kiatos will conduct the legal proceedings on behalf of Mrs Mullavey;
 - (ii) Mrs Mullavey will not be responsible for the legal fees and disbursements; but
 - (iii) "[Mrs] Mullavey understands that the firm shall raise money for payment of the legal costs and disbursements associated with the proceedings from investors and such money shall be placed in the Karamountzos & Kiatos Trust Account ('Karamountzos & Kiatos Mining Assets Trust Account')" ("investors" is not defined).

The Mullavey Agreement also states that:

"[Mrs] Mullavey confirms that all personal benefits INCLUDING FIFTY PERCENTUM (50%) OWNERSHIP IN ALPHA [Conveyancing] obtained pursuant to [the] agreement shall be held in the name of Targar Pty Ltd ..".

- (d) An agreement dated 18 January 1994 between Alpha Conveyancing and Mrs Mullavey states that Alpha Conveyancing agreed to pay Mrs Mullavey \$2.114 million for various papers, equipment, core samples and earthworks, and for items such as "entertainment" at \$800 per month apparently for the period January to July 1994. (Exhibit 24)
- (e) A briefing note (Exhibit 25) dated 10 May 1994 from Mr Paul J Dowd, the Deputy Secretary of the Department, to the Minister states that on 28 April 1994 he met with Creswick principals and informed them:

"that Mr Mullavey and any persons or company that retained an association with him would not be able to comply with the 'fit and proper' person requirements in the Acts. The department would need to be completely satisfied that Creswick Gold NL and its senior executives completely dissociated themselves from any

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involvement with Mullavey (sic.) before any licence/lease application could be considered...

In order for the Department to consider support for any application by Charter Mining [into which it was proposed Creswick be folded], they would need to demonstrate that commercial arrangements had been advanced to an extent that there was a realistic prospect of project development. This would include clear demonstration that T Mullavey (sic.) either directly or indirectly had no association with the company. I have strongly and clearly advised Charter Mining accordingly".

- (f) A letter (Exhibit 26) dated 24 August 1994 from Messrs Karamountzos & Kiatos to Mr C M van Trigt of P.E.N. BV (presumably a merchant bank) states:

"We act for Alpha Conveyancing Pty Ltd and Targar Pty Ltd (Alpha/Targar) and enclose herein copies of draft prospectus and financial statements for Creswick Resources NL which is controlled by Alpha/Targar.

...

Mr T Mullavey will contact you within the next few days after you have read our proposal".

- (g) A letter (Exhibit 27) dated 8 September 1994 from Mr Andrew Kay to Mr Karamountzos of Messrs Karamountzos & Kutos (understood to be Kiatos) states:

"Following our recent discussions with yourself, Terry Mullavey and David Garnham regarding seed capital for Creswick Resources N.L. (the company) we now enclose the names of the clients of this office subscribing for shares in the company together with their application monies".

The letter lists 12 investors and the amounts of their respective investments.

- (h) A letter (Exhibit 28) dated 10 February 1995 from Creswick Resources to the Department states:

"Our company does not have any shareholder or director bearing the name of Terry Mullavey. Furthermore, to our knowledge and belief, there is no intention of Terry Mullavey being a director or shareholder of Creswick Resources NL".

- (i) A letter (Exhibit 29) dated 20 March 1995 from Thomson Wagstaff Pty Ltd ("Thomson Wagstaff") to Mr Ken Jarrett of Creswick Resources refers to

a meeting with "you, Chris and Terry" - presumably Messrs Karamountzos and Mullavey. It also states:

"your letter of 16 March, which listed all the shareholders, advised that there were no option holders, and advised that there were no contractual liabilities beyond the need to meet creditors payments of \$437,000.

I confirm our interest in investing \$550,000". (page 1)

- (j) A letter (Exhibit 14) dated 23 March 1995 from Sir William Keys, Chairman of Creswick Resources to the Minister states, inter alia, that:

"The company will:

- distance itself from Mr Mullavey.
- seek discovery of all documents relevant to his activities and association with the Company.
- take such appropriate action as is necessary in light of the information obtained".

The letter also states that:

"Although Mr Mullavey has been retained in the past to perform specific tasks for the Company, the Board today resolved, in light of your reaction to him that it is not in its best interest to retain him in the future".

- (k) An ASC search conducted on 24 November 1995 of Targar Pty Limited ACN 063 008 873 ("Targar") reveals that Trevor Bruce Henning and Suzanna Jane Henning are directors of Targar. They were appointed directors on 10 January 1994. (Exhibit 30)

5.4 Investment in the Creswick project and how funds were spent

Representations made in relation to raising funds for the Creswick project on behalf of the applicants and Creswick Resources, and how those funds were spent became an issue in the Mining Warden's inquiry.

- (a) An undated document (Exhibit 31) headed "Karamountzos & Kiatos Mining Assets Trust Account ledger for Creswick" (the "Creswick Trust Account") lists columns headed - date, investor name and the amount of investment. The ledger has 62 entries of funds being deposited over the period 17 February 1994 to 3 May 1995. Deposits totalling \$1.2429 million were deposited into the Creswick Trust Account over that period. The investors included superannuation funds (eg K. & A. Clements Nominees Pty Limited ATF Clements Superannuation Fund) (Exhibit 27 & 31), Garnham Superannuation No 2 Fund (Exhibit 31));

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companies (eg Lyn Manor Pty Limited (Exhibit 27 & 31), 055 999 847 Pty Limited (Exhibit 31 & 34)); and individuals (eg C D Papadopoulos, K & A Zouliavalis, Alexandra Georgoussis, F R & F R DeCostella (Exhibit 31 & 34)).

The ledger also lists the recipients of payments from the Creswick Trust Account, purpose of payment, the respective amount and date of expenditure. The amount of \$59,937.58 was paid to Mrs Mullavey (most of the payments being described as "Consultancy" fees). The amount of \$403,154.22 was paid to the firm of Karamountzos & Kiatos, Barristers & Solicitors. In addition, \$114,939.63 was paid to barristers and other legal firms.

The respective monthly receipts from investors, and payment from the Creswick Trust Account to Karamountzos & Kiatos and Mrs Mullavey from those monies, were as follows:

Month	Monthly Deposits	Payments to Karamountzos & Kiatos	Payments to Mrs Mullavey
Feb 94	\$35,000.00	\$2,000.00	Nil
Mar 94	\$24,900.00	\$19,000.00	\$3,145.93
Apr 94	\$105,000.00	\$21,000.00	\$5,374.75
May 94	\$211,500.00	Nil	\$5,305.00
Jun 94	\$30,000.00	\$20,000.00	\$4,077.00
Jul 94	\$160,500.00	Nil*	\$1,654.80
Aug 94	\$12,000.00	\$7,500.00	\$4,744.00
Sep 94	\$168,000.00	\$69,140.32	\$27,737.45
Oct 94	\$12,000.00	\$24,567.00	\$7,299.45
Nov 94	\$24,000.00	Nil	Nil
Dec 94	\$93,000.00	\$26,000.00	\$600.00
Jan 95	\$84,000.00	\$27,000.00	Nil
Feb 95	\$144,000.00	\$105,500.00	Nil**
Mar 95	\$80,000.00	\$20,000.00	Nil
Apr 95	\$34,000.00	\$48,000.00	Nil
May 95	\$25,000.00	\$11,447.00	Nil
Totals	\$1,242,900.00	\$403,154.22	\$59,937.58

* There is an additional entry for July 1994 for \$50,000 which refers to both Karamountzos & Kiatos and to Shane Rodgers.

**An additional entry for 16 February 1995 for \$12,000 which refers to Mullavey "Ingleton - Mullavey". Ingleton is the name of a racehorse

stud master and his wife on whose petition Mrs Mullavey was eventually bankrupted on 20 July 1995.

- (b) An agreement (Exhibit 24) dated 18 January 1994 between Alpha Conveyancing and Mrs Mullavey states that Alpha Conveyancing must pay Mrs Mullavey \$2.114 million for various papers, equipment, core samples and earthworks, and for items such as "entertainment" at \$800 per month apparently for the period January to July 1994.
- (c) An undated document (Exhibit 32) headed "Structure and Cash Flows", projects cash flow from about October 1994. This document seems to date from about October 1994. It was later forwarded to the Department and is apparently the "information memorandum" which is referred to in a letter dated 13 January 1995 from Creswick Resources to the Department (Exhibit 20). That letter states that an information memorandum was used as the basis upon which Creswick Resources raised funds from superannuation funds linked to a firm of accountants, Kevin Clements and Associates.

The "Structure and Cash Flows" document contains four sections, namely:

1. Background to the Company (Creswick Resources NL)
2. Organisational Chart
3. Cash Flow Forecast (October 1994 - June 1995)
(Explanatory Notes)
4. Cash Flow Forecast (July 1995 - June 1996)
(Explanatory Notes)

Under the heading of "Background to the Company (Creswick Resources NL)", the "Structure and Cash Flows" document states:

"Creswick Resources NL has been established to mine and process quartz rock and fines tailings, drawing its raw material from numerous tailings dumps located in the Creswick and Smeaton areas of Victoria. The Company has control of 37 tenement applications representing 5.5 million tonnes of quartz rock and fines tailings, which to the Company, represent a significant high quality resource for the Company's intended activities.

...

The Directors believe that they have identified for the Company key overseas export market opportunities for the products described above".

The document further states:

"The Company will issue 23,385,000 shares as fully paid to 20 cents in consideration for the acquisition of the mining assets at Creswick...".

It also refers to a share placement of 12 million shares at 12 cents each (each share having an attached option). This placement apparently is to amount to 30% of the total issue capital of Creswick Resources.

In addition, the document states:

"The Company has issued 4,615,000 shares [described in document as seed capital] as fully paid to 20 cents, at prices ranging from 5 cents per share to 12 cents per share. ...

This has contributed \$390,080 of which approximately \$300,000 has been expended and the balance remains available to the Company".

Under the heading "Organisation Chart", the "Structure and Cash Flows" document states that the Board of Directors is to be composed of:

1. Sir William Keys (Chairman)
2. David Garnham
3. Chris Karamountzos
4. Investor Representative".

Under the heading "Cash Flow Forecast (October 1994 - June 1995) (Explanatory Notes)", the "Structure and Cash Flows" document states that the Directors' annual fees commencing from 1 January 1995 will total \$120,000 of which Sir William Keys is to receive \$48,000. The document also states that the company secretary, Mr Peter Stedwell, is to receive \$24,000 as annual fees starting 1 January 1995.

- (d) An agreement dated 23 December 1994 between Creswick Resources and Epsilon Investments Pty Ltd ("Epsilon"), a company of which Mr Les Smart is a director, states that Creswick Resources is liable to Epsilon for \$750,000 by way of a licence fee/royalty. (Exhibit 33)
- (e) A letter (Exhibit 34) dated 25 January 1995 from Creswick Resources to the Department states, under the heading "Confirmation of funds already raised", that Creswick Resources provided a breakdown of the funds already subscribed. They are shown as amounting to \$942,900.

The letter also states that attached are:

"three letters from the parties we have had negotiations with in relation to funding the project through to the production phase".

The first letter (Exhibit 35) dated 24 January 1995 from Thomson Wagstaff to Creswick Resources states that the Thomson Wagstaff group of companies "have already invested monies in Creswick" and also states that it is the intent of Thomson Wagstaff to become further involved with Creswick Resources, including with financial resources.

- (f) Undated minutes of a meeting of the directors of Creswick Resources at which Mr Mullavey and Mr Ken Jarrett were present states that the directors noted that \$1.0179 million of equity had been raised so far. (Exhibit 36)

5.5 Representations to the Department relating to viability of the Creswick Project

- (a) A letter (Exhibit 37) dated 17 May 1994 from Mr Nick Scott, Senior Deputy Manager of Mitsubishi Australia Limited ("Mitsubishi") to Messrs Karamountzos & Kiatos states that Mitsubishi was interested in the Creswick "quartz" project. The letter also states:

"Regarding anticipated purchases, indicative quantities proposed were 10,000MT during the first year rising to 30,000MT p.a. thereafter.

...

A price of US\$80/MT ex-site may be contemplated if not inconsistent with market prices at that time".

- (b) A letter (Exhibit 38) dated 28 September 1995 from Mitsubishi to BDW states that on 23 May 1994 Mitsubishi was advised by telex by the prospective Japanese client, which was the potential purchaser of the quartz, that after analysis of test results prepared on behalf of Creswick Resources the client:

"considered the Creswick quartz project to be 'unworkable' due to the extensive weathering of the quartz and to its low quality".

- (c) A letter (Exhibit 39) dated 5 August 1994 from Creswick Resources to the Department states:

"Our current obligations and contractual responsibilities with long term purchasers of quartz have been established."

and

"Considerable discussions have taken place with various users of silica and Creswick has a number of potential 'orders' for several tens of thousands of tonnes of product".

- (d) A handwritten note dated 30 September 1994 from Mr Owen Challender of the Department appearing on Exhibit 37 states:

"Discussed with Nick Scott 30 Sept 1994. He [Nick Scott] indicated:

1. That whilst his company [Mitsubishi] were clearly interested in the Creswick dumps, there were no commitments, arrangements or agreements reached at this stage.
2. Any need for supply from Creswick is not of short term urgency.
3. Much more work was required to evaluate the quality of the quartz particularly regarding stained altered surfaces and presence of fragments of other impure rocks".

(e) A letter (Exhibit 40) dated 21 October 1994 from Creswick Resources to the Department states, under the heading "Product Testing and Orders":

"Previous testing carried out in 1990 indicates a resource of 99.995 to 99.998 purity. A further test of the quartz purity is currently being completed by S.G.S. in Perth and the result is expected by 31st October, 1994. If the results of this sample match the previous test, then we expect to be in a position to accept export orders".

The letter also states, under the heading "Value of Resource":

"The existing Creswick quartz deposits represent a significant value to Creswick Resources N.L. and to the State of Victoria. The Company has commenced quality testing of samples to determine the volume and timing of an order from Mitsubishi; the product being shipped to Japan. This valuable export contract will provide revenue dollars for the company and employment in a rural area.

...

Based on Quartz alone, the above dumps provide a resource estimated at \$50 million".

(f) A letter (Exhibit 41) dated 28 December 1994 from Creswick Resources to the Department states:

"Creswick Resources has had extensive discussions with potential purchasers of the quartz in Mitsubishi Australia Limited and Simcoa. A wholly owned subsidiary of the Jebsen Group (Cimbria Resources Pty Ltd) has been appointed to market the high purity silica on an exclusive basis worldwide. The Jebsen Group is a Hong Kong based trading house with 130 offices and an annual turnover of US\$5 billion. It is Creswick Resources' view that it will be able to enter into firm contracts with the above parties as soon as the licences are granted".

This letter refers to a letter dated 13 January 1995 from Creswick Resources to the Department (Exhibit 20) which states:

"The quartz product has undergone independent analysis by SGS Australia Pty Ltd in October, 1994. The results have shown that the product meets the requirements for export to a large Japanese customer. Arrangements for final testing in Japan are currently being concluded and it is projected that the supply of an initial order of 10,000 tonnes will be available by 30 June, 1994. The expected revenue from the first shipment is \$1.2 million".

- (g) A letter (Exhibit 41A) dated 20 February 1995 from Creswick Resources to the Department states that the project:

".. would make positive cash flows within 10 months of the commencement of production. These returns are confirmed by the modelling carried out by Terence Willsted and Associates similarly provides a positive cash flow during year one (see enclosed copy)".

- (h) A letter (Exhibit 42) dated 27 February 1995 from Creswick Resources to the Department states:

"Creswick has what it regards as 'firm' orders for 40 000 - 50 000 type of high quality quartz which will sell at a premium price of \$110 per tonne".

- (i) A letter (Exhibit 14) dated 23 March 1995 from Sir William Keys, Chairman of Creswick Resources, to the Minister states:

"the quartz in the Creswick area is of a particularly high quality not found elsewhere. Mitsubishi, for example, have been searching for eight years to replace their dwindling supplies from India".

- (j) An Advice to the Minister dated 1 March 1995 from Mr Paul Dowd of the Department states, among other things, that the Department was now satisfied that Creswick Resources satisfied section 15(6) of the MRDA. (Exhibit 43)

- (k) A report dated 2 March 1995 by the Department's Deputy Secretary to the Minister states that "Creswick claim to have marketing agreements with Mitsubishi". (Exhibit 44)

5.6 Consultants

In 1993, Mr Karamountzos engaged the services of Mr Shane Rodgers, an investment banker, in relation to routine financing and mortgage transactions. In late 1993, Mr Karamountzos introduced Mr Rodgers to Mr Terence Patrick Mullavey. Subsequently, Mr Rodgers became involved in attempting to

arrange equity finance for the project that eventually led to the formation of Creswick Resources (the "Creswick project"). (Exhibit 45)

Creswick Resources engaged the services of two former employees of the Department, namely Mr Keith Geoffrey Bowen and Mr Peter Franklin Elletson. Mr Bowen previously held the position of General Manager, Minerals within the Department. Mr Elletson was the former officer in charge of the Mapping Section of what was then called the Mines Department.

Mr Bowen was approached by Mr Karamountzos in January 1994 to provide advice and assistance regarding the Creswick project (Exhibit 46). Mr Elletson acted on behalf of Smeaton Tailings in some of its dealings with the Department since lodgement of its mining licence applications in 1991. Subsequently, he played a similar role on behalf of Alpha Conveyancing.

5.7 Interviewing of witnesses and written submissions

The Mining Warden attended the Creswick/Smeaton area with the view of speaking to landowners who may have been affected by the mining licence applications. He also spoke to business people in the area who purported to have dealings with the applicant companies.

(a) Mr R Cosgrave and Mrs Cosgrave

Mrs Cosgrave indicated that she preferred her nephew, Mr R Cosgrave, to act for her at all times as her agent. Mr Cosgrave states, in his written submission (Exhibit 47), that he had known Mr Mullavey for "some ten to 15 years previous" when Mr Mullavey had conducted a mining venture in the Smeaton District which, Mr Cosgrave believed, had failed.

On a number of occasions in 1994, Mr Mullavey indicated, to Mr Cosgrave, the desire to purchase the dumps situated on his property and his Aunt's property. Mr Cosgrave states that "[Mr Mullavey] told me that he was bankrupt again and his wife Jennifer was a director or a board member of a company known as Alpha Conveyancing".

Mr Cosgrave states that, in the first meeting with Mr Mullavey in 1994, Mr Mullavey handed him an agreement "and requested I [Cosgrave] peruse it and if I [Cosgrave] was interested in selling my dump to him to get back to him at his office, three telephone numbers were written on the contract for my information". The draft agreement is a licence/royalty agreement between the landowner as licensor and Alpha Conveyancing for and on behalf of Charter Mining NL and Targar Pty Limited.

Mr Cosgrave, by way of his written submission, brought to the Mining Warden's attention a newspaper article dated 13 July 1994. The article indicated that a meeting took place between the Council of the Shire

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Creswick, Alpha Conveyancing and other interested parties. The article states that Mr Keith Bowen stated "Mullavey had no directorial, financial holdings or any other beneficial interest in the company and that his activity in the company ended ten days previously." For convenience, it should be indicated now that Mr Bowen gave sworn evidence to the Mining Warden on 3 November 1995 and stated that the above meeting did take place and the above was said regarding Mr Mullavey save that the comments were made by Mr Ian Richer not Mr Bowen. (Exhibit 46)

On or about 10 December 1994, according to Mr Cosgrave's written submission, Mr Mullavey called on Mr Cosgrave's place of employment with some applications for planning permits which he asked Mr Cosgrave to sign. These applications referred to the removal of dumps from Mr Cosgrave's property. Mr Cosgrave refused to sign.

In his written submission, Mr Cosgrave claims that on 30 January 1995, Mr Mullavey telephoned him seeking his permission to enter his property:

"to resite the Smeaton Tailings pegs on my property so he could lodge a mining licence application. I denied his request. He [Mullavey] said 'Look Ron the surveyors are coming up tomorrow to do it I can't stop them now, its costing me \$1000.00, just let me put the pegs in please I promise I will not bother you again for three years.' Mullavey then advised me he would seek and get permission from the Chief Administrator if I persist in my refusal".

Mr Cosgrave further states in his written submission that:

"on or about the 31st day of January 1995 I [Cosgrave] was telephoned at home by Mr Peter Elletson, the purpose of this call was in relation to my refusal to allow Terry Mullavey to resite the pegs of Smeaton Tailings, he claimed I [Cosgrave] needed to deny him access so he could lodge a statutory declaration with the Chief Administrator in order to get approval to enter, I obliged his request."

Mr Cosgrave also states in his written submission that authority to enter his land was given by the Chief Administrator. Mr Cosgrave then forwarded a letter of complaint to the Mining Warden concerning the Chief Administrator's decision.

(b) **Businessmen and occupiers of land from the Creswick/Smeaton area**

The Mining Warden spoke with numerous businessmen and occupiers of land, on whose properties the dumps were situated. All these people knew of Mr Mullavey. Some believed that Mr Mullavey was an

employee of Creswick Resources and others believed that he was a representative of Creswick Resources.

A number of members of the local community made written submissions for the purposes of the subsequent public hearing held at Wendouree. By letter dated 24 May 95, K Anderson and W Anderson stated that they had known Mr Mullavey for about 12 years that he, "is a bloke of good character and pleasant attitude" and "for these reasons there will always be a place at our table for such a person". Similar written submissions were provided by RL Wrigley and ER Wrigley (dated 23 May 1995), AJ Murphitt (dated 23 May 1995), and Evelyn and Bob Wilson (undated). (Exhibit 48)

There was apparently a strong feeling in the community that Creswick needed an industry such as was proposed by Mr Mullavey, Sir William Keys and Mr Karamountzos, who had all visited the area. They were known by some of the local people by their given names. The Mining Warden indicated on numerous occasions that it was the Government's and the Minister's policy to promote mining but not at any price.

5.8 Hearing and written submissions

(a) Hearing

The Mining Warden on receiving a referral from the Minister pursuant to section 98 of the MRDA has the power to, amongst other things, conduct a hearing. It was decided to conduct a hearing at Wendouree for the convenience of potential witnesses from the Creswick/Smeaton area. The rules and procedures governing a hearing are set out under section 100 of the MRDA. Evidence at a hearing may be given orally or in writing (section 100(2)(a)).

A directions hearing took place on 28 April 1995. Mr Ian Cunliffe of Blake Dawson Waldron ("BDW"), Solicitors, appeared as counsel assisting the Mining Warden. The Mining Warden ordered that the hearing resume on 13 June 1995 at Wendouree and that written submissions be forwarded to BDW by 19 May 1995. He further ordered that responses to matters raised in those submissions be forwarded to BDW by 26 May 1995 and subject to issues of confidentiality, all written submissions and other relevant materials would be available for public inspection.

Subpoenas were issued and served on a number of witnesses. A subpoena was also directed to the ASC to produce documents in their possession or control relating to Creswick Resources NL and associated parties.

The substantive hearing took place at Wendouree on 13 and 14 June 1995. Mr Robert Seifman of Counsel, instructed by Karamountzos &

Kiatos, Solicitors, appeared on behalf of Creswick Resources, Smeaton Tailings and Alpha Conveyancing. Mr Mark Goldblatt of Counsel instructed by Rawling & Co, Solicitors, appeared on behalf of the Investor Group, which comprised a number of individuals, companies and superannuation funds that purportedly invested approximately \$1.26 million in the Creswick Smeaton project. Mr Simon Molesworth of Counsel, instructed by Sly & Weigall (now Deacon, Grant and James), Solicitors, appeared on behalf of Fred & Gloria Olsson, Geowill Pty Limited, Fortunee Gold Pty Limited, Jason Mining Pty Limited, Highlake Resources Limited, John Risinger and Bruce Bell. Mr Norman O'Bryan of Counsel instructed by the Victorian Government Solicitor, appeared on behalf of the Department. Dr Terence Sullivan of Counsel, instructed by Blake Dawson Waldron, Solicitors, appeared as counsel assisting the Mining Warden.

The first day of the hearing was devoted to legal argument relating to subpoenas and allegation of bias against the Mining Warden. Mr Seifman made a submission to the Mining Warden that the Mining Warden should disqualify himself on the basis of bias. This application was refused. An ex parte application to obtain an injunction was made to the Supreme Court on behalf of the applicant companies and was unsuccessful.

On the 14 June 1995, Mr Seifman submitted that BDW had a conflict of interest because they had conducted some legal work in Western Australia on behalf of Alpha Conveyancing. He submitted that they should be removed from assisting the Mining Warden. This submission was refused.

Mr Shane Rodgers (full name - Shane Xavier Gabriel Shinaia-Rodgers) was the first witness called and as it turned out, the only witness called.

(b) **Withdrawal of Applications**

Mr Rodgers had not completed his evidence in chief when Mr Seifman announced that Smeaton Tailings and Alpha Conveyancing had withdrawn their applications under the MRDA. Mr Seifman submitted that the Mining Warden had no dispute before him and therefore should discontinue the hearing. The matter was adjourned to 22 June 1995 at Melbourne.

The directors of the applicants and Creswick Resources conducted a number of meetings during the morning of 14 June 1995, the second morning of the substantive hearing. The meetings resolved to withdraw the mining licence applications. No reasons were given to the hearing for their withdrawal.

Subsequent to 14 June 1995, it was brought to the attention of the Mining Warden that a company, by the name of Doleham Pty Limited

ACN 069 771 900 ("Doleham") applied for mining licences over land that was the subject of the applications by Alpha Conveyancing and Smeaton Tailings. Sir William Keys signed an authority authorising Mr Peter Elletson to act on behalf of Doleham to lodge the mining licence applications.

Doleham was incorporated in Victoria on 7 June 1995. The ASC received notice of the retirement of directors of Doleham on 22 June 1995. The effective date of the retirement of the directors was 14 June 1995. This was the same day the applicants withdrew their mining licence applications. Doleham does not appear from the ASC search to have any directors and a strike-off action is in progress. (Exhibit 48A)

On 22 June 1995, the Mining Warden decided to discontinue the hearing but still complete his investigation pursuant to section 98 of MRDA. All proceedings were recorded and a transcript (Exhibit 49) prepared.

(c) **Evidence in chief of Shane Rodgers**

Mr Rodgers gave evidence under oath to the hearing. It is noted that Mr Rodgers was not cross examined on any of his evidence in chief. Below is set out a brief summary of Mr Rodgers' evidence in chief.

Mr Rodgers first met Mr Karamountzos in the mid 1993. He first met Mr Terence Mullavey in late 1993 in a meeting with Russell "Chuck" Davidson at the offices of Karamountzos & Kiatos. The topic of the meeting was a felspar mine in South Australia.

In or before December 1993, Mr Rodgers attended a meeting with Mr Mullavey. Also at that meeting, were Mr Karamountzos and Mr Gavin Francis Sheahan. The Creswick project was discussed. Prior to Christmas 1993, Messrs Mullavey, Sheahan, Karamountzos and Rodgers attended the Creswick/Smeaton area. At that time, Mr Mullavey indicated to Mr Rodgers that Mr Mullavey and Mr Sheahan would hold a half share in the Creswick project.

Mr Rodgers stated that towards the end of 1993, Mr Mullavey approached him, requesting that Mr Rodgers provide funding of up to \$500,000 to the Creswick project, to enable Mr Mullavey to fulfil a commercial order for quartz from Mitsubishi. On making enquiries with Mitsubishi, Mr Rodgers ascertained that at that stage only a sample of quartz for testing was sought by Mitsubishi. At that time, Mr Rodgers and Mr Karamountzos found that Mr Leslie Philip Smart and Epsilon Investments Pty Limited (a company controlled by Mr Smart) had an interest in the project.

At that time, Mr Rodgers and Mr Karamountzos approached various stock broking firms and Ernst & Young Securities in an effort to find a run down mining shell to takeover (that is, by way of transferring the

assets of the Creswick project into the mining shell). Mr Mullavey made presentations at a number of these meetings. Consequently, an attempt was made to takeover a listed mining company, Charter Mining NL ("Charter Mining"). This attempt failed due to the lack of requisite Charter Mining shareholder consent. Mr Rodgers stated that people investing in the project believed they were acquiring an interest in Charter Mining.

Mr Rodgers stated that in disclosing information to the potential investors, he, Mr Karamountzos and the directors of Charter Mining deliberately did not disclose the nature of Mr Mullavey's interest at any time.

Mr Rodgers indicated that, as a result of the failed takeover, the principals in the Creswick project, including Mr Mullavey, arranged for the incorporation of a new company, Creswick Resources NL. This took place in mid 1994. The people who invested in the Creswick project before the incorporation of Creswick Resources deliberately were neither informed that the takeover of Charter Mining failed nor of the incorporation of and purpose behind Creswick Resources. Mr Rodgers stated that Mr Karamountzos said that the people invested in the project not in Charter Mining.

Mr Rodgers indicated that Mr Mullavey's interest in Creswick Resources was to be held by Targar Pty Limited. This was discussed in a meeting between Messrs Rodgers, Karamountzos, Mullavey and Richer. Mr Rodgers recalled that at one of these meetings, Mr Karamountzos suggested that Mr Mullavey create a company whose shareholders were "friendly parties". The people who invested money in the Creswick project were neither informed of Targar's involvement nor of Mr Mullavey's interest in the Creswick project.

Disclosure was not made to existing or potential investors of the history of the Creswick project. New investors were informed only of the new vehicle, Creswick Resources. Mr Rodgers indicated that Mr Mullavey's involvement increased prior to Mr Rodgers leaving the Creswick project, in October 1994, to the point where Mr Mullavey took over all of the office space on the first floor of 410 Lonsdale Street, Melbourne.

At this time, Mr Mullavey brought in two consultants, Mr Keith Bowen and Mr Peter Elletson. Mr Rodgers stated that the tenor of meetings between Messrs Bowen, Elletson, Karamountzos and Mullavey was to address the concerns of how the knowledge of Mr Mullavey's involvement in the Creswick project could be hidden from the Department. In particular, Mr Rodgers stated "Targar was created to hide Mullavey's involvement, (a) from his creditors, and (b) from the Mines Department" (Exhibit 49, page 85).

Mr Rodgers then stated that Mrs Mullavey's only involvement was to make the coffee and that she had never had any consultative role.

(d) Additional affidavit evidence of Mr Shane Rodgers

Mr Rodgers prior to giving evidence swore an Affidavit on 5 June 1995 relating to the Creswick Project. (Exhibit 45)

(e) Written submissions

The written submission of Mr Cosgrave and written submissions of the occupiers of the land which is the subject of the applications have already been discussed.

(f) Submissions made on behalf of Mr Mullavey

On behalf of Mr Mullavey, Messrs Galbally, Fraser & Rolfe, Solicitors, submitted that the Wendouree hearing was confined to the conduct of the applicants. That is, whether they are fit and proper within the terms of section 15(6). They further submitted that as Mr Mullavey is not and has not ever been, a director of any of the applicants, any alleged conduct by him is irrelevant to a consideration of whether the applicants have satisfied their obligations under the MRDA. They further submitted that for the actions of Mr Mullavey to be relevant there needed to be evidence to the relevant standard of proof that Mr Mullavey's alleged involvement was of such a degree, relevance and contemporaneity so as to affect the applicants ability to satisfy their obligations under the MRDA. (Exhibit 50)

(g) Submissions made on behalf of Fortunee Gold Pty Limited

Fortunee Gold Pty Limited ("Fortunee") held an exploration licence (section 13 of the MRDA) which covered land the subject of the mining licence applications of Smeaton Tailings and Alpha Conveyancing. Fortunee was not the subject of any part of this investigation.

Fortunee submitted that the Mining Warden's inquiry should be widened to include the issue of priority rights in the area. (Exhibit 51)

In addition, Fortunee submitted that Messrs Karamountzos and Kiatos, on behalf of Charter Mining and Targar, attempted to buy Fortunee's exploration licence (numbered 3337) and exploration licence application (numbered 3335).

(h) Submissions on behalf of the Applicants and Creswick Resources

The applicants submitted (Exhibit 52), inter alia, that:

"Creswick Resources has two subsidiaries, namely Alpha Conveyancing Pty Ltd and Smeaton Tailings Mining Company

Pty Ltd. Alpha Conveyancing has been used as a vehicle for applying for licences and permits over the dumps in the area. Smeaton Tailings has a number of mining licence applications in the area...

Creswick Resources, through its subsidiaries, has made applications over the dumps, for licences under the MRDA and the EIA to enable the production of the above products.

...

Creswick Resources has had extensive discussions with potential purchasers of the quartz and is confident of being able to enter into firm contracts with the purchasers following the grant of the licences and necessary permits".

(i) Submissions on behalf of the Department

The Department did not make any substantive submissions to the Mining Warden, although the Department responded to earlier submissions made by other interested parties. (Exhibit 53)

5.9 Events since the Wendouree hearing

Proceedings are on foot in the Federal Court to wind up Creswick Resources. Review of the Court file revealed that those proceedings were filed on 3 August 1995. Most of the Creswick Resources Investor Group, who appeared at the Wendouree Public Hearing, have given notice of intention to appear at the hearing of that application. That Group comprises some of the people who are shown in the Creswick Trust Account as having deposited investment monies.

Recent ASC searches indicate that Creswick Resources has allotted 10 million fully paid ordinary shares to Alpha Conveyancing for the purchase, by Creswick Resources, of certain assets of Alpha Conveyancing, the subject of an agreement between those two companies dated 4 September 1995. (ASC form 207 signed by Mr William Morcom lodged with the ASC on 8 September 1995 (Exhibit 54))

On 7 September 1995 a fixed and floating charge over Alpha was created in favour of Lispalm Pty Ltd ("Lispalm") (Exhibit 4). Mr David Leitch who is now shown in the ASC database as the principal executive officer of Alpha Conveyancing and a director of that company is also a director of Lispalm and is apparently a shareholder in Lispalm (Exhibit 54A). Epsilon is also a shareholder in Lispalm, as is Homeland Investments Pty Ltd ("Homeland").

Mr Karamountzos and Anastasia Karamountzos of the same address as Mr Karamountzos are the directors and shareholders of Homeland. (Exhibit 54B)

Mr Keith Bowen, who resigned from his consultancy with the applicants during or soon after the hearing, gave evidence on oath to the Mining Warden subsequent to the hearing. Although his evidence was on oath he was not cross examined by any of the interested parties to the hearing. In particular, Mr Bowen indicated that although the statements reported as being said by him at the meeting of the Shire of Creswick were substantially correct, he did not make those statements. He said that the statements were made by Mr Ian Richer, the managing director of Creswick Resources at that time.

Mr Bowen's evidence was recorded and transcribed (Exhibit 46)

5.10 Mitsubishi Australia Limited - Nicholas Scott

The Creswick Trust Account ledger of Karamountzos & Kiatos shows that "Nick Scott of Mitsubishi" was paid a "consultancy fee" of \$2,500 on the day the letter from Mitsubishi, signed by Mr Scott, was apparently received by Karamountzos & Kiatos (Exhibit 37). Mitsubishi advised BDW that the payment of \$2500 was not received by them, and that Mr Scott left their employ on 28 April 1995 (Exhibit 55). A "Mr Nicholas Scott" is also shown as an unsecured creditor of Mr Mullavey in the amount of \$52,294 in relation to Mr Mullavey's second bankruptcy.

6. ANALYSIS

6.1 Introduction

In analysing the evidence and drawing conclusions, one must, of course, keep in mind the terms of reference governing the Mining Warden's investigations. It is the Mining Warden's opinion that the Cosgraves' concerns (clause 1(a)) and the Mullavey involvement (clause 1(b)) are governed by the applicant companies suitability under the provisions of section 15(6) of the MRDA (clause 1(d)). It is therefore intended to deal with those matters collectively.

6.2 Analysis of section 15(6)(a) of the MRDA

This subsection provides that an applicant must satisfy the Minister that the applicant is a fit and proper person to hold a licence.

The concept of fitness and propriety should not be narrowly construed or defined. It must extend to any aspect of fitness and propriety relevant to the public interest (Mason CJ, *Australian Broadcasting Tribunal v Bond* (1990) 94 ALR 11 at 32). Toohey and Gaudron JJ at p62 stated:

"The question whether a person is fit and proper is one of value judgment. In that process the seriousness or otherwise of the particular conduct is a matter for evaluation by the decision-maker. So too is the weight, if any, to be given to matters favouring the person whose fitness and propriety under is consideration".

Mr Dowd indicated, on 28 April 1994, to representatives of the applicants, including Mr Karamountzos, "that Mr Mullavey and any persons or companies that retained an association with him would not be able to comply with the 'fit and proper' requirements of the Acts" (paragraph 5.3(e)). Despite Mr Dowd's opinion, the relationship of mere employee/employer should not preclude an applicant employer of an undischarged bankrupt from satisfying the Minister of the applicant's fitness and propriety. It must be assumed that Mr Dowd considered, amongst other things, Mr Mullavey's history in the mining industry and the background to his two bankruptcies in coming to his conclusion.

An undischarged bankrupt has certain legal obligations such as notifying the trustee in bankruptcy of any acquisition of property during the course of his bankruptcy. In the opinion of the Mining Warden, any agreement or arrangement between Mr Mullavey, as an undischarged bankrupt, and either the applicant companies or their respective directors to hide any acquisition of an interest in the Creswick project by or behalf of Mr Mullavey would have significant bearing on the ability of the applicants to satisfy section 15(6)(a) of the MRDA. This raises the question of the existence of any such agreement or arrangement?

In addition, an undischarged bankrupt must not, without the leave of the Court, manage a corporation (section 229(1) of the Corporations Law). A person manages a corporation if the person is a director or promoter of, or is in any way (whether directly or indirectly) concerned in, or takes part in the management of a corporation (section 91A(2) of the Corporations Law). In the opinion of the Mining Warden any management role in Creswick Resources, Alpha Conveyancing, Smeaton Tailings or Targar played by Mr Mullavey would also have significant bearing on the ability of the applicants to satisfy section 15(6)(a) of the MRDA.

6.3 Mining Warden's Findings

The Mining Warden reported that, if the applications had not been withdrawn, he would have reported that the applicant companies would not have satisfied section 15(6)(a) of the MRDA. The reasons for this view include that:

- (a) the apparent involvement of Mr Mullavey extended beyond that of a mere employee;
- (b) Mr Mullavey was involved in significant decision making in the companies;
- (c) Mr Mullavey appeared to have a beneficial interest in the Creswick project;
- (d) at least one director, Mr Karamountzos, apparently knowingly misled the Department in relation to Mr Mullavey's involvement in the companies;

- (e) at least one director, Mr Karamountzos, apparently knowingly misled the Department in relation to Mr Mullavey's beneficial equity interest in the Creswick project;
- (f) the applicants should have disclosed the involvement of Mr Leslie Philip Smart in the Creswick project to the Department; and
- (g) the applicants should have disclosed the involvement of Mr Ken Jarrett in the Creswick project to the Department.

6.4 Mullavey involvement with Creswick Resources and associated companies

The Mining Warden was made aware of Mr Mullavey's previous involvement in the mining industry in Victoria. Relevant to that was Mr Mullavey's first bankruptcy, No. 419 of 1977. The Mining Warden examined a report by Mr E H Neimann, the trustee in bankruptcy (Exhibit 56). Mr Neimann drew a number of adverse inferences regarding Mr Mullavey. Mr Neimann was of the view that Mr Mullavey frustrated his attempts to recover assets and that Mr Mullavey used Mrs Jennifer Mullavey as a front to disguise his activities.

Mr David Leitch is referred to in Mr Neimann's report as having been Mr Mullavey's employer between January and September 1977. Mr Leitch apparently sacked Mr Mullavey for using unauthorised airline travel.

Mr Mullavey became bankrupt again on 23 August 1993 (VB 2286 of 1993) and remains undischarged. The Mining Warden obtained a copy of the transcript of the examination of Mr Mullavey on 8 September 1994 before the Registrar in Bankruptcy. Mr Leslie Philip Smart also gave evidence at that examination. (Exhibit 57)

There is an abundance of evidence that Mr Mullavey had at least been an employee of Alpha Conveyancing and Smeaton Tailings during parts of 1994. The evidence of Mr Cosgrave, locals in the Creswick/Smeaton area and Mr Rodgers as well as documentary evidence supports that proposition. This is also conceded by representatives of the applicant companies (paragraph 5.3(j)).

The evidence of Mr Rodgers, if accepted, clearly indicates that Mr Mullavey was not a mere employee (clause 5.7(c)).

Mr Rodgers' evidence indicates that Mr Mullavey possessed a beneficial interest in the Creswick project. In particular, Mr Rodgers stated that Targar Pty Limited was brought into existence by Mr Karamountzos solely for the purpose of hiding Mr Mullavey's interest in the Creswick project. This is independently supported by:

- the agreement between Mrs Mullavey and Messrs Karamountzos & Kiatos, in which the parties agreed to hold all personal benefits of Mrs Mullavey in Alpha Conveyancing in the name of Targar;

- in the same agreement, Mrs Mullavey agreed to assist Alpha Conveyancing with obtaining landowner agreements;
- the power of attorney under which Mrs Mullavey granted to Mr Mullavey power to conduct all her business affairs; and
- the hand written note of Mr Andrew Kay which referred to Targar being converted into a trustee company to hold 50% of the issued shares in Alpha Conveyancing.

In addition, there is evidence of Mrs Mullavey receiving payments described as "consultancy fees" from the Creswick Trust Account. Mr Rodgers indicated that Mrs Mullavey had no substantive involvement in the Creswick project.

There is also significant evidence that Mr Mullavey had a continuing hands on role in the Creswick project (clause 5.3).

6.5 Mr Karamountzos

Mr Karamountzos is a partner in the law firm of Karamountzos & Kiatos. He is also a director of Creswick Resources, Alpha Conveyancing and Smeaton Tailings. The law firm of Karamountzos & Kiatos has acted on behalf of the applicants and Creswick Resources before and during the Mining Warden's inquiry. Most of the correspondence from the applicants and also on their behalf by Karamountzos & Kiatos appears to have Mr Karamountzos as its author. Mr Karamountzos was apparently made aware as far back as 28 April 1994 that Mr Mullavey's involvement in the applicant companies would be detrimental from a Departmental point of view with respect to section 15(6) of the MRDA. (paragraph 5.3(e))

A representative of the Creswick project apparently stated to a meeting at the Shire of Creswick, reported on 13 July 1994 in the Creswick Advertiser, that Mr Mullavey's activity in the company ceased ten days earlier. The making of the representation to the meeting has been verified on oath by Mr Bowen. There is an abundance of evidence that Mr Mullavey continued to be involved beyond July 1994. (paragraphs 5.3(f), 5.3(g), 5.3(h), 5.3(i) and 5.3(j))

Mr Karamountzos has on numerous occasions represented to the Department that Alpha Conveyancing is a wholly owned subsidiary of Creswick Resources (paragraph 5.2(a) and Exhibits 11-14). In the letter to Mr van Trig, Mr Karamountzos states that Creswick Resources is controlled by Alpha Conveyancing/Targar. Further, ASC searches have revealed that Creswick Resources issued and allotted 10 million fully paid ordinary shares to Alpha Conveyancing. Under the Corporations Law, a subsidiary is prohibited from holding shares in its parent company (section 185(2)). There does not appear to be any independent documentary evidence to support the representation that Alpha Conveyancing was ever a wholly owned subsidiary of Creswick Resources (Exhibits 4 & 5). Mr Karamountzos is, and at all relevant times was, both a director of Alpha Conveyancing and Creswick Resources as well as their

solicitor. He should have known the relationship between Alpha Conveyancing and Creswick Resources. This evidence suggests that Mr Karamountzos misled the Department.

According to Mr Rodgers, Mr Karamountzos was the driving force behind the establishment of Targar to hide the Terry Mullavey interest in the Creswick project (clause 5.7(c)). There is supporting documentary evidence for this conclusion (clause 5.3). At the time of incorporation of Targar (4 January 1994), Mr Mullavey was an undischarged bankrupt and Mrs Mullavey was not a bankrupt. This raises the question of whether Mrs Mullavey was the conduit for Mr Mullavey (clause 5.3).

The Creswick Trust Account ledger shows Mrs Mullavey was paid nearly \$60,000 in consultancy fees from March 1994 to October 1994 (paragraph 5.4(a)). There is no evidence at all that she consulted with anybody regarding the Creswick project (Mr Rodgers' evidence, clause 5.7(c)). In the month of September 1994 alone, Mrs Mullavey received \$27,737.45, of which over \$27,000 was paid over the last three days of the month.

7. OTHER MATTERS OF CONCERN

The Mining Warden was concerned by a number of other matters that were revealed in the investigation. These include the following.

7.1 Raising and use of funds

The Creswick Trust Account ledger (Exhibit 31) shows that \$1,242,900.00 was paid by investors into the Creswick Trust Account during the period 17 February 1994 to 3 May 1995. At 10 May 1995, the balance of the Creswick Trust Account stood at \$10,612.68 (paragraph 5.4(a)).

Mr Rodgers' stated that, during the period leading up to June 1994, funds were raised from investors for the purpose of acquiring an interest in Charter Mining. When the Charter Mining transaction did not eventuate, these investors were apparently not informed of that fact nor were they informed of the creation of Creswick Resources. This evidence raises the serious issue as to what representations were made to prospective investors to persuade them to invest in the Creswick project (clause 5.7(c)). Of course, it should be remembered that Mr Rodgers has not been subjected to cross examination.

According to the letter dated 13 January 1995 from Creswick Resources to the Department (Exhibit 20), the "Structure and Cash Flows" document (Exhibit 32) was apparently used to raise funds (paragraph 5.4(c)). The "Structure and Cash Flows" document fails to disclose a number of very important facts, and presents what appears to be a false impression about other important facts, namely, that:

- (a) representations were made that Creswick Resources controlled 37 tenement applications. None of the applications were lodged by

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Creswick Resources. They were all in the names of Alpha Conveyancing and Smeaton Tailings;

- (b) at the time the representations were made, no licences had been granted;
- (c) the document does not disclose that Mr Mullavey and Mrs Mullavey were involved in Creswick, Alpha or Smeaton;
- (d) Creswick Resources was committed to purchase all the issued shares in Smeaton Tailings for the amount of \$250,000 (paragraph 5.1(e));
- (e) Alpha Conveyancing was contractually liable for the amount of \$2.114 million to Mrs Mullavey (paragraph 5.4(b));
- (f) Creswick Resources was contractually liable to Epsilon Investments Pty Limited (a company controlled by Mr Les Smart) for the amount of \$750,000 by way of a licence fee/royalty from the sale of quartz from the Creswick project (paragraph 5.4(d)); and
- (g) some of the mining licence applications were possibly affected by licence applications by Fortune Gold Pty Limited (paragraph 5.9(g)).

Furthermore, the "Structure and Cash Flows" document states that Creswick Resources had raised \$390,080 by way of seed capital, "of which approximately \$300,000 has been expended and the balance remains available to the company".

However, according to the Creswick Trust Account ledger, at the beginning of October 1994, which appears to be the approximate date of the "Structure and Cash Flows" document, \$746,900 had been raised from investors and at least:

- \$138,640 had been drawn from those funds by the firm of Karamountzos & Kiatos;
- \$93,308 had been paid to barristers and other firms of solicitors;
- \$70,000 had been paid to Esanda Finance for Plant/Equipment;
- \$10,000 had been paid to Bruce Murphy for public relations;
- \$8,845 had been paid to Hertz Australia Pty Limited; and
- \$52,039 had been paid to Mrs Mullavey (the majority of payment referred to as "consultancy fees").

It is difficult to reconcile the Creswick Trust Account ledger with the statement from the "Structure and Cash Flows" document regarding seed capital and expenditure.

As late as March 1995, Creswick Resources was still trying to raise funds. In doing so, Mr Jarrett, on behalf of Creswick Resources apparently attempted to raise funds from Thomson Wagstaff. He advised Thomson Wagstaff that there were no contractual liabilities beyond the need to meet creditors' payments of \$437,000. Thomson Wagstaff confirmed their interest in investing \$550,000 into the Creswick project (paragraph 5.4(e) and Exhibit 35). There was no reference to the liability of Alpha Conveyancing to Mrs Mullavey or to the liability of Creswick Resources to Epsilon Investments.

7.2 Representations to the Department

Creswick Resources wrote to the Department on 20 February 1995 as a consequence of a request by the Department to show the viability of the Creswick project (paragraph 5.5(g)). In arguing that the Creswick project was viable, Creswick Resources enclosed a cash flow forecast (Exhibit 41A) which did not make any reference to the need to pay royalties of \$750,000 to Epsilon, the need to pay \$2.114 million to Mrs Mullavey, or the need to pay the vendors of the shares in Smeaton Tailings \$150,000.

Other questionable representations include:

- (a) statements relating to the fact that Smeaton Tailings was a subsidiary of Creswick Resources (paragraph 5.1(b));
- (b) statements relating to the fact that Alpha Conveyancing was a subsidiary of Creswick Resources (paragraph 5.2(a) and Exhibits 11-14); and
- (c) the issue of whether Mitsubishi was an interested purchaser (clause 5.5).

7.3 Mr Leslie Philip Smart

Approximately ten years ago, Mr Smart was convicted of dishonesty charges relating to the Co-Operative Farmers and Graziers Direct Meat Supply Limited (the "Co-Op"). Half of the shares in the Co-Op were owned by the Victorian Farmers' Union (now called the Victorian Farmers' Federation) which has some association with the mining industry in Victoria. He received a custodial sentence.

Mr Smart has apparently used Epsilon as an investment vehicle. According to an Affidavit sworn by Mr Smart on 14 January 1994, he stated that funds totalling approximately \$1 million had been provided by Epsilon and related companies for various mining activities associated with Mr Mullavey (Exhibit 58). Epsilon and its related companies had substantially discounted the probability of recovery of any of those funds. Mr Smart further stated that in February and March 1993, he was asked by Mr Mullavey to advance funds to pay for a valuation of the Creswick project and other commitments to satisfy the financiers. Funds for this purpose were advanced.

Mr Smart stated in his Affidavit that on 17 May 1993, Epsilon entered into an agreement with Mr Mullavey that in the event of the success of the Creswick

project, Epsilon would recoup \$250,000 cash in addition to any further cash outlays plus a royalty.

In late 1994, Epsilon entered into a licence/royalty agreement with Creswick Resources (paragraph 5.4(d)).

The Mining Warden was concerned that the principals of the Creswick project failed to advise the Minister of the involvement of Mr Smart given the criminal history of Mr Smart.

7.4 Mr Ken Jarrett

Mr Jarrett was convicted of criminal offences for his role in the recent Elders IXL alleged fraud. He received a custodial sentence.

Mr Jarrett was employed by Creswick Resources to act as a financial consultant in about February 1995 (paragraphs 5.3(i) and 5.4(f)).

The Mining Warden was concerned that the principals of the Creswick project failed to advise the Minister of the involvement of Mr Jarrett given the recent criminal history of Mr Jarrett.

8. RECOMMENDATIONS

The Mining Warden's recommendations included:

- (a) that Alpha Conveyancing should not under any circumstances be granted licences to explore or mine in Victoria;
- (b) that any application received from Alpha Conveyancing or any of its current directors should immediately be referred to the Mining Warden pursuant to section 98 of the MRDA for investigation, report and recommendations;
- (c) that Smeaton Tailings should not under any circumstances be granted licences to explore or mine in Victoria;
- (d) that any application received from Smeaton Tailings or any of its current directors should immediately be referred to the Mining Warden pursuant to section 98 of the MRDA for investigation, report and recommendations;
- (e) that any application received from Creswick Resources NL, its subsidiaries or associated companies, should immediately be referred to the Mining Warden pursuant to section 98 of the MRDA for investigation, report and recommendations;
- (f) that any application received from Leslie Philip Smart or any company associated with him should immediately be referred to the Mining Warden pursuant to section 98 of the MRDA for investigation, report and recommendations;
- (g) that any application received from Terence Patrick Mullavey or any of his known associates should immediately be referred to the Mining Warden pursuant to section 98 of the MRDA for investigation, report and recommendations; and
- (h) that any application received from Jennifer Claire Mullavey or any of her known associates should immediately be referred to the Mining Warden pursuant to section 98 of the MRDA for investigation, report and recommendations.



.....
KEVIN RYAN
 State Mining Warden
 28 November 1995

LIST OF EXHIBITS

1. Letter dated 20 March 1995 from the Minister of Agriculture, Energy & Minerals (the "Minister") to the Mining Warden.
2. Sections 96-104 of the *Mineral Resources Development Act* 1990.
3. ASC company search conducted on 23 November 1995 of Smeaton Tailings Mining Company Pty Limited ("Smeaton Tailings").
4. ASC company search conducted on 23 November 1995 of Alpha Conveyancing Pty Limited ("Alpha Conveyancing").
5. ASC company search conducted on 23 November 1995 of Creswick Resources NL ("Creswick Resources").
6. Terms of Settlement dated 8 December 1994 between Alpha Conveyancing, Smeaton Tailings and the Department of Agriculture, Energy & Minerals (the "Department"), the Chief Administrator and the Minister.
7. Authorities to Enter in relation to mining licence applications 4446 & 4448.
8. Undated letter from Mr R Cosgrave to the Mining Warden.
9. Undated letter from Mrs L G Cosgrave to the Mining Warden.
10. Heads of Agreement dated 16 July 1994 between Alf Lowther, Robin H. Chambers and Creswick Resources.
11. Letter dated 27 October 1994 from Messrs Karamountzos & Kiatos to the Mining Warden.
12. Letter dated 10 February 1995 from Creswick Resources to the Department.
13. Letter dated 21 March 1995 from Messrs Karamountzos & Kiatos to the Department.
14. Letter dated 23 March 1995 from Creswick Resources to the Minister.
15. The 1994 annual return of Smeaton Tailings.
16. Letter dated 29 December 1994 from Messrs Chamber & Co to the Department.
17. Share Sale Agreement dated 30 January 1995 in relation to all the issued shares in Smeaton Tailings.
18. Letter dated 1 February 1995 from Mr T J Robertson to the Department.
19. ASC form 304 - Notification of change of officeholders - for Smeaton Tailings.

20. Letter dated 13 January 1995 from Creswick Resources to the Department.
21. Agreement dated 17 January 1995 between Jennifer Claire Mullavey ("Mrs Mullavey") and the firm of Karamountzos & Kiatos.
22. Undated handwritten notes of, presumably, Andrew Kay.
23. Power of Attorney dated 10 January 1994 granted to Terence Patrick Mullavey ("Mr Mullavey").
24. Agreement dated 18 January 1995 between Mrs Mullavey and Alpha Conveyancing.
25. Briefing Note dated 10 May 1995 from Mr Paul Dowd of the Department to the Minister.
26. Letter dated 24 August 1994 from Messrs Karamountzos & Kiatos to Mr C M van Trigt.
27. Letter dated 8 September 1994 from Mr Andrew Kay to Messrs Karamountzos & Kutos (presumably Kiatos).
28. Letter dated 10 February 1995 from Creswick Resources to the Department.
29. Letter dated 20 March 1995 from Thomson Wagstaff Pty Limited ("Thomson Wagstaff") to Mr Ken Jarrett, Creswick Resources.
30. ASC company search conducted on 24 November 1995 of Targar Pty Limited.
31. Undated document headed "Karamountzos & Kiatos Mining Assets Trust Account ledger for Creswick".
32. Undated document headed "Structure and Cash Flows".
33. Agreement dated 23 December 1994 between Creswick Resources and Epsilon Investments Pty Limited.
34. Letter dated 25 January 1995 from Creswick Resources to the Department.
35. Letter dated 24 January 1995 from Thomson Wagstaff to Creswick Resources.
36. Undated minutes of a meeting of the directors of Creswick Resources.
37. Letter dated 17 May 1994 from Mr Nick Scott, Senior Deputy Manager of Mitsubishi Australia Limited ("Mitsubishi").
38. Letter dated 28 September 1995 from Mitsubishi to Blake Dawson Waldron.
39. Letter dated 5 August 1994 from Creswick Resources to the Department.
40. Letter dated 21 October 1994 from Creswick Resources to the Department.

41. Letter dated 28 December 1994 from Creswick Resources to the Department.
- 41A. Letter dated 20 February 1995 from Creswick Resources to the Department.
42. Letter dated 27 February 1995 from Creswick Resources to the Department.
43. Advice to the Minister dated 1 March 1995 from Mr Paul Dowd of the Department.
44. Report dated 2 March 1995 by the Deputy Secretary of the Department to the Minister.
45. Affidavit of Mr Shane Rodgers sworn in Melbourne on 5 June 1995.
46. Transcript of evidence of Mr Keith Bowen recorded in Melbourne on 3 November 1995.
47. Written submission to the Mining Warden from Mr R Cosgrave.
48. Written submissions to the Mining Warden from K Anderson and W Anderson, RL Wrigley and ER Wrigley, AJ Murphitt, and Evelyn and Bob Wilson.
- 48A. ASC company search conducted on 27 November 1995 of Doleham Pty Limited.
49. Transcript of proceedings of hearing at Wendouree, April 28 and June 13-14 1995 and in Melbourne, 22 June 1995.
50. Written submissions on behalf of Mr and Mrs Mullavey.
51. Written submissions on behalf of Fortunee Gold Pty Limited and associated parties.
52. Written submissions on behalf of the applicants and Creswick Resources.
53. Written submissions on behalf of the Department.
54. ASC form 207 - Notification of allotment, on behalf of Creswick Resources, signed by Mr Morcom, dated and lodged 8 September 1995.
- 54A. ASC company search conducted on 6 November 1995 of Lispalm Pty Limited.
- 54B. ASC company search conducted on 27 November 1995 of Homeland Investments Pty Limited.
55. Letter dated 8 August 1995 from Mitsubishi to Blake Dawson Waldron.
56. Supplementary report dated 9 April 1986 by Mr E H Neimann.

57. Transcript of the examination of Mr Mullavey on 8 September 1994 before the Registrar in Bankruptcy.
58. Affidavit of Mr Leslie Philip Smart sworn in Melbourne on 14 January 1994.

INVESTIGATION
INTO INVESTMENTS
BY THE
CITY OF SUNSHINE
AND THE FORMER
CITY OF BENDIGO

MELBOURNE
L. V. NORTH, GOVERNMENT PRINTER
1995

DEPARTMENT OF PLANNING AND DEVELOPMENT
OFFICE OF LOCAL GOVERNMENT

INVESTIGATION INTO INVESTMENTS BY THE CITY OF SUNSHINE AND THE FORMER CITY OF BENDIGO

Introduction

Following the amalgamation of five councils to comprise the City of Greater Bendigo, the Commissioners commissioned the Auditor General to undertake a due diligence audit of matters in the five former municipalities.

One matter which was reported on by the Auditor General was an irregular investment with the Commonwealth Bank in Brisbane. Whilst the scope of the audit did not require an examination of all investments, it was considered that the unusual nature of the investment warranted attention. A copy of the Auditor General's report is attached as *appendix 1*.

The Auditor General recommended:-

- * the Commissioners should further investigate this transaction to determine whether any relationships existed between parties to the transaction and therefore whether any financial or other incentives were offered to those involved in the transaction.
- * any significant investments should be made only in accordance with an established investment strategy and in accordance with approved cashflow forecasts.
- * unless there are compelling reasons to the contrary, financial advisers should not be preferred to direct advice from the City's bankers or its appointed investment managers. In this regard, we have made recommendations in section 14 of this report.
- * if funds are invested with the City's bankers, those funds should not normally be invested outside the State.

On 30 August 1994 the Auditor General wrote to the Minister for Local Government, the Hon Roger Hallam MLC stating:

"In my due diligence audit report to the Commissioners of the City of Greater Bendigo reference was made to an irregular investment of \$6.2 million with a Brisbane branch of the Commonwealth Bank. During the course of that audit, it was revealed that another municipality, namely the City of Sunshine, also made a similar investment of around \$10 million.

This matter is brought to your attention as it may be appropriate for your Office to consider whether it needs to be further investigated."

This report is the result of that investigation.

Background

The investigation was conducted by an Inspector of Municipal Administration. The Inspector examined material from both the City of Greater Bendigo and the City of Sunshine.

The Inspector also spoke to staff of the Commonwealth Bank, the Queensland Fraud Squad and former staff of the City of Sunshine. The two former Chief Executive Officers of the City of Sunshine and the former City of Bendigo were also interviewed.

The records held at Sunshine and Bendigo are believed to be incomplete. This results from the fact that some documents were held by the Chief Executive Officers and not placed on Council files. In both cases the two Chief Executive Officers undertook the transactions and involved other staff on a limited basis. Therefore their knowledge of past events is poor. Nevertheless all officers cooperated fully and provided any information which could be found.

The investigation has identified the sequence of events surrounding the transactions and the links between the two councils.

Investigation

On 28 May 1993 the former Chief Executive Officer of the City of Sunshine, Mr Alan Lee gave Fiduciary Securities Pty Ltd a mandate to manage the investment funds of the Council (*appendix 2*). Whilst the matter had been discussed verbally with the Council there is no formal resolution of the Council supporting this appointment.

On 2 June 1993, Mr Lee faxed to a selected number of Chief Executive Officers of councils in Victoria a proposal titled "obtaining a better return on your Council's investments". A copy of this proposal is attached as *appendix 3*.

Whilst the proposal was canvassed at a wide range of forums including a meeting of the Western Region Commission only one Chief Executive Officer, Mr Ray Burton of the former City of Bendigo agreed to participate in the scheme.

Over the next year a series of transactions occurred with funds of both councils being approximately \$6 million for the former City of Bendigo and \$20 million of the City of Sunshine's funds.

The mandate to manage the City of Bendigo's funds was given to Fiduciary Securities Pty Ltd on 8 June 1993. This is identical to that issued by the CEO at Sunshine.

In May 1993, the City of Sunshine placed \$20 million on call at Barclay's Bank. This included funds received from AMP from the staff gratuity fund and other investments. A number of drawdowns took place until the balance of funds was withdrawn in September 1993. The funds were then placed in the Westpac Bank.

On 9 June 1993, the former City of Bendigo placed \$10m on call at Barclays Bank. The initial interest rate was 4.85% which on 3 August 1993 was subsequently reduced to 4.37%. A drawdown of \$1 million and two of \$2 million took place until the balance of the funds was withdrawn on 15 December 1993. (\$6,194,418.62).

From file notes obtained from the City of Greater Bendigo it appears that Peter Windsor, a Director of Fiduciary Securities advised Mr Burton on 14 June 1993 that Barclays were not able to agree to the scheme of arrangement proposed by Fiduciary Securities and that Mr Windsor would be seeking to place the funds elsewhere. Subsequent discussions were held between Mr Burton and bank staff regarding this matter. From the file notes it was indicated that the scheme of arrangement being proposed was for Fiduciary Securities Pty Ltd to obtain a letter of credit against the councils' funds. The bank would not enter in such a scheme of arrangement.

On 15 December 1993, the City of Bendigo's funds were withdrawn from Barclays and placed in an "At Call" Account at the Commonwealth Bank in Melbourne. Funds from the City of Sunshine held at the Westpac Bank and overdraft funds from the National Bank were also lodged at the Commonwealth Bank.

File notes indicate that discussions took place between Alan Lee and Ray Burton about transferring the funds to the Brisbane branch of the Commonwealth Bank on 15 December 1993. Peter Windsor of Fiduciary Securities Pty Ltd faxed a proforma direction to Ray Burton which required the funds to be transferred to "Noble Promotions Pty Ltd - The City of Bendigo Account" (*appendix 4*). It appears a similar instruction was given to the Chief Executive Officer at the City of Sunshine.

Discussions then occurred with Mr David Manual of the Treasury of the Commonwealth Bank in Melbourne on 16 December 1993. Mr Manual explained that if funds were transferred to this account the council would lose control of the funds as the account was opened in the name of other persons. The Melbourne branch would not transfer the funds to the Brisbane branch on this basis. At this stage Mr Burton did a company search on Noble Promotions Pty Ltd and discovered it was a company registered on 22 December 1992 and was listed as a shelf company. Mr Burton then amended the instruction provided by Peter Windsor to ensure that the funds could only be accessed by council officers.

File notes indicate that there were several conversations between Alan Lee and Ray Burton regarding this matter on 15 and 16 December 1993. One file note states:-

There won't be any correspondence to keep it low key. But told security given C'W Bank & core deposit can't be withdrawn by other than cl"

Whilst no funds were transferred to the Noble Promotions Account, it was agreed between the two officers to travel personally to Queensland and invest the money in the Brisbane branch of the Commonwealth Bank in accounts in the name of the respective council.

On 20 December 1993 the City of Sunshine and on 21 December 1993 the City of Bendigo instructed the Manager of the Commonwealth Bank in Brisbane to open new bank accounts in the names of the respective councils (*appendix 5*). Instructions were then given to the Melbourne branch for bank cheques to be drawn and made payable to the respective councils for lodging in the Brisbane branch.

The two Chief Executive Officers then travelled to Brisbane on 22 December 1993 and lodged the funds in term deposit accounts for 12 months with an interest rate of 4.85%.

On 24 December 1993, the then Mayor of Bendigo, Cr John Balsillie contacted the Office of Local Government about a proposed transfer of \$6.0 million of Council funds to Brisbane. He expressed concern over the proposal, particularly the intention to invest the funds through Noble Promotions. He was advised that the Council could only invest funds in accordance with the Local Government Act 1989. This did not preclude investments being made interstate but on the information he provided, there would be doubt that Noble Promotions was an authorised investment under the Act.

The Mayor undertook to advise the Office further and he did so on 29 December 1993. He informed the Office that \$6 million of Council funds had been invested with the Brisbane Branch of the Commonwealth Bank in a term deposit held in the Council's name and that his concerns were allayed. A check by the Office of Local Government with the Acting Victorian State Manager of the Commonwealth Bank confirmed that the funds were in a Council account and accordingly no further action was taken by the Office.

The Office of Local Government was not aware that the City of Sunshine had also lodged funds with the Bank.

On 24 December 1993, a representative of the Commonwealth Bank approached the then Mayor of the City of Sunshine, Cr Parnis regarding a request from Fiduciary Securities to obtain a letter of credit against the funds. This request raised alarm from the Councillors and senior staff.

In the absence of the CEO, Mr Alan Lee the Directors of the Council together with Cr Parnis and another councillor, Cr Hyett ensured that arrangements were in place so that funds could only be withdrawn with the approval of a councillor and a member of staff. This was conveyed to the Bank in the form of a fax.

This action was taken by these persons on the basis that they were unaware of the arrangements which Mr Lee had put in place and were concerned to protect the Council's investment funds.

This concern also led these officers to commission solicitors Dunhill Madden Butler to undertake enquires into Noble Promotions Pty Ltd and Fiduciary Securities Pty Ltd in February 1994.

In February 1994 both CEOs were provided with a copy of a letter from Fiduciary Securities to Noble Promotions seeking the cancellation of a contract between the two companies. It is not known what were the terms or arrangements of this contract (*appendix 6*).

File notes indicate that in March 1994, Mr Burton was contacted by the Queensland Fraud Squad in relation to an investigation into Noble Promotions. It was confirmed that the council had not entered into any business dealings with that company.

The funds remained in the bank for a period of four months. No action was taken by Fiduciary Securities Pty Ltd to offer to the Councils another investment product with higher yield until 7 April 1994 when Mr Windsor wrote to Alan Lee with a new proposal for the investment of funds. This proposal required a new mandate which was duly executed by Mr Lee on 7 April 1994 (*appendix 7*). The letter indicates that if the Commonwealth Bank is not cooperative then it is proposed to discuss the proposal with Westpac Bank.

On 8 April 1994, Alan Lee wrote to Fiduciary Services revoking the mandate on the basis that his employment with the Council was to be terminated (*appendix 8*). Mr Lee left the employment of the Council on that day.

On the 12 April 1994, a representative of the Commonwealth Bank contacted both Councils stating that Mr David Ewins, Managing Director of Moorlife International Pty Ltd had approached the North Sydney Branch of the Commonwealth Bank seeking a standby letter of credit against the relevant accounts for use in an overseas bonds arrangement. The implications of such an action (which was illegal under the Local Government Act 1989) were pointed out to each Council. Company searches have indicated that Moorlife International Pty Ltd has paid up share capital of \$50.00 and its principal activity is listed as "importers and distributors of herbal products".

On 13 April 1994 Mr Manual of the Commonwealth Bank was informed by the acting CEO at Sunshine, Mr Victor Szwed that the mandate had been cancelled on 8 April 1994 and the council did not support the letter of credit. To put the matter beyond doubt a stop notice was also placed on the account by Mr Alan Cox, Manager of Accounts.

On 14 April 1994, Mr Vern Robson, the acting Chief Executive Officer of the City of Greater Bendigo cancelled the mandate given to Fiduciary Securities Pty Ltd to manage the City of Bendigo's investments (*appendix 9*).

Mr Burton had initially provided a report on the investment at the time of the formation of the new council and a more detailed report was prepared regarding the transaction on 22 April 1994. Following discussions, the Commissioners directed that the funds be transferred back to the Bendigo Branch of the Commonwealth Bank. This was achieved at no additional cost to the Council.

On 30 August 1994 the City of Sunshine sought to redeem the term deposit. There was a penalty of 1%. Discussions took place on the most cost effective way of retrieving the funds. This was the same day as the Auditor General's report was released on the City of Bendigo's funds. The term deposit was redeemed on 9 September 1994.

Issues

The Auditor General raised four issues in relation to the transaction of the City of Bendigo. These issues are addressed below:

1. the Commissioners should further investigate this transaction to determine whether any relationships existed between parties to the transaction and therefore whether any financial or other incentives were offered to those involved in the transaction.

This issue is complex and four matters have been examined. These are:

- . the role of Fiduciary Securities Pty Ltd and Noble Promotions Pty Ltd in the financial investment industry;
- . the relationship of Fiduciary Securities Pty Ltd, Noble Promotions Pty Ltd and Moorlife International Pty Ltd to the two councils and their Chief Executive Officers;
- . the nature of the commission to be paid to Fiduciary Securities Pty Ltd; and
- . the nature of the commission to be paid to the Councils or officers.

Role of the companies in the financial industry

There is no formal documentation at the City of Sunshine which indicates how the principals of Fiduciary Securities Pty Ltd were introduced to Mr Alan Lee. When interviewed, Mr Lee commented that he had been introduced through "a business contact".

Information from the solicitors Price Brent dated 1 June 1993 [contained in the proposal circulated to councils] indicates that "the council has been approached by Mr Windsor of Australian Superannuation Trustees". Mr Lee was unable to provide any information of checks he had carried out on the bona fides of the company.

When interviewed, Mr Burton indicated that he had relied on the information provided by Mr Lee contained in the initial proposal circulated by Mr Lee on 2 June 1993. This information provides a brief outline on the consortium of companies associated with Australian Superannuation Trustees but provided no information on investment programs undertaken by the company for other clients.

If officers of either council has undertaken company searches at that time it would have been found that Fiduciary Securities Pty Ltd was listed at the Australian Securities Commission as a shelf company.

Mr Burton indicated that he had a company search undertaken at the time that Fiduciary Securities was requiring the Council's funds to be placed into an account titled "Noble Promotions Pty Ltd for further credit to: The City of Bendigo". This revealed that Noble Promotions was also a shelf company. When asked in interview if this concerned him, Mr Burton indicated that it "raised alarm bells". He also advised that "he had taken Peter Windsor [Director, Fiduciary Securities] at face value and that he had made a big mistake at the time but as the money was safe there was no harm done."

Officers and councillors at the City of Sunshine have indicated that they became extremely concerned regarding the arrangements following the attempt on Christmas Eve to gain a letter of credit against the funds and that they initiated independent checks on the various parties. Mr Alan Lee was unaware that these checks were done.

The checks were done by solicitors Dunhill Madden Butler. The advice given to the officers was:

"The above searches and enquires were made without the knowledge of Noble, Fiduciary or their directors, which is one of the reasons why the conclusions we reach are somewhat limited. From the information we have collected, it is evident that there is nothing that should cause alarm. Equally, it may be said that nothing has been revealed that would provide comfort to you.

We think that to be in a position to appraise Noble and Fiduciary comprehensively you should speak to people in the industry who may know of the companies or the directors. You should be able to obtain some indication of a proven track record.

Subsequent to these steps being taken, we advise that if you continue to consider seriously investing in these companies, you should approach the directors of the two companies personally and ask them to give you an account of their activities and finances. As our investigations of Noble and Fiduciary suggest on their face that they have had limited exposure in the area of investment we advise you to proceed cautiously. This should certainly be the approach where the funds to be invested are superannuation-related."

The investigation has revealed that a contract was entered into on 14 December 1993 between Fiduciary Securities Pty Ltd and Noble Promotions Pty Ltd (appendix 6). The precise nature of this contract is not known nor is it known if a release was given to the arrangement in February 1994.

File notes indicate that an officer of the Queensland Fraud Squad contacted officers of each council in March 1994 to determine whether the councils had any transactions with Noble Promotions. It was indicated in each case that this was not the situation.

Recent discussions between the Office of Local Government and the Fraud Squad have indicated that the Directors of Noble Promotions Pty Ltd and an officer of the Brisbane branch of the Commonwealth Bank have been charged with misappropriation of monies. It was also ascertained that Mr Peter Windsor of Fiduciary Securities Pty Ltd is assisting police with their inquiries. An officer of the Fraud Squad has advised that the money was misappropriated in a manner similar to that which was proposed to the councils by Fiduciary Securities Pty Ltd on 20 December 1993.

Role of the companies to the respective councils and the two Chief Executive Officers

Both Chief Executive Officers had the authority to provide a mandate to a company without a requirement to seek a resolution from the Council. Mr Burton has indicated that he did not discuss the matter fully with the Council.

Officers and councillors of the City of Sunshine have indicated that the investment proposal was discussed at council meetings however no formal papers were presented to the Council. The matter was presented by the use of a white board and no record of the presentation exists. It appears that staff and councillors gained different impressions of how the scheme would work and what benefits the council would derive.

Officers at both councils have limited understanding of the arrangements. This is supported by documentation which directs that all correspondence and inquiries be directed to the respective Chief Executive Officers.

It is not apparent from file notes that the transaction between Fiduciary Securities and Noble Promotions was ever discussed with the two Chief Executive Officers. When interviewed, neither could explain what was to be achieved by the arrangement.

Mr Burton did indicate that he was concerned about the proposal following discussions with officers of the Commonwealth Bank in Melbourne and amended the draft authority provided to him to seek to retain control over the investment or withdrawal of the council's funds. However it should be noted that the identical transaction in the name of "Fiduciary Securities Pty Ltd Investment Banking Facilities City of X account" was contained in the proposal initially circulated by Alan Lee to Chief Executive Officers.

The relationship between Fiduciary Securities Pty Ltd, Noble Promotions Pty Ltd and Moorlife International Pty Ltd is unclear. It is not known how Mr David Ewins of Moorlife International was aware of the accounts opened by the Cities of Bendigo and Sunshine nor his relationship with the Directors of Fiduciary Securities or Noble Promotions.

By the time that Mr Ewins sought to obtain letters of credit against the two accounts, the mandate issued to Fiduciary Securities Pty Ltd had been cancelled at the City of Sunshine and as a result of his attempt to gain control of the funds was cancelled at the City of Greater Bendigo. When interviewed Mr Burton indicated that his confidence in the scheme had waned over a period of months and that the issue of the letters of credit sought by Mr Ewins was "the final straw".

Neither Council undertook a company search of Moorlife International Pty Ltd.

The nature of the Commission to be paid to Fiduciary Securities Pty Ltd

Mr Lee and Mr Burton indicated that a commission was to be paid to Fiduciary Securities on the basis of the increase in annual percentage yield of Councils investment funds above the appropriate index for each approved form of investment.

The following table demonstrates the relevant yields.

PROFESSIONAL SERVICES TO COUNCIL		
SCHEDULE OF FEES		
Fiduciary Securities Pty Ltd is entitled to remuneration based on the increase in annual percentage yield of Council's investment funds above the appropriate index for each approved form of investment.		
ANNUAL INTEREST - %	COUNCIL - %	FIDUCIARY SECURITIES - %
Index Additional	100%	Nil
2.00%	2.00%	Nil
3.00%	2.75%	0.25%
4.00%	3.50%	0.50%
5.00%	4.25%	0.75%
6.00%	Nil	100%
Fiduciary Securities Pty Ltd will account for the Council's increased yield against the index. The indices for the purpose of this Schedule shall be the SBC Dominguez Barry Indices, published by the Australian Financial Review.		

As the highest interest rate achieved 4.85% no commission was paid to Fiduciary Securities Pty Ltd.

The nature of the commission to be paid to the Councillors or Officers

A number of allegations were made in relation to the payment of commission to Mr Alan Lee. However, no evidence could be found that Mr Lee or his company would receive a commission.

When interviewed, Mr Lee denied that he or his company would benefit from the scheme. He was also unaware of how other people would have gained such an impression.

Mr Lee had been appointed to the Council through a company of which he was a director, Australian Municipal Management Services Pty Ltd. (This appointment has been the subject of a previous investigation and it was found that the appointment was in breach of the Local Government Act 1989). It was alleged that Mr Lee was to obtain a commission in addition to that paid to Fiduciary Securities Pty Ltd and this commission was to be paid to Australian Municipal Management Services Pty Ltd "for the development of the intellectual property".

Many people have stated that they found this proposed arrangement "unethical" and it was for this reason that they chose not to participate in the scheme.

Some staff and councillors at the City of Sunshine believed that the Council was to gain a larger percentage of the commission than that which would be paid to other councils. However, no documentary evidence could be found in relation to this claim.

The former Mayor of Sunshine, Cr Parnis has advised the current Mayor, Cr Hyett that discussions did occur between himself and Mr Lee regarding the nature of the commission and it was indicated that he would not support any commission being paid to Mr Lee or his company. The content of this discussion is strenuously denied by Mr Lee.

Mr Burton, when interviewed, claimed he had no knowledge of alternative commission arrangements to those set out in the schedule attached to the Fiduciary Securities Pty Ltd mandate. He indicated that he would not have participated in the scheme if this was the case.

There is no suggestion that Mr Burton was to derive any financial benefit from the scheme.

2. any significant investments should be made only in accordance with an established investment strategy and in accordance with approved cashflow forecasts.

Both councils had delegated to their Chief Executive Officers the ability to invest funds on behalf of the Council. Therefore the development of an investment strategy was the responsibility of the respective officers.

When interviewed, Mr Burton indicated that he had often invested the City of Bendigo's money, basically short term monies, on day to day deposit either through the Commonwealth Bank or the former Victorian Development Fund. He indicated that the Fiduciary Securities proposal was no different to that arrangement.

Mr Burton indicated that he was disappointed that Fiduciary Securities Pty Ltd had not entered an agreement with Barclays Bank prior to the money being lodged with the bank and he was surprised that Peter Windsor had to shop around banks to find a bank that was prepared to undertake the scheme. He indicated that he found it "strange".

Mr Burton indicated that "his confidence waned over quite a few months because the scheme didn't come off" and the letters of credit "were the end of the straw".

Mr Burton stressed that at all times he took steps to ensure that the money was secure and there was never any fear that the principal would be damaged. Mr Burton indicated that at least the interest rate of 4.85% was comparable with rates being offered by other banks.

The Commonwealth Bank was the main bank used by the former City of Bendigo and therefore when the arrangements were terminated no penalty was imposed for the transfer of funds to the Bendigo branch of the Bank.

The situation was quite different at the City of Sunshine. The initial funds of \$20 million lodged at Barclays Bank included funds from the staff gratuity fund. In addition, the Council had other investments lodged elsewhere. There were a number of drawdowns of the funds until September when the funds were transferred to the Westpac Bank. Again there were drawdowns of these funds.

The money lodged with the Commonwealth Bank at 4.85% included the balance of the investment funds and money borrowed on overdraft from the National Australia Bank at a rate of 13.70%. Whilst the level of other investments at the Council fluctuated, the overdraft was in place for a period of two months resulting in a loss of \$19,624.29.

In addition, the City of Sunshine was penalised approximately \$41,000 when the funds were transferred from the Commonwealth Bank to the National Australia Bank. The ratepayers of Sunshine were clearly penalised by the transactions.

The need to use an overdraft account clearly demonstrates that the cash flow arrangements for the City of Sunshine were not able to be sustained by participation in the scheme which locked such a significant investment into a fixed 12 month term.

It is difficult to believe that any person could have believed that an investment proposal would attract an interest rate in excess of 13% to offset the overdraft costs.

When questioned, officers at the City of Sunshine indicate that the decision to invest in the scheme was made by the Chief Executive Officer, Mr Lee and whilst they were aware of the arrangements and managed the accounts they did not support the scheme.

3. unless there are compelling reasons to the contrary, financial advisers should not be preferred to direct advice from the City's bankers or its appointed investment managers. In this regard, we have made recommendations in section 14 of this report.

The Auditor General's comments are noted. There is no legal impediment under the Local Government Act 1989 which prevents Councils using financial advisers and often they have provided useful assistance to councils on investments.

In this case, there were a number of 'warning bells' which were ignored by the Chief Executive Officers.

Firstly, it is considered that inadequate checks were carried out on either Fiduciary Securities Pty Ltd or Noble Promotions Pty Ltd at the initial stages of the project. The responsibility for the lack of adequate checks remains with the two former Chief Executive Officers.

Secondly, whilst Mr Peter Windsor attempted to use the funds to obtain letters of credit and both councils effectively blocked this action, questions were not raised about his familiarity with the requirements of the Local Government Act 1989 and the illegal nature of his proposals.

Thirdly, it was officers at the Commonwealth Bank who consistently warned councillors and council officers at both the councils of problems. The advice of the Bank was in some circumstances ignored and in other cases headed.

In interview, Mr Burton stated "let me make it clear it wasn't my job to be negotiating with the management of the bank, that was Fiduciary's role".

4. if funds are invested with the City's bankers, those funds should not normally be invested outside the State.

No adequate explanation has been provided for the funds being taken to Brisbane.

Mr Burton stated:-

"The reason that I understood we needed to deal through Brisbane is because that is where the administrative office, the main administrative, as in commercial office of Fiduciary is based and they then had day to day contact with the Treasury of the Bank at the Brisbane Office as opposed to the Melbourne Office.

When asked, Mr Lee indicated that he saw no difficulty in shopping around Banks for the best opportunity and the Brisbane branch offered the opportunity for the best return on the money.

File notes held at Bendigo indicated that Mr Lee informed Mr Burton that

"the Melbourne office is in 'hot water' from head office".

Neither person could adequately explain why the Brisbane branch of the Commonwealth Bank would offer better rates than a Melbourne Branch of the same Bank. Indeed no better rate was achieved in Brisbane.

SUMMARY

The investments with the various banks did not breach the Local Government Act 1989.

However, the transactions undertaken by the former City of Bendigo and the City of Sunshine were highly irregular. Two attempts were made to gain access to funds by third parties and it is more by good luck than good management that this did not occur. Indeed, the vigilance of officers of Melbourne Treasury of the Commonwealth Bank was the key factor in ensuring the funds did not get accessed.

The Local Government Act does not prevent funds being lodged at institutions interstate. However, no satisfactory explanation has been provided for the funds being lodged in Brisbane nor were satisfactory checks done on the company entrusted to manage the funds.

The exposure to the Councils arose through the use of an intermediary. The lesson is that Councils must remain vigilant in such circumstances and should take a very conservative approach.

The investigation of these matters has not revealed any fundamental flaws in the Local Government Act 1989 regarding investments by Councils and no amendments to the Act are proposed. It is not possible to legislate to ensure that basic prudential steps are taken by those entrusted with ratepayers' money. Such steps are normally part of any manager's responsibilities.

Whilst no ratepayer in Bendigo was disadvantaged the investment program lost money in Sunshine. This should be of concern to all ratepayers.



24. Irregular Investment with Commonwealth Bank in Brisbane

24.1 Terms of Reference

The agreed scope of the due diligence audit as set out in section 2.3 of this report does not require specific focus on investment transactions other than as required in section 14. However, because of the unusual nature of a major investment by the former City of Bendigo with the Commonwealth Bank in Brisbane we have reviewed this transaction.

24.2 Commentary

On 22 December 1993, the former City of Bendigo invested \$6.2 million with a Brisbane branch of the Commonwealth Bank. The investment term was to be twelve months at an interest rate of 4.85% per annum and was placed by Fiduciary Securities Pty Ltd, a financial advisor acting for the former City. The former Chief Executive Officer of the former City has advised that he was given direct responsibility by council to control the lodgement of these funds. He has also advised that the financial advisor was used because they were offering more attractive interest rates than were otherwise available.

This investment represented the commitment of a very significant part of the former City's liquid funds and the transaction does not appear to have benefited the City beyond what it could have expected from a similar investment at a Bendigo branch of the same bank. Furthermore:

- our review of the documentation relating to this investment and our discussions with City officers and senior officers of the Commonwealth Bank (Brisbane) have not, in our view, provided adequate reasons as to why this investment was placed in such an unusual manner. We have not been able to identify whether any relationships existed between parties to this transaction and therefore whether any financial or other incentives were offered to those involved in the transaction. We have found no evidence to support either the use of financial advisors or the placement of funds in Brisbane.
- this investment represents a substantial portion of the total liquid funds of the former City of Bendigo. We are concerned that the former City should be prepared to tie up funds in one investment for an extended period at a time when future trends in interest rates were unclear.
- a financial advisor was used for whom we have not been able to find any evidence that references and details of experience were called for or reviewed. The information we have indicates that very little was known of the advisor.

- there is no evidence to indicate that an investment strategy was in place, and that the investment was linked to cashflow requirements.
- we have been unable to ascertain why these funds were not lodged in a Bendigo branch of the bank instead of a Brisbane branch.
- we have obtained written confirmation from the Commonwealth Bank confirming the following:
 - the bank holds an investment of \$6,199,833 for the former City of Bendigo with a maturity date of 22 December 1994.
 - the interest rate is 4.85% per annum.
 - there is currently no impediment to the release of these funds at maturity

24.3 Recommendations

- the Commissioners should further investigate this transaction to determine whether any relationships existed between parties to the transaction and therefore whether any financial or other incentives were offered to those involved in the transaction.
- any significant investments should be made only in accordance with an established investment strategy and in accordance with approved cashflow forecasts.
- unless there are compelling reasons to the contrary, financial advisors should not be preferred to direct advice from the City's bankers or its appointed investment managers. In this regard, we have made recommendations in section 14 of this report.
- if funds are invested with the City's bankers, those funds should not normally be invested outside the State.

City of Sunshine

TO WHOM IT MAY CONCERN

MANDATE TO MANAGE INVESTMENT FUNDS

Fiduciary Securities Pty Ltd Limited (ACN 057 612 129), each of its Directors, and any Officer or agent so authorised by resolution of its Board of Directors, have been appointed to act as the exclusive manager on behalf of the City of Sunshine:

to recommend to the City, investment facilities for its funds;

to arrange for those investments to be made; and

to act generally as its manager and in its name in relation to investment of its funds;

except that all documents initially lodging funds for investment and for all withdrawals of funds will be executed by the appropriate Officers of the Council or other persons authorised to act on its behalf.

The City is aware that Fiduciary Securities Pty Limited acts similarly for other bodies and corporations.

You are requested to act on our manager's instructions given to you in regard to our investment funds.

Yours sincerely,



ALAN K. LEE
City Manager/
Chief Executive Officer

28 May 1993

Municipal Offices, Alexandra Avenue, Sunshine, Victoria, 3020
Ausdoc DX 30315, Sunshine
Telephono: (03) 313 3211 Fax: (03) 313 3351

CITY OF THE FUTURE



City of Sunshine

2 June, 1993

Mr Ray J. Burton
Chief Executive Officer
City of Bendigo
PO Box 733
BENDIGO VIC 3550

Dear Ray

Obtaining a Better Return on Your Council's Investments

Resources and our independence are the most critical issues facing Local Government in the 1990's. Over the last five years, I have been developing a concept aimed at maximising the financial return on resources of Local Government. This aims to develop Local Government's self sufficiency and to significantly assist participating Council's financial resource base, without interfering with any Council's autonomy, flexibility and independence.

Increasing the interest rates paid to Councils to above the low returns received historically can be achieved through the formation of a direct relationship with the wholesale financial sector

This concept simply groups a number of quite independent municipal investment accounts under one management auspice, with the same Bank. This gives all of us much greater purchasing power and thus yield

Of course, a Council's funds must be invested in accordance with S.138 of the Local Government Act (1989), and that Council must control deposits and all withdrawals. Under this arrangement, the Council is assured of the security of its investment through investing "with Banks" and flexibility, by having all its funds "at call". The key to the plan, is the linking of the accounts through a common "Investment Manager", empowered to negotiate with the Banks on behalf of all of us and to move funds within the Banks' control. Of course, the Investment Manager does not have the power to withdraw funds from your account. The Investment Manager must have the capability to deal with sums of the magnitude of our combined resources and a manager providing similar services to Superannuation Trustees has been chosen for this reason.

Funds are deposited with the Bank "at call" and the Bank offers a competitive interest rate (5.2 % today). The chosen manager, Fiduciary Securities Pty Limited has arranged for you to open a second Investment Account to receive that interest and any additional yield, to be negotiated, will be paid into that account.

Municipal Office, Alexandra Avenue, Sunshine, Victoria, 3020
Ausdoc DX 30315, Sunshine
Telephone: (03) 313 3211 Fax: (03) 313 3251

CITY OF THE FUTURE

- Page Two -

Once in place, your Council will deal directly with the Bank. Your Council will be able to withdraw and reinvest, quite simply with no more administrative effort than occurs at present. Ongoing deposits and withdrawals of funds by your Council, will be very simple. As you would expect, the yields through this plan will rise and fall, as interest rates move up and down, in the wider market, however the plan has been structured so that interest rates available for participating Councils can be expected to be always higher than those yields otherwise available to Councils. After the first 60 days you will have a clear understanding of the additional yield your Council can expect, through our joint management arrangements. Your funds can be withdrawn at any time, but the longer the funds are in your deposit account, we expect an additional yield which will be paid into a Council's second account.

For your assistance, I have attached a copy of the following:

- Relevant information under S138, Local Government Act 1989
- Advice from Council's Solicitors relating to the Scheme.
- Background on the Investment Manager.
- Format appointment and authorisation for the Investment Manager to act on behalf of the Council
- Recommended procedures for investment banking facilities (to ensure your Council is included in the plan).
- Form of Receipt of Deposit from the Bank.
- Background information relative to Barclays Bank

We are presently developing further stages of the plan with the manager so that it can benefit as many Councils as possible. We believe that the plan will eventually expand to include a select number of other Councils and that it will become a permanent advantage to the Local Government industry, Australia wide.

This plan is designed to increase Local Government's financial self sufficiency and to significantly assist those Councils who participate, without any hidden charges or administrative burden. Please examine the plan carefully and ring me if you require any further information or comment. I can be easily contacted by Pager on 015 378 709, or at Sunshine on 313 3302. Fiduciary Securities Pty Limited can be contacted on (06) 247 0900.

I look forward to your participation in this plan.

Yours sincerely,


ALAN K. LEE
City Manager/Chief Executive Officer

Local Government Act 1989
No. 11/1989

s. 138

- payable on that money for the period and subject to any conditions determined by the Council; or
- (b) waive the payment of the whole or any part of the money and the interest or any part of the interest payable on that money; or
 - (c) waive the payment of the whole or any part of the interest payable on the money.

138. Investments

- (1) A Council may invest any money—
 - (a) in Government securities of the Commonwealth; or
 - (b) in securities guaranteed by the Government of Victoria; or
 - (c) with a bank; or
 - (ca) with any financial institution guaranteed by the Government of Victoria;
 - (d) on deposit in the Cash Management Account established under the **Public Account Act 1958**; or
 - (e) on deposit with any corporation that is declared to be an authorized dealer in the short term money market under section 97 (7) (b) of the **Companies (Victoria) Code**; or
 - (f) in any other manner approved by the Minister after consultation with the Treasurer either generally or specifically, to be an authorised manner of investment for the purposes of this sub-section.

Para. (c)
 substituted by
 No. 22/1992
 s. 9.

Para. (ca)
 inserted by No
 22/1992 s. 9.

* * * * *

Sub-s. (2)
 repealed by
 No. 22/1992
 s. 8 (c).

139. Power to borrow

- (1) A Council may borrow money to enable the Council to perform the functions and exercise the powers conferred on the Council under this Act or any other Act.

LOCAL GOVERNMENT ACT 1989

**APPROVAL OF AUTHORISED MANNER OF INVESTMENTS
FOR THE PURPOSES OF SECTION 138(1) OF THE ACT**

I, CAROLINE HOGG, Minister for Ethnic, Municipal and Community Affairs acting under section 138(1) of the Local Government Act 1989 and having consulted with the Treasurer as required by that section

APPROVE each of the following to be an authorized manner of investment by a council for the purposes of section 138 -

- (a) a certificate of deposit, whether negotiable, convertible or otherwise, issued by a bank as defined by section 3 of the Trustee Act 1958;
- (b) a bill of exchange which at the time of acquisition has a maturity date of not more than 200 days and which if purchased for value confers on the holder in due course a right of recourse against a bank, as defined by section 3 of the Trustee Act 1958, as the acceptor or indorser of the bill for an amount equal to the face value of the bill.

AND DECLARE that such approval takes effect from 1 October 1992.



**CAROLINE HOGG
MINISTER FOR ETHNIC, MUNICIPAL
AND COMMUNITY AFFAIRS**

DATED: 23 SEP 1992

NOTE Section 3 of the Trustee Act 1958 defines a bank to mean any body corporate defined as a bank by section 5(1) of the Banking Act 1959-1973 of the Commonwealth which carries on business in Victoria.

487 GK

**MINISTRY OF ETHNIC, MUNICIPAL
AND COMMUNITY AFFAIRS**

Office of Local Government

500 Bourke Street Melbourne 3000
Tel:(03) 602 9411 Fax:(03) 602 9429

- 8 MAY 1992

The Municipal Clerk }
 } as addressed
The Municipal Auditor }

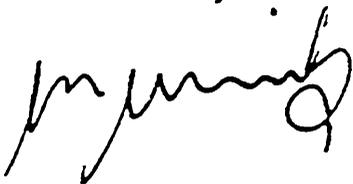
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AUTHORISED INVESTMENTS FOR MUNICIPALITIES

The attached paper on authorised investments has recently been prepared. It is an attempt to set out the overall position - which has not previously been done - and includes information about the affect of the relevant provisions of the Local Government Act 1989 when they become operative on 1 October 1992.

I hope the paper will be of some assistance.

Yours sincerely



**MIKE ULBRICK
ACTING GENERAL MANAGER
OPERATIONS AND FINANCIAL MANAGEMENT DIVISION**

AUTHORISED INVESTMENTS FOR MUNICIPALITIES

1958 Act

Section 248 of the Local Government Act 1958 provides that the municipal fund may be invested in any of the following ways-

1. In Government securities of the Commonwealth of Australia.
2. In securities guaranteed by the Government of Victoria or in such securities as are from time to time approved by the Governor-in-Council for the purposes of Section 248.
3. On deposit with the State Bank of Victoria.
4. On fixed deposit with any bank.
5. On current account with any bank.
6. By advance for a period not exceeding twelve months to any Water Board etc - but note specific requirements of Section 248(1A).
7. Any corporation that is declared under Section 97(7)(B) of the Companies (Victoria) Code, or deemed to be declared, to be an authorised dealer in the short term money market.

The following comments should be noted:-

1. The expression "Government securities of the Commonwealth of Australia" does not include securities of a corporation incorporated under Commonwealth legislation e.g. Telecom.
2. It is understood that Victorian legislation guarantees many securities, but the detail of the extent of such guarantees is set out in Acts relating to the bodies in question. It is understood also that in certain cases all the securities of a public corporation are guaranteed, while in other instances only certain specified securities are guaranteed. For this reason it is not possible to provide a listing of individual investments that are approved under this heading. The onus is on Municipalities to ensure that securities bought are in fact guaranteed by the Government of Victoria.
3. The securities approved by the Governor-in-Council under Section 248(1)(b) over a period of some years, are:-
 - (a) Convertible Bank Certificates of Deposit and Negotiable Bank Certificates of Deposit.
(Approved July 1974)
 - (b) Commercial Bills of Exchange accepted by the State Savings Bank of Victoria, or by a bank or a savings bank within the meaning of Section 5 of the Banking Act 1959-1973 of the Commonwealth Parliament which carries on business in the State of Victoria.
(Approved November 1976)
 - (c) Debentures of the Country Fire Authority.
(Approved April 1982)

- 2 -

- (d) Transferable certificates of deposit issued by a bank - i.e. the State Bank or a bank or savings bank within the meaning of Section 5 of the Commonwealth Banking Act carrying on business in Victoria.
(Approved March 1983)

4. It is the understanding of this Office that it is not generally possible for a company to have the word "Bank" as part of its name unless it has a banking licence under Commonwealth banking legislation. There are, however, a limited number of exceptions, and because of this the following listing of banks, current at December 1991 is provided. Where necessary a check should be made that a listed bank carries on business in Victoria.

BANKS SUBJECT TO THE BANKING ACT

Advance Bank Australia Limited
 Australia and New Zealand Banking Group Limited
 Australia and New Zealand Savings Bank Limited
 Australian Bank Limited
 Australian Resources Development Bank Limited
 Bank of America Australia Limited
 Bank of China
 Bank of Melbourne Limited
 Bank of New Zealand
 Bank of New Zealand Savings Bank Limited
 Bank of Queensland Limited
 Bank of Queensland Savings Bank Limited
 Bank of Singapore (Australia) Limited
 Bank of Tokyo Australia Limited
 Bankers Trust Australia Limited
 Banque Nationale De Paris
 Barclays Bank Australia Limited
 Canberra Advance Bank Limited
 Challenge Bank Limited
 Chase Manhattan Bank Australia Limited
 Citibank Limited
 Citibank Savings Limited
 Commonwealth Bank of Australia
 Commonwealth Development Bank of Australia
 Commonwealth Savings Bank of Australia
 Deutsche Bank Australia Limited
 Hongkong Bank of Australia Limited
 IBJ-Australia Bank Limited
 Lloyds Bank NZA Limited
 Macquarie Bank Limited
 Metway Bank Limited
 Mitsubishi Bank of Australia Limited
 National Australia Bank Limited
 National Australia Savings Bank Limited
 NatWest Australia Bank Limited
 Primary Industry Bank of Australia Limited
 Standard Chartered Bank Australia Limited
 Town and Country Bank Limited
 Trust Bank Tasmania
 Westpac Banking Corporation
 Westpac Savings Bank Limited

STATE BANKS* (Not subject to the Banking Act)

R & I Bank of Western Australia Ltd
State Bank of New South Wales Limited
State Bank of South Australia

5. The corporations declared to be authorised dealers in the short term money market at the time of writing are:-

All-States Discount Ltd
Colonial Mutual Discount Company Ltd
F R Australian Discount Ltd
C S First Boston Australia Discount Ltd
Short Term Discount Ltd
Potter Warburg Discount Ltd
Rothschild Australia Discount Ltd
Schroders Australia Discount Ltd

A further form of investment available to Municipalities is by deposit with the Victorian Development Fund. During 1985, in special circumstances, all Municipalities became authorised depositors in the fund by means of an Order-in-Council as required by the Public Account Act.

Section 432A provides that sinking funds established pursuant to Section 428A - i.e. for the purpose of accumulating a sum to repay a mortgage loan - may be invested in such manner as the Treasurer directs. The Treasurer has declared, over a period of some years, that such sinking funds may be invested in any of the following ways:-

1. Current Accounts with any bank carrying on business in Victoria.
2. Securities of the Commonwealth of Australia.
(This is restricted to the Government's own securities, and does not include those of public authorities incorporated under Commonwealth legislation).
3. Securities guaranteed by the Government of Victoria.
4. Fixed deposit with any bank.
5. Debentures of the Country Fire Authority.
6. Transferable, -Negotiable and Convertible Certificates of Deposit issued by any bank carrying on business in Victoria.

NOTE - No building society securities are authorised investments for either the Municipal Fund or Sinking Funds.

Local Government Act 1989

On 1 October 1992 the foregoing provisions will cease to be operative and Section 138 of the Local Government Act 1989 will come into operation. The provision applies to "any money" of a Council.

Power is given by the section to invest:

- (a) in Government securities of the Commonwealth; or
- (b) in securities guaranteed by the Government of Victoria; or
- (c) with a bank, or any financial institution guaranteed by the Government of Victoria; or
- (d) on deposit in the Cash Management Account established under the Public Account Act 1958; or
- (e) on deposit with any corporation that is declared to be an authorised dealer in the short term money market under Section 97 (7)(b) of the Companies (Victoria) Code; or
- (f) in any other manner approved by the Minister after consultation with the Treasurer either generally or specifically, to be an authorised manner of investment for the purposes of this sub-section.

It is proposed that action be taken prior to 1 October 1992 with a view to having the various securities approved by the Governor-in-Council under the 1958 Act submitted to the Minister for approval under paragraph (f) as above.

(Prepared - March 1992)



S O L I C I T O R S

543 Bourke Street, Melbourne, VIC 3000.
 GPO 427 Melbourne, Tel. (03) 246 5111
 Tel. (03) 246 3050

OUR REF: 04/CIT053/135

DIRECT LINE: 246-5175

ENQUIRIES: Colin Barlow

YOUR REF:

City Manager
 City of Sunshine
 DX 30315
 SUNSHINE

Dear Sir

1st June 1993

Re: Investment of Council Funds

We refer to our discussions with you and Mr. Peter Windsor of Australian Superannuation Trustees on the topic of investment of Council funds.

Council has a general obligation, of course, to deal properly with the municipal funds at its disposal. In particular, for example, Section 125(2) of the Local Government Act 1989 imposes a duty on a Council to do all things necessary to "ensure that appropriate arrangements are implemented for the security of all money received by the Council", "ensure that adequate control is maintained over assets owned by or in the custody of the Council" and "ensure efficiency and economy of operations and the avoidance of waste and extravagance". Section 135(1) indicates that a Council may invest any money with certain listed corporations and accounts including "with a Bank". Although the word "may" is used in this Section, it should be interpreted, in our view, upon the basis that those listed are the allowable avenues for investment and no others are permissible. The word "Bank" is defined in Section 3 of the Act to mean "a Bank within the meaning of the Commonwealth Banking Act 1959" or "a Bank constituted by a law of a State or of the Commonwealth". It can be said, we believe, that the Council, and the Officers acting as such for the Council, have a duty to ensure that funds held by the Council are appropriately invested to produce the best return available within the parameters set out in the Act.

Council has been approached by Mr. Windsor of Australian Superannuation Trustees with a proposal that he act effectively as an Agent/Manager on behalf of Council to seek out appropriate avenues for investment of Council funds - such investment to be in accordance with the Act. As we understand it, effectively he would approach Banks to indicate that the Council may be interested in investing its funds with such Banks and make recommendations to the Council as to where its funds should be invested. The ultimate

MELBOURNE
 J. J. O'Connell
 J. J. O'Connell

A. J. O'Connell
 M. J. O'Connell
 J. J. O'Connell

J. J. O'Connell
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 J. J. O'Connell

SYDNEY
 J. J. O'Connell
 J. J. O'Connell

CONSULTANTS
 J. J. O'Connell
 J. J. O'Connell

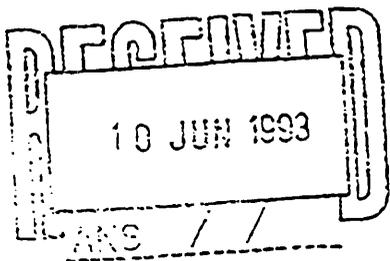
decision, therefore, as to investment, on what terms, for how long etc., and with which Bank, will be a matter for decision by Council no doubt acting through its appropriate Officers. Mr. Windsor's Company, therefore, has no direct control over the Council's funds and, as indicated, acts in the role of a Manager or Agent to arrange suggested proposals for Council's consideration.

On that basis we see no difficulty with the proposal put. Mr. Windsor and his Company is not in the position of a delegate since ultimate decisions are made by the Council and not by him or his Company. The advantage to Mr. Windsor and his Company, as we understand it, is that he is able to put to Banks his ability to make recommendations to a number of persons or bodies (including his own Company) for investment of their funds and the availability of a "pool" is of advantage to the Bank or other body approached. The advantage to the Investors (such as your Council) may well be, of course, a better return on their monies. In making reference to a "pool" we must stress that it was indicated to you and us that there would be no intermingling of funds and your Council would have control of its own funds invested in the recommended Bank. On this basis that the matter is handled in the way indicated in this letter, we see no difficulty with the arrangement entered into with Mr. Windsor and his Company.

We note that the proposal is that Mr. Windsor have what may be termed an "exclusive agency". This means that Council would not use some other "Agent" for the same purpose. It should be made clear to him, we think that Council is not obliged to accept his recommendations and that the arrangement can be terminated on notice to him.

Yours faithfully
PRICE BRENT

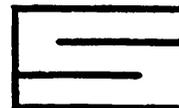
Per: *PB*



Ample Funds Limited
(incorporated in A.C.T.)
A.C.N. 008 657 985
G.P.O. Box 1906
Canberra. A.C.T. 2601

4th Floor
Perpetual Trustees Building
10 Rudd Street
Canberra A.C.T.
Telephone (06) 247 0900
Faxstream (06) 257 4679

AUSTRALIAN SUPERANNUATION TRUSTEES



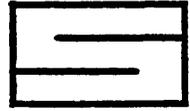
28 April 1993

Mr A K Lee
City Manager
The City of Sunshine
Alexandra Avenue
Sunshine Vic 3020

Dear Sir

We refer to your enquiries regarding Fiduciary Securities Pty Limited and confirm:

- Ample Funds Limited is a wholly-owned subsidiary of Australian Superannuation Nominees Limited.
- Fiduciary Securities Pty Limited is contracted to advise this company in our capacity as manager of a range of Pooled Superannuation Trusts and wholesale Cash Management Funds. It has also been contracted to conduct the investment management of all liquid funds comprised in our Superannuation Investment Pool No 2. Participation in these funds are limited to trustees of major superannuation funds, banks, credit unions, insurance companies and other substantial professional investors.
- To carry out its contract obligations, Fiduciary Securities provides to our office in Canberra the services of an executive director - J. G. Fletcher, FCA supported by two full time executives, B. Cheong, B.Comm and K. M. O'Brien, B.Comm LLB.



- As far as Ample Funds Limited is concerned, the engagement of Fiduciary Securities by other institutions to manage their investment funds in the capacity you describe will indirectly benefit us through the increased resources of Fiduciary Securities enabled by the additional negotiating capacity of such appointments.

I trust the above information is satisfactory for your needs. Should you require any further assistance please do not hesitate to contact me.

Yours faithfully
AMPLE FUNDS LIMITED

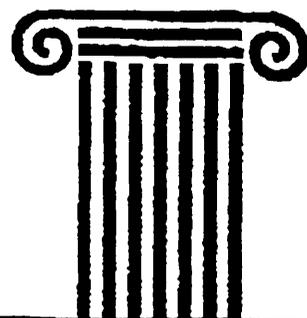
T. A. Cahill.

T A CAHILL
Executive Director

FIDUCIARY SECURITIES

Fiduciary Securities Pty Limited
ACN 057 612 129
4th Floor Perpetual Trustees Building
10 Rudd Street
Canberra ACT 2600

Phone (06) 247 6900
Faxstream (06) 257 4679



Introduction

Trustees of superannuation funds and investment trusts require special investment services and facilities in order to comply with the obligations created by their trusts and the many laws governing their performance of those obligations.

In particular, it has always been essential that trustees be able to demonstrate the prudence of their performance in the selection, review and management of investments. Employment of an independent consultant to advise and assist with these functions is often a safeguard for members of a fiduciary board or committee.

Recognising these needs, Fiduciary Securities Pty Limited was established within the Australian Superannuation Group primarily to serve that group of trustee companies in Canberra. The company maintains its key staff at the Australian Superannuation offices to assist the daily operations of those trustee companies.

Services & Clients

The following services are provided for a limited number of clients:

- advice regarding discretionary funds management
- selection and coordination of cash management facilities
- analysis of alternative services for specific investment purposes including risk management, bonding and guarantees.

Services are presently confined to clients who are:

- Superannuation and pension fund trustees
- Managers of investment trusts
- Statutory and government instrumentalities

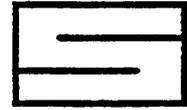
Engagement

Each client contracts the company for consultancy and other services by a separate agreement which deals with all aspects of the engagement.

A S Nominees Limited
 (incorporated in A.C.T.)
 A.C.N. 008 586 267
 G.P.O. Box 1906
 Canberra. A.C.T. 2601

4th Floor
 Perpetual Trustees Building
 10 Rudd Street
 Canberra A.C.T.
 Telephone (06) 247 0900
 Faxstream (06) 257 4679

AUSTRALIAN SUPERANNUATION TRUSTEES



BACKGROUND TO THE AUSTRALIAN SUPERANNUATION TRUSTEE COMPANIES

Origin

Australian Superannuation Nominees Limited was incorporated in June 1975, as a specialist superannuation trustee company. It has no shareholders, but is limited by the guarantees of its members. Thus, the company is entirely independent and controlled by the Directors.

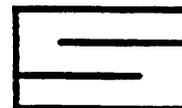
The Board of Directors has always comprised persons with proven relevant expertise and with no conflicting interest. The Directors are invariably lawyers with substantial trust experience or people previously from the most senior government appointments related to superannuation or trusts.

Victor Skermer	Commonwealth Auditor-General
Alfred Wicks	First Commissioner of Taxation
Jack Donnelly	First Assistant Taxation Commissioner (Appeals)
Sir Lawrence McIntyre	President UN Trustee Council
Terence William Sheahan	Attorney General - New South Wales
Murray William Potts	Director - Insurance and Superannuation Commission
Thomas Anthony Cahill	Superannuation Policy - Australian Taxation Office

Current Directors

The present Board comprises:

Norman Eric Napper	Solicitor
Ian Alistair Sutherland	Solicitor
Thomas Anthony Cahill	Accountant
Murray William Potts	Accountant
Terence William Sheahan	Solicitor



Operations

Australian Superannuation Nominees Limited acts as co-ordinating trustee of general trusts and superannuation plans. Through its subsidiaries, it acts as trustee of a range of public superannuation funds. Since 1978, unique techniques and experience have been developed in the conduct of master and multi-employer superannuation funds and general trusts.

A S Nominees Limited

This company is a wholly owned subsidiary of Australian Superannuation Nominees Limited and has the identical Board of Directors.

This company acts as the trustee of approved superannuation funds, pooled superannuation trusts and other trusts ancillary to the operation of these funds and trusts. It has been trustee of the Australian Superannuation Master Investment Pool No. 2 since 1982.

Ample Funds Limited

This company is a wholly owned subsidiary of Australian Superannuation Nominees Limited and has the following persons as directors:

Norman Eric Napper	Solicitor
Alistair Sutherland	Solicitor
Thomas Anthony Cahill	Accountant

This company acts as trustee to non-superannuation funds and as manager to other funds and trusts. It was appointed in June 1992 as manager of the suite of funds under the Australian Superannuation Master Investment Pool No. 2.

Auditor

The auditor for both A S Nominees Limited and Ample Funds Limited is J W Turner of J W Turner & Company, a member of the Bentleys Group.



PRESENT DIRECTORS

- Norman Eric Napper** Senior partner, Elrington Boardman Allport, Solicitors, with offices at Canberra, Queanbeyan, Yass, Boorowa and other locations in southern New South Wales. He has been a director with the group for 18 years.
- Alistair Sutherland** Partner with Sutherland & Tiirikainen, Solicitors with a general practice, specialising in third party, commercial and criminal work. He has been in practice for 22 years, both in the United Kingdom and Australia and holds a practising certificate for both New South Wales and the ACT.
- Thomas Anthony Cahill** An executive director for three years. He has been a director for 10 years. He is a qualified accountant and prior to joining the group was the senior technical and policy person for the Australian Taxation Office for all matters involving superannuation and in that capacity was the Tax Office representative to the Australian Government Committee on superannuation.
- Murray William Potts** An alternative director. He was employed by the Australian Taxation Office for 41 years in all levels of assessing, becoming the officer in charge of the superannuation unit in the Victorian office. In the early 1980's he was seconded to assist in the establishment of the Insurance and Superannuation Commission. He was appointed as the first Director of the Commission in Melbourne.
- He retired from that position and is now employed in coordinating Australian Superannuation Nominees Limited requirements for fund administration.
- Terence William Sheahan** An alternate director. He has extensive experience in the legal profession, having been the former Attorney General in the New South Wales Parliament. He is now the managing partner of Cowley Hearne, Solicitors of Sydney.

City of Sunshine

28 May 1993

Mr P G Windsor
Managing Director
Fiduciary Securities Pty Limited
4th Floor, 10 Rudd Street
CANBERRA ACT 2601

Dear Mr Windsor

The City of Sunshine hereby appoints Fiduciary Securities Pty Limited to act as the manager of its investment funds on the terms specified in the attached Mandate. Council's funds may only be invested in accordance with the provisions of the Local Government Act 1989.

Fiduciary Securities Pty Limited will be remunerated for its services in accordance with the attached Schedule of Fees.

This appointment may be terminated by Council by one month's notice in writing

All communications in respect of this appointment are to be conducted through my office. I will designate a person for liaison during periods of my absence.

Yours faithfully



ALAN K. LEE
City Manager/Chief Executive Officer

Enclosures: Mandate, dated 28 May 1993
- Schedule of Fees, dated 22 May 1993.

Municipal Offices, Alexandra Avenue, Sunshine, Victoria, 3020
Ausdoc DX 30315, Sunshine
Telephone: (03) 313 3211 Fax: (03) 313 3351

CITY OF THE FUTURE

City of Sunshine

TO WHOM IT MAY CONCERN

MANDATE TO MANAGE INVESTMENT FUNDS

Fiduciary Securities Pty Ltd Limited (ACN 057 612 129), each of its Directors, and any Officer or agent so authorised by resolution of its Board of Directors, have been appointed to act as the exclusive manager on behalf of the City of Sunshine:

to recommend to the City, investment facilities for its funds;

to arrange for those investments to be made; and

to act generally as its manager and in its name in relation to investment of its funds;

except that all documents initially lodging funds for investment and for all withdrawals of funds will be executed by the appropriate Officers of the Council or other persons authorised to act on its behalf.

The City is aware that Fiduciary Securities Pty Limited acts similarly for other bodies and corporations.

You are requested to act on our manager's instructions given to you in regard to our investment funds.

Yours sincerely,



ALAN K. LEE
City Manager/
Chief Executive Officer

28 May 1993

PROFESSIONAL SERVICES TO COUNCIL

SCHEDULE OF FEES

Fiduciary Securities Pty Ltd is entitled to remuneration based on the increase in annual percentage yield of Council's investment funds above the appropriate index for each approved form of investment.

ANNUAL INTEREST-%	COUNCIL-%	FIDUCIARY SECURITIES-%
Index	100%	Nil
Additional		
2.00%	2.00%	Nil
3.00%	2.75%	0.25%
4.00%	3.50%	0.50%
5.00%	4.25%	0.75%
6.00%	Nil	100%

Fiduciary Securities Pty Ltd will account for the Council's increased yield against the index. The indices for the purpose of this Schedule shall be the SBC Dominguez Barry Indices, published by the Australian Financial Review.

8th June, 1993

Fiduciary Securities Pty Limited Investment Banking Facilities

Recommended procedures for

Opening Accounts

1. Contact Canberra (06) 247 0900, either Eelinda Cheong or Kell O'Brien to arrange an appointment with your local branch of Barclays Bank Australia Ltd
2. Attend your local branch of Barclays Bank Australia Ltd to obtain everything required to establish your accounts
3. Brisbane will communicate directly to confirm arrangements and to assist with deposits
4. The accounts must be called for example: "Fiduciary Securities Pty Limited Investment Banking Facilities City of Sunshine" accounts. This is essential if the Council is to obtain the benefits of the negotiated investment banking facilities.

Arranging Deposits

1. Telegraphic transfer to the Brisbane branch of your existing bank
2. Instruct your bank to deliver a Warrant to Barclays Bank Australia Ltd, C/- S Cheong or K O'Brien - each bank has its own procedures, if you would like assistance then you may call Brisbane on the above number for guidance

Note: Your bank delivering the warrant has its book stamped to evidence the transfer.

3. Barclays in Brisbane will send you their letter to confirm the details of your new facilities. Thereafter you may have statements as you require, eg monthly but every now and then to confirm a particular transaction.

Withdrawals

1. Up to two transfers a month may be made from your Deposit account to your Gold Eagle account which will receive all income from your Fiduciary Securities Banking Facilities
2. You may use your chequebook facility against your Gold Eagle account to make payments as you require



FIDUCIARY SECURITIES PTY LIMITED

Fiduciary Securities Pty Limited
 (Incorporated in Victoria)
 (ACN 057 612 129)
 GPO Box 1906
 Canberra ACT 2601

4th Floor
 Perpetual Trustees Building
 10 Rudd Street
 Canberra ACT 2601
 Telephone: (06) 247 0900
 Faxstream: (06) 257 4679

Facsimile Cover Sheet

To:	Ray Burton
Company:	City of Bendigo
Phone:	054 - 44 9621
Fax:	054 - 449 714
From:	Peter Windsor
Company:	Fiduciary Securities Pty Limited
Phone:	06 247 0900
Fax:	06 257 4679
Date:	15 December 1993
Pages including this cover page:	2

Dear Ray,

A copy of the draft letter which we spoke about on the telephone follows.
 Can you please arrange for the letter to be transcribed onto the City of
 Bendigo letter heading and delivered to Mr Manuel.

Regards,

Peter

¹⁵
16 December 1993

Mr David Manuel
Deputy Group Treasurer
Commonwealth Bank of Australia
367 Collins Street
MELBOURNE VIC 3000

Dear Sir,

Re: **Ledger Transfers to CBA 240 Queen St., Brisbane**

Please transfer the balance of our account to:

Noble Promotions Pty Limited for further credit to:

The City of Bendigo

Account Number: 4000 1012 9978

at Commonwealth Bank of Australia

240 Queen Street, Brisbane

Bank Telex: 120 345

Bank SWIFT: CTB AAU 2S 4000

Bank Fax: (07) 237 3608

Attention: Mr Peter R Smith for immediate advice to Noble

This transfer is to be made on the condition that we be issued a receipt by CBA for the deposit in the name of The City of Bendigo for the full amount of our deposit.

Please provide a facsimile of this receipt to Fiduciary Securities on (06) 257 4679

Yours faithfully,
CITY OF BENDIGO

Amended later
RyB 15/12

RAY BURTON
Chief Executive Officer



In reply please quote:

RJB:kw
20.228248/93
16th December, 1993Mr. David Manuel,
Deputy Group Treasurer,
Commonwealth Bank of Australia,
367 Collins Street,
MELBOURNE 3000

Dear Sir,

Re: Ledger Transfers to C.B.A., 240 Queen Street, Brisbane.

Please transfer the balance of our call account lodged on 15th December, 1993 to :

Noble Promotions Pty. Limited for further credit to:
The City of Bendigo
Account Number: 4000 1012 9978at Commonwealth Bank of Australia
240 Queen Street, Brisbane

Bank Telex: 120 345

Bank SWIFT: CTB AAU 2S 4000

Bank Fax: (07) 237 3608

Attention: Mr. Peter R. Smith for immediate advice to
Noble

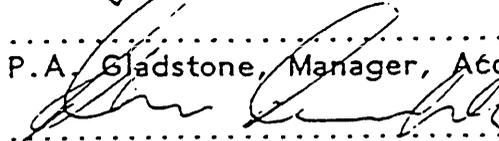
This transfer is to be made on the following conditions:

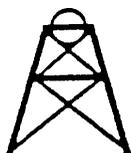
- that we be issued a receipt by C.B.A. for the deposit in the name of the City of Bendigo for the full amount of our deposit
- that the only signatories for withdrawal from this deposit be the following Officers of the City of Bendigo :


.....
- R.J. Burton, Chief Executive Officer


.....
- J.B. Farr, Executive Manager, Finance

.....
- P.A. Gladstone, Manager, Accounting Services (to come)


.....
- C.C. Campbell, Executive Manager, Development

BENDIGO
CITY

... /2

- that (apart from withdrawals) any operation on this account be in accordance with the directions of authorised agents of Fiduciary Securities Pty. Limited .

Please provide a facsimile of this receipt to Fiduciary Securities on (06) 257 4679.

Yours faithfully,



R.J. BURTON,
CHIEF EXECUTIVE OFFICER.

City of Bendigo



Municipal Offices
 Lyttleton Terrace
 Bendigo

NEW TELEPHONE NUMBER: 054 449 666

In reply please quote:

RJB:lb
 20.22

8393/93
 21st December, 1993

Mr. David Manuel,
 Deputy Group Treasurer,
 Commonwealth Bank of Australia,
 367 Collins Street,
MELBOURNE, VIC., 3000.

ATTENTION: MR. JOHN SHINGLETON

Dear Mr. Shingleton,

RE: Call Account Investment

I confirm our discussions and my instructions of 16th December 1993 to disregard Council's letter of the same date requesting transfer of funds to your branch at 240 Queen Street, Brisbane.

Adequate security arrangements are now being finalised in respect to the operation of a "City of Bendigo" account at your Brisbane branch and Council now requests that a Bank Cheque be made payable to the City of Bendigo for the balance of Council's Call Account lodged on 15th December 1993 (amounting to \$6,194,418.62 plus interest to 22nd December, 1993).

I request that the Bank Cheque be available for collection by myself from your branch at 240 Queen Street, Brisbane at 11.00 a.m. (Melbourne time) tomorrow (Wednesday 22nd December, 1993).

Could you please fax confirmation of these arrangements to (054) 449 714 and the name of the the contact person at your Brisbane branch.

Thank you for your assistance in this matter.

Yours faithfully,

R.J. BURTON,
CHIEF EXECUTIVE OFFICER.

Countersigned by:

JIM FARR,
EXECUTIVE MANAGER, FINANCE.

COLIN CAMPBELL,
EXECUTIVE MANAGER, DEVELOPMENT.



BENDIGO
 CITY

City of Bendigo



Municipal Offices
Lyttleton Terrace
Bendigo

NEW TELEPHONE NUMBER: 054 449 666

P.O. Box 733,
Bendigo,
Victoria 3550.
Telephone: (054) 43 1677.
Fax: (054) 41 3677.
AUSDOC DX55038 Bendigo.

In reply please quote:

RJB:kw
20.22

8391/93
21st December, 1993

The Manager,
Commonwealth Bank of Australia,
240 Queen Street,
BRISBANE, QLD. 4000

Dear Sir,

Re: Opening New Bank Account.

The City of Bendigo hereby requests that a new bank account be set up immediately. The account will be called "City of Bendigo" Account.

A detailed list of authorised signatories will be forwarded in due course. Meanwhile, any two of the signatories below can operate the account. There are to be no withdrawals from the account other than with the authority of two of the signatories below.

Exemption certificates for State and Federal tax will be forwarded in due course.

It would be appreciated if this could be implemented immediately. Please confirm by fax on (054) 449 714 that the account has been opened and what the relevant account details are.

Yours faithfully,

R.J. BURTON,
CHIEF EXECUTIVE OFFICER.

JIM FARR,
EXECUTIVE MANAGER, FINANCE.

COLIN CAMPBELL,
EXECUTIVE MANAGER, DEVELOPMENT.



City of Sunshine

20 December, 1993

The Manager
Commonwealth Bank Australia
240 Queen Street
BRISBANE VIC 4000

Dear Sir,

RE: OPENING NEW BANK ACCOUNT

The City of Sunshine hereby requests that a new bank account be set up immediately. The account will be called "City of Sunshine" Account.

A detailed list of authorised signatories will be forwarded in due course. Meanwhile, any two of the signatories below can operate the account. There are to be no withdrawals from the account other than with the authority of two of the signatories below.

Exemption certificates for State and Federal tax will be forwarded in due course.

It would be appreciated if this could be implemented immediately. Please confirm by Fax on 03 313 3559 that the account has been opened and what the relevant account details are.

Yours sincerely,



JOHN NOBLE WILLATON
VERIFYING OFFICER



ALAN KEITH LEE
City Manager/CEO

ALAN BRIAN COX
Manager Accounts



JEANETTE MARY NORMAN
Director Administration Services



Municipal Offices, Alexandra Avenue, Sunshine, Victoria, 3020
Ausdoc DX 30315, Sunshine
Telephone: (03) 313 3211 Fax: (03) 313 3351

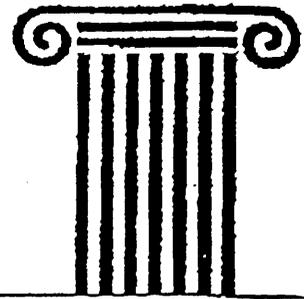
CITY OF THE FUTURE



FIDUCIARY SECURITIES

Fiduciary Securities Pty Limited
 ACN 057 612 129
 4th Floor Perpetual Trustees Building
 10 Rudd Street
 Canberra ACT 2600

Phone (06) 247 0900
 Faxstream (06) 257 4679



3 February 1994

Mr S A Avenell
 Managing Director
 Noble Promotions
 19 Courageous Court
 SCARBOROUGH QLD 4020

Dear Steven,

re: **Australian Local Government Investments**
Mutual Release from Contract: FIDSEC-VIC

I write to seek mutual release from all terms of the contract dated 14 December 1993 under transaction code 129CO - 1955 / TAG / 15M - 1 made between Noble Promotions Pty Limited and Fiduciary Securities Pty Limited.

Unfortunately the deposits arranged for the City of Sunshine and the City of Bendigo with the CBA were first sought to be organised through a Melbourne office of CBA on the basis that each City would have a sub-account of the Noble Promotions account and retain exclusive powers of signature on their respective sub-accounts. That is to say we were advised by Noble Promotions that a transfer could be made to the Noble Promotions Pty Limited Account at 240 Queen Street, for the further benefit of the City of Sunshine for its \$9m and for the further benefit of the City of Bendigo for its \$6m. Although Peter R Smith later clarified that this was not possible and would result in a transaction which would be in contravention of the Victorian Local Government Act, there remained with the Melbourne office of CBA the directions in respect of each City's assets.

The CBA became concerned that it may become involved in attempted illegal transactions, and the Victorian State Manager of the CBA contacted the Mayor and staff of the City of Sunshine. He raised concerns at an attempted disposal of the City's liquid assets in a manner quite prohibited by law. This has now become a political issue and has significantly effected the career of the outstanding Chief Executive for the City of Sunshine.

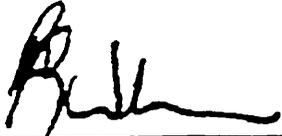
He has requested that Fiduciary Securities Pty Limited ensure that no contract exists with Noble Promotions Pty Limited in relation to the City of Sunshine proposed investment. The City of Bendigo also requires that there be no connection whatsoever between its deposit arranged by Fiduciary Securities Pty Limited and Noble Promotions Pty Limited. Those requests must be complied with and so we regretfully must seek your release from all terms of the above described contract of 14 December 1993.

RW

FIDUCIARY SECURITIES

We hereby release Noble Promotions Pty Limited from all terms of that contract and ask for your release by your signature below and return by facsimile to 07 - 870 5037.

Yours sincerely,
FIDUCIARY SECURITIES PTY LIMITED

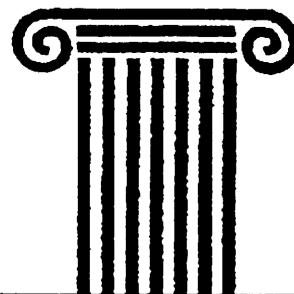


PETER G WINDSOR
Managing Director

Release Given by:
NOBLE PROMOTIONS PTY LIMITED

STEVEN AVENELL
Managing Director

FIDUCIARY SECURITIES



Fiduciary Securities Pty Limited
ACN 057 612 129
4th Floor Perpetual Trustees Building
10 Rudd Street
Canberra ACT 2600

Phone (06) 247 0900
Faxstream (06) 257 4679

7 April 1994

Mr Alan Lee
Chief Executive Officer
City of Sunshine
Alexandra Avenue
SUNSHINE VIC 3020

BY FAX TO: (03) 313 3559

Dear Alan

RE: DEPOSIT WITH COMMONWEALTH BANK OF AUSTRALIA

I refer to our discussions on the intended application of your deposit with CBA of \$9m.

As you know, it is our intention to have that deposit as the basis of a bank accepted Bill of Exchange with a maturity of less than 200 days, and purchased at a discount of about 3 - 4%. This produces a 'guaranteed' yield of between 6 to 8 % p.a. Should it require short term liquidity, the City is to realise their interest by sale of part interests in the Bill to Fiduciary Securities and with the obligation on Fiduciary Securities to buy back that realised interest at cost if the City cash flow allowed it to restore its position.

Through this system, the 'legals' for which have been completed by Corrs, the City would have superior yield, constant liquidity and the security of endorsement of the Bill by the Commonwealth Bank of Australia. With each renewal of the Bill for a further period of less than 200 days, the City would have a superior and on - going cash management facility which would fully satisfy all the City's needs.

At this stage, the CBA have declined to issue the Bills even though their exposure would be fully covered by funds held by them. One can only suppose that the CBA does not wish to facilitate a service to wholesale depositors which would be more attractive than their own services.

Nevertheless, we must restore liquidity to the City's deposit and since the CBA are resisting our demand to recall the deposit, we propose seeking another facility from the CBA to enable the City to draw against the deposit should it require.

FIDUCIARY SECURITIES

I will explore with the CBA tomorrow the availability of such facilities for the City. Of course such a facility would be only on the basis that any drawings be by the appropriate Officers of the City.

Would you please provide a revised mandate in the form attached to reinforce our credentials with CBA. Anticipating non-cooperation by CBA, we have discussed the matter with Westpac. Their standard processes involve an indemnity by Fiduciary Securities for a credit against a deposit. We are reluctant to provide such an indemnity, for the benefit of the bank but if this is necessary we will require the facilities to cover any liability incurred by such indemnity.

We will avoid any joint liability as far as CBA is concerned, and will attempt to arrange for credit facilities solely in favour of the City and solely in the City's name for operation by the appropriate City Officers.

I will keep you informed of progress and forward all forms etc to your office for your attention.

Yours faithfully

FIDUCIARY SECURITIES PTY LIMITED



P G WINDSOR

Chief Executive Officer

Encl.

City of Sunshine

7 April 1994

MANDATE TO MANAGE INVESTMENT FUNDS

Fiduciary Securities Pty Limited (ACN 057 612 129) has been appointed to act as the exclusive investment manager on behalf of the City of Sunshine:

- to recommend appropriate facilities for its funds;
- to arrange for those investments to be made; and
- to act generally as its manager and in its name in relation to investment of its funds.

The City is aware that Fiduciary Securities Pty Limited acts similarly for other instrumentalities and corporations.

Pursuant to its role as the investment manager for the City, Fiduciary Securities Pty Limited, each of its Directors, and any Officer or agent so authorised by resolution of its Board of Directors, are authorised to complete all arrangements pertaining to the City's investments, including facilities for credit and risk management, provided that where our manager is required to give its own indemnity in connection with such facilities, then such facilities may also be in favour of Fiduciary Securities Pty Limited; and provided always that all documents:

- initially lodging funds for investment;
- effecting any withdrawal of funds; and
- for any drawing on credit facilities

must be executed by the appropriate Officers, or Members of the Council, authorised to act on its behalf.

To preserve the confidentiality of the City's commercial activities, all enquiries or confirmation required of the extent of our manager's authority should be directed to me personally by telephone (direct 313 3302, or by secure FAX 313 3559). Otherwise, within the above provisos, you are requested to act on our manager's instructions given to you in regard to our investment funds.

Yours faithfully,



ALAN K. LEE
City Manager/
Chief Executive Officer

COMMERCIAL IN CONFIDENCE

Municipal Offices, Alexandra Avenue, Sunshine, Victoria, 3020
Ausdoc DX 30315, Sunshine
Telephone: (03) 313 3211 Fax: (03) 313 3351

CITY OF THE FUTURE



City of Sunshine

8th April, 1994

COMMERCIAL IN CONFIDENCE

Mr. P. G. Windsor,
Chief Executive Officer,
Fiduciary Securities Pty. Limited,
4th Floor Perpetual Trustees Building,
10 Rudd Street,
CANBERRA, ACT 2600.

Dear Mr. Windsor,

CITY OF SUNSHINE - HIGHER YIELD ON INVESTMENTS PROJECT

Following on from our telephone discussions this morning, I confirm that the Mandate to manage investment funds given by me on behalf of the City of Sunshine to Fiduciary Securities, is hereby revoked.

As previously outlined to you, I have been involved in discussions with the Council to restructure the contract which forms the basis of my engagement and authority to act on the Council's behalf. It seems at this time, that these negotiations will not be concluded and I will not be retained as the Council's Chief Executive Officer. I thereby reiterate that as my authority to act on behalf of the City of Sunshine is presently uncertain and because of the importance and complexity of the investment project, I can no longer be regarded as Council's authorised officer in this matter.

On this basis and until such time as I am certain of my position and/or I have had the opportunity to brief other senior officers of the Council in respect to the investment project, I must place the matter on hold. Please defer any negotiations underway on Council's behalf, until I, or another authorised officer of the Council, have had an opportunity to brief you further.

I apologise for the delay and inconvenience that this is likely to cause you and I acknowledge that it may have financial ramifications for the Council, insofar as the expected higher yield on investment funds may not be realised. I would like to take this opportunity to express my sincere gratitude for your assistance in developing this project to this point. I sincerely hope that your future relationship with the City of Sunshine can be as positive and as productive, as it has been during my time as the Council's Chief Officer.

Yours sincerely,


ALAN K. LEE,

City Manager/Chief Executive Officer

Municipal Offices, Alexandra Avenue, Sunshine, Victoria, 3020

Ausdoc DX 30315, Sunshine

Telephone: (03) 313 3211 Fax: (03) 313 3351

CITY OF THE FUTURE

RJB:kw
20.22

2103/94
14th April, 1994



Mr. P.G. Windsor,
Managing Director,
Fiduciary Securities Pty. Ltd.,
4th Floor,
10 Rudd Street,
CANBERRA, A.C.T. 2601

Fax: 06 2574679

Dear Mr. Windsor,

I refer to Council's mandate to manage "investment funds" forwarded to your company on the 8th June, 1993, and advise that the Council of the City of Bendigo has recently been amalgamated with four other Councils in the Bendigo region to create the new City of Greater Bendigo.

As I am no longer in a position to manage the investment of Council funds, I advise that the mandate under the name of the previous City of Bendigo is hereby withdrawn effective immediately, and that no such mandate exists under the new City of Greater Bendigo.

Could you please advise Directors, Officers and Agents of your company, that your company's mandate for the City of Bendigo has ceased forthwith, and that your company no longer has authority to act either on behalf of the City of Bendigo or the City of Greater Bendigo.

On behalf of the former City of Bendigo, I thank your company for its past services.

Yours faithfully,

VERN ROBSON,
ACTING CHIEF EXECUTIVE OFFICER,
CITY OF GREATER BENDIGO

PER RAY BURTON - BENDIGO DISTRICT OFFICE



VICTORIA

**INVESTIGATION
INTO THE FORMER
FITZROY CITY COUNCIL**

MARCH 1995

Ordered to be printed by the Legislative Council

MELBOURNE
L. V. NORTH, GOVERNMENT PRINTER
1995

EXECUTIVE SUMMARY

The investigation into the former Fitzroy City Council by the Office of Local Government originated from a letter from four councillors. Allegations were raised about the other five councillors regarding the Council's submissions to the Local Government Board, conduct of Council meetings, undue pressure on staff by councillors, bribery and a review of management.

Conflict at Fitzroy City Council had previously been widely reported; in local newspapers (Melbourne Leader and the Melbourne Times), in Melbourne daily newspapers and television news such as the ABC "7.30 Report".

After the investigation commenced, further allegations were raised by other parties. In total, 23 allegations were investigated by the Office. In conducting the investigation the Office interviewed councillors, senior staff, other interested parties and collected relevant Council reports and other documents.

In relation to 19 allegations it was found that no breach of the Local Government Act 1989 was apparent or evidence was inadequate to warrant further action.

Four allegations were referred to the Victorian Government Solicitor(VGS) for advice as to whether further action should be taken. In each of these matters the VGS advised that there was insufficient evidence that an offence had occurred.

Investigation of the allegations revealed major problems in the operation of the Council. It was evident that the poor state of the Council, visible to the community, had developed through a complex range of factors. Contributing factors were conflict between councillors and between councillors and management, inadequate corporate planning, inadequate follow-up of Council decisions, inadequate focus by the councillors on corporate objectives and poor control of council meetings. Furthermore, the climate of conflict caused management's attention to be diverted from the task of efficiently managing the organisation.

The poor conduct of councillors and visitors at Council meetings was due in part to poor chairmanship by the Mayor and inadequate attention to security, that is control of the public gallery, by the Mayor and senior management. A culture of tolerance for hostile debate had got out of control and overshadowed achievements by the Council.

It was clearly evident that the Fitzroy community had not gained maximum benefit from Council's resources.

REPORT OF AN INVESTIGATION INTO THE FORMER FITZROY CITY COUNCIL

1. SCOPE OF INVESTIGATION

In March 1994 the Office of Local Government began an investigation into allegations regarding the former Fitzroy City Council, mainly concerning the actions of certain councillors.

The councillors at the time of the investigation were as follows:

Steven Blackie, Mayor	(elected 1991)
John Gazzola	(elected 1992)
Andrew Homer	(elected 1993)
Jane Hudson	(elected 1990)
Angela Ireland	(elected 1985)
Geoffrey Millman	(elected 1984)
Wendy Murgia	(elected 1993)
Van-Dung Tran	(elected 1992)
Mike Zafiropoulos	(elected 1991)

On 10 March 1994 the Office of Local Government received a letter from four councillors, Crs Zafiropoulos, Tran, Hudson and Homer. It was alleged that "the current ruling group of councillors" or the "majority" (ie. the other five councillors), had exerted undue influence and interference on the professional staff of the Council; that Council purported to act without resolution and in other cases councillors had acted contrary to resolutions of the Council.

Conflict at Fitzroy City Council had previously been widely reported; in local newspapers (Melbourne Leader and Melbourne Times), Melbourne daily newspapers and television news such as the ABC "7.30 Report" on 28 February 1994.

After the investigation had commenced the Office of Local Government received further allegations; from Cr Ireland, the Mayor, Cr Blackie and the Acting Chief Executive Officer, Mr Rod Conway. These related to a confidential report on a review of management and travel expenses.

In total, 23 allegations covering the period from the last Council elections in August 1993 until April 1994 were investigated by the Office of Local Government.

The investigation by the Office of Local Government was conducted by Inspectors of Municipal Administration appointed by the Minister for Local Government. The Inspectors interviewed a number of councillors, managers and a member of a community organisation and collected relevant minutes, reports and other council documents.

After the investigation had commenced five councillors, (ie. Crs Millman, Gazzola, Ireland, Blackie and Murgia), wrote to the Minister for Local Government. They forwarded a copy of a resolution of Council on 15 March 1994 which pledged full support to the Minister and the Office in conducting its investigation. The resolution also commented on the other four councillors and other parties. Further to their letter to the Minister, Cr Millman advised the Office on behalf of the five councillors that they were not requesting that any of the matters raised in their letter be investigated.

2. SPECIFIC MATTERS EXAMINED

2.1 Submissions to the Local Government Board

Submissions by the Council to the Local Government Board regarding the review of council boundaries gave rise to the largest number of allegations.

The sequence of events was as follows:

30 September 1993 -

Fitzroy City Council presented its first submission to the Board. A delegation led by the Mayor, Cr Blackie and comprising Cr Ireland, Cr Millman and the then Chief Executive Officer, Mr Francesconi met with representatives of the Board. This submission was made voluntarily by the Council in the absence of a formal request.

20 December 1993 -

Public notice by the Board inviting submissions to the review of 21 inner Melbourne councils.

11 February 1994 -

Fitzroy faxed its second submission to the Board.

14 February 1994 -

Deadline for submissions to the review.

1 March 1994 -

Fitzroy sent its third submission to the Board, comprising an amended executive summary to its February submission. The amendments arose from public outcry to some parts of the February submission.

In relation to the September 1993 submission it was alleged that:-

"On 30 September 1993 a submission was made to the Local Government Board advocating the status quo (no boundary alteration). The submission purported to be a submission of the City of Fitzroy but had not been seen by six of the nine councillors and more seriously no Council resolution gave authority to any councillor/s to make this submission to the Local Government Board."

An examination of minutes showed that the Council at its Special Meeting on 23 August 1993 resolved:-

"1. That a position paper on the retention of Fitzroy as an autonomous local government unit be prepared and forwarded to the Minister of Local Government by the end of September..."

At a meeting on 30 August 1993 the Council resolved:-

"1. That Council seek a deputation to the Premier and the Local Government Minister to present and speak to Council's position paper as determined by the Special Meeting of Council No. 1.1 on 23 August 1993 on the retention of Fitzroy as an autonomous local government unit.

2. That a further deputation be sought to the Chairperson of the Local Government Board."

There was no Council Meeting (due to the September school holidays) before the deputation met with the Local Government Board on 30 September 1993. The deputation comprised the Mayor, Cr Blackie, Crs Ireland and Millman and the CEO, Mr Francesconi.

The Victorian Government Solicitor examined this complaint and advised that:

"It appears that the Mayor and Chief Executive Officer acted on the resolutions of 23 and 30 August 1993. Those resolutions did not require any reference back to Council. Further, the resolutions did not direct who was to comprise the deputation....The Mayor could of course have called a Special Meeting (section 84(1) of the Act) but did not choose to do so. The complainants, Councillors Zafiropoulos, Homer, Tran and Hudson, could have called such a meeting under section 84(1), and they also did not do so. On the evidence presented, I regard the resolutions of 23 and 30 August as sufficient basis for the Mayor and CEO to act and I can see no possibility of proceeding against them for an offence against the Act."

February 1994 submission

In relation to the February 1994 submission to the Local Government Board it was alleged that the Steering Committee preparing the submission acted to prevent full consultation with all councillors.

It was claimed that:

"Under the guise and pretext of confidentiality and secrecy the majority of Council established a steering committee to oversee the development of Council's submission (11 February 1994) to the Board and thereby denied equal and simultaneous access to the document that was eventually to become Fitzroy's submission to the Board. Councillors Tran, Hudson, Murgia and Gazzola were allowed less than two hours at an inconvenient time, on the day of the meeting to consider for the first time the twenty eight page submission.

As a result some councillors were forced to vote on an important issue without proper or adequate knowledge of the complex and serious issues involved."

The allegation therefore was that the Steering Committee was not properly established, acted secretively and that some councillors were deliberately given inadequate time to consider the draft submission.

Investigation showed that the Steering Committee was established by Council resolution on 4 October 1993 and included Cr Zafiropoulos. There was nothing secret about the manner in which the Committee was established. However, the Committee did act secretively for part of its proceedings to the extent that it resolved that its strategy and the writing of its submission be dealt with "in camera". However, that was as decided by Council on 2 February 1994.

It is difficult to determine exactly what happened at the Steering Committee as minutes were not kept. The Committee was not established as a "Special Committee" under section 86 of the Local Government Act and therefore was not legally required to keep minutes under section 93(3). However, it is clearly in the interests of the members of such a committee, other councillors and the City's ratepayers that appropriate records of the deliberations and decisions of such a committee are kept. This is particularly so when a committee is examining sensitive issues as was the case in question.

In addition it could be argued that given the importance of the submission, arrangements should have been made for all councillors to receive a copy in sufficient time to examine it. Alternatively councillors could have refused to vote on the adoption of the submission and sought more time to review the draft.

It was found that there was no evidence of a breach of the Act. However, meeting procedures of the Steering Committee were clearly inadequate in that minutes were not kept.

The second allegation regarding the February 1994 submission was that the Acting Chief Executive Officer was improperly excluded from the Steering Committee.

It was alleged that:

"Without Council resolution or any apparent reason the Acting CEO was excluded from participation in the submission steering committee meetings. It was only as a result of pressure from certain councillors and an embarrassing incident at a meeting with the consultant that the Acting CEO was eventually allowed to participate and co-ordinate meetings of the steering committee."

It was claimed that the Acting CEO Mr Conway, was excluded from the first two or three meetings. It was also claimed that the Mayor said to Mr Conway at the third Steering Committee meeting (in late January 1994) that he should not be present.

The Mayor, Cr Blackie, responded that Mr Conway was not at the first couple of meetings because he was not the Acting CEO. The CEO, Mr Francesconi, was on leave from 1 January 1994 until he ceased employment with the Council on 24 January 1994. The minutes do not record an appointment of an Acting CEO during this period.

The Steering Committee on Enterprise Bargaining, which was expanded to cover amalgamations, was clearly established with the CEO as convenor and as a member of the Committee. However, over the following months the tasks undertaken by the Steering Committee changed and the Committee was called a variety of names in the minutes of Council meetings.

It was the view of the Acting CEO, Mr Conway, that the same Committee continued to operate although there were some changes to the way it operated, particularly in January/February 1994.

A number of councillors and staff were interviewed about this allegation but were uncertain and contradictory to some extent about the events. No minutes were kept of the meetings of the Steering Committee.

Cr Blackie as chair of the Committee may have breached the Council decision of the 4 October 1993 but without minutes of the meetings or other documentation the evidence is inadequate to draw a satisfactory conclusion.

The third allegation regarding the February 1994 submission was that some councillors were denied access to the consultant who prepared the submission.

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It was alleged that:

"Other than the Mayor and one councillor, other councillors and the senior managers of Council were denied any access to the consultant engaged to prepare the submission. In fact Council had not been made aware of the consultant's credentials, briefing parameters or terms of employment."

It was claimed that on 11 February 1994 the Council endorsed the selection of the consultant (Mr O'Donnell), after he had already been appointed. Furthermore, the background information about the consultant was inadequate and only the Mayor knew the background. It was also claimed that contrary to the Council decision the consultant did not manage a team but only wrote the submission.

On 27 January 1994 at a Special Meeting, the Council resolved that an experienced external consultant be obtained to manage a team to produce a high level of presentation to the Local Government Board. The resolution did not say how the consultant was to be selected.

The Council on 11 February 1994 resolved:

"That Council endorse the actions of the Municipal Restructure Steering Committee in appointing Mr O'Donnell."

On investigation different councillors gave different versions of the events. Without minutes of the Steering Committee it is difficult to establish what happened in the proceedings, but the fact that the Council later "endorsed" the appointment gives an indication that the Committee actually made the appointment.

The Victorian Government Solicitor found that the action taken by the Committee was endorsed by the Council and there did not appear to be a breach of provisions for the authorisation of the expenditure.

The fourth allegation in relation to the February 1994 submission was that it contravened council decisions. It was alleged that:-

"Contrary to Council resolutions nominating three options for Local Government reform, the submission made to the Local Government Board (11 February 1994) on restructure only included one option (i.e. amalgamation with Melbourne)."

It was claimed that the Council on 27 January 1994 decided that the submission would contain two options (stand alone and one other).

Fitzroy's submission which was faxed to the Board on 11 February 1994 stated that the Council originally decided to recommend to the Board that Fitzroy remain as is, however it became clear this option was not viable.

The recommended option was:-

"The development of a specific joint venture between itself (ie. Fitzroy) and the City of Melbourne to undertake the most radical restructure and development of Fitzroy which will impinge upon every aspect of city life, and eventually lead to the City of Fitzroy being incorporated into the City of Melbourne full amalgamation would be no later than 31 December 2000."

The final submission was approved without amendment by a majority of the Council on 11 February 1994. It is arguable that circumstances changed in the intervening period and that, in any case, the final submission was approved by the Council.

The claim that the submission was approved without certain councillors having a proper opportunity to become familiar with its contents, is recognised. However, there did not appear to be a breach of the Local Government Act.

A further allegation in relation to the February 1994 submission was that it contained false statements.

It was claimed that:

"The official submission made to the Local Government Board (11 February 1994) contains demonstrably false statements and the ruling majority of Council refused to correct these statements despite clear evidence presented to Council that the statements were dishonest, designed to mislead and clearly had no basis in fact."

It was claimed that there were two examples of false statements:-

- (a) The crime rate in Fitzroy is twice that of other municipalities.
- (b) The submission was supported by all councillors.

Regarding the first statement it was contended that there was no factual basis for the claim. An examination of the February 1994 submission shows that it refers to crime briefly but makes no comment on the crime rate. However, the 1 March 1994 submission to the Board stated:-

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"Council is aware the crime rate in Fitzroy is at least double that of its neighbours, and accordingly signals its intentions to redress this situation. Without taking firm action Council believes:

There is little point in the state government spending millions of dollars to redevelop the Exhibition Buildings in order to attract international visitors if those visitors are too scared to cross the road and wander down the adjoining streets of Fitzroy."

The Victoria Police do not agree with the Council's statement that the crime rate in Fitzroy is at least double its neighbours.

Regarding the second statement, that the submission was supported by all councillors, at the end of the February 1994 submission it is stated:-

"The Responsibility of Council

A significant feature of this recommendation is the bi partisan support the submission receives from all councillors."

It was contended that Cr Zafiropoulos and two other councillors voted against the submission. Detail of voting was not recorded in the minutes as a division was not called. However, an article in the "Melbourne Leader" on 21 February 1994 reported that the submission was passed six votes to three, with Crs. Zafiropoulos, Hudson and Tran opposing.

The submission can be construed as being less than fully accurate in stating there was bi-partisan support from all councillors.

The February 1994 submission to the Local Government Board contained a number of statements which led to public outcry. The March 1994 submission, which sought to remedy some of the criticism, contained the further controversial statement regarding the City's crime rate.

These inaccuracies may be described as improper but they do not represent a breach of the Local Government Act.

The final allegation in relation to the February 1994 submission was that it brought the Council into disrepute.

It was alleged that:

"The performance of Council including disregard to procedures and community views has clearly brought strong condemnation from community leaders and groups, the community at large, the press and members of Parliament including a Government Minister. This clearly has

brought not only the Council but local government in general into disrepute.

For example as a result of significant adverse publicity in recent press articles the Minister for Housing intervened to repudiate comments made in the Fitzroy submission to the Local Government Board (11 February 1994) relating to high rise public housing."

The four councillors alleged that the 11 February 1994 submission to the Board was an example of inadequate performance by the Council leading to disrepute.

The submission contained a number of controversial statements including the following:-

"Council therefore has chosen to propose reform in two areas:-

- 1. The development of a specific joint venture between itself and the City of Melbourne to undertake the most radical restructure and reform of Fitzroy which will impinge upon every aspect of city life, and eventually lead to the City of Fitzroy being incorporated into the City of Melbourne.*
- 2. The revitalising of the city, by undertaking a significant social restructure, development of a planning strategy for removal of high rise housing and replacement with medium density housing, a reduction in the number of unemployed and those who rely upon welfare as an income source. This recommendation is premised upon Council's belief that:-*

There is little point in the State Government spending millions of dollars to redevelop the Exhibition Buildings in order to attract international visitors when those visitors are too scared to cross the road and wander down the adjoining streets of Fitzroy."

Following publication of the submission a number of articles were published in the local newspapers and Melbourne dailies condemning the submission. Clearly the February submission was poorly written in parts and caused needless anxiety among some of Fitzroy's residents.

The four councillors also alleged that the other five had brought the Council into disrepute in a wider sense through the way the business of the Council was conducted. This raised fundamental questions as to whether the Council was operating effectively.

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The interviews conducted, the audio tapes, and other sources of evidence all indicate that a climate of extreme conflict existed within the Council. An atmosphere of vigorous debate is to be encouraged, but it is clear that the Fitzroy City Council had crossed the borderline. In addition, the disorderly conduct of the public gallery that was allowed to continue clearly was a factor in bringing disrepute to the Council. Both groups of councillors engaged in aggressive political activity.

The poor "public face" of the Council encouraged definite doubts as to whether Council was providing "for the peace, order and good government of its municipal district" as required by section 6(1)(a) of the Local Government Act 1989.

2.2 Conduct of Council Meetings

Question Time

It was alleged that the five councillors restricted community consultation through the handling of question time, specifically:

"the arbitrary and regular cancellation of question time from the gallery when residents raise difficult and probing questions that the Mayor finds uncomfortable to handle."

It was claimed that on a number of occasions the Mayor had ruled that written answers would be given to questions or that question time would be cut short, particularly when a large gallery was present.

Tapes of two Council meetings were examined. At the meeting on 28 February 1994 the first question related to the allegation raised in the Melbourne Leader on the same day that a councillor had attempted to bribe a community youth worker. The gallery was loud and became very disorderly when the Mayor said he would reply in writing. The Mayor then ruled that all questions would be taken on notice.

At the second Council meeting examined, 28 March 1994 the Mayor shortly after opening the meeting, ruled that all questions would be taken on notice. Again the gallery was rowdy at the time.

The minutes of the seven ordinary Council meetings between 26 July 1993 and 28 February 1994 (inclusive) were examined. These revealed that at the meeting on 20 December 1993 all questions were referred to the appropriate committee or, where appropriate, taken on notice. At the previous five ordinary meetings questions were answered.

The allegation that there was arbitrary and regular cancellation of question time appears to be an overstatement. The cancellation of question time on 28 February 1994 was decided by the Mayor when the gallery was extremely hostile. Whether the Mayor should have used other measures to control the Council meeting is arguable. The Council's Local Law on Meeting Procedure provides a range of options for the Mayor to ensure orderly conduct of meetings e.g. calling councillors/visitors to order, removal of disorderly visitors, adjournment of meetings.

Council's Local Law on Meeting Procedure permits the Mayor acting in the capacity as Chair of the meeting to rule that written answers be given to questions. There does not appear to be a case to answer that the Mayor improperly restricted community consultation. However, it is certainly arguable that the Mayor demonstrated inadequate chairmanship skills.

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There was no evidence of a breach of the Local Government Act but there was evidence of inadequate chairmanship of meetings by Cr Blackie.

Biased Rulings

It was alleged that there were:

"biased rulings from the chair disallowing motions on the pretext that they are rescission motions when in fact they were clearly motions seeking amendments and alterations and in no way seeking rescission of the original motion."

It was claimed that on a number of occasions the Mayor had improperly ruled that amendment motions were rescission motions in order to reduce debate.

There is a clear distinction between a rescission, which cancels a resolution previously made, and an amendment motion which seeks to change the wording of a motion being debated but not yet passed. It is in order for a Chairperson, however, to refuse to accept an amendment if it is a direct negative of the motion.

No reference was found in the minutes to the rejection of an amendment because "it was a rescission motion". If such actually occurred then the ruling of the Mayor was incorrect. No evidence was obtained to demonstrate that a breach of the Local Government Act occurred.

Unusual Meeting Times

It was alleged that the five councillors restricted community consultation by scheduling meetings at unusual times with minimum notice, specifically:

"scheduling meetings at unusual times with absolute minimum notice to councillors and little chance for the public to be adequately informed."

The minutes record that between 26 July 1993 and 28 February 1994 there were 17 Council meetings including nine special meetings. Eleven meetings were held on Mondays with the other meetings being held on weekday nights. Virtually all meetings started after 7.00pm.

Council officers were unable to provide copies of some notices of meetings and it was not possible to verify that proper notice was given in all cases.

The information obtained did not demonstrate that the starting times for Council meetings were "unusual." Some meetings were not held on Mondays but Special Meetings are generally called because of urgent business that needs to be dealt with prior to the next Ordinary Meeting.

There is no requirement or rationale for limiting meetings to a particular night in the week when urgent business arises. In particular the industrial dispute in November 1993, and the tight deadline for preparation of a submission to the Board in January/February 1994, must be regarded as urgent business justifying prompt action.

There was no evidence of a breach of the Local Government Act. However, inadequate Council records meant that this could not be established beyond doubt particularly in relation to the calling of special meetings.

"In Camera" Items

It was alleged that there was:

"Unnecessary and inappropriate use of "in camera" items inconveniencing members of the public gallery, forcing them to leave the Council Chamber and then return at an unspecified time after the agenda items."

It was also contended that sometimes items were improperly dealt with in public when they should have been "in camera" while on other occasions matters were held "in camera" when they should have been considered in public. However, details were not provided.

Section 89 of the Local Government Act 1989 provides that a Council or special committee may resolve that a meeting be closed to members of the public, that is held "in camera", if the meeting is discussing certain matters such as personnel or contractual matters. The reason for closing the meeting to the public must be recorded in the minutes.

In December 1993, in a separate matter, the Office of Local Government was requested to investigate an allegation that a Councillor had breached the confidentiality of a Special Meeting which was held on 3 November 1993. The Office found that the proceedings were not confidential as the "in camera" procedures in the Act had not been met.

Examination of minutes of Council meetings back to 1 July 1993 did not reveal any anomalies other than the meeting held on 3 November 1993.

Hand Gestures

An unusual allegation was that:

"one majority councillor frequently sends "Baseball" type hand gestures to the Mayor clearly prompting him to handle Council business favourable to his position and not at the unfettered discretion of the Mayor as the presiding officer of the Council."

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It was claimed that Cr Millman frequently used hand gestures to move on or cancel agenda items and that this had the effect of reducing the status of the Mayor. It was also claimed that Cr Blackie was subject to the influence of Cr Millman.

When interviewed Cr Millman conceded that sometimes he made hand motions during Council meetings, eg. a circular hand motion, which he claimed was his way of expressing his view that debate had gone on for long enough. However, he denied controlling the Mayor in any manner.

The Mayor, Cr Blackie, denied that he was controlled in any way by Cr Millman. He said that while he noticed Cr Millman's hand gestures he was not dictated by them. However, perception of impartial handling of Council business is important. It could be asserted that Cr Millman was acting improperly to use hand motions, which could be wrongly interpreted by the public gallery, rather than use procedural motions for debate. It could also be asserted that Cr Blackie as Chairperson of Council meetings demonstrated inadequate chairmanship skills in allowing hand gestures to continue.

No evidence of a breach of the Local Government Act was detected. However, there was evidence that chairmanship by the Mayor was inadequate.

Abolition of Community Consultative Committees

It was alleged that the five councillors restricted community consultation by abolishing community consultative committees, specifically:

"the abolition since August 1993 of all existing community consultative committees and the creation of no other consultative mechanism to replace them."

The minutes of Council meeting 30 August 1993 record that Council resolved:-

- "1. That Advisory Committees not be re-convened for the 1993/94 Council year.*
- 2. That we notify the community of a Community Advisory Committee to be set up which would meet quarterly*"

When interviewed Cr Blackie said that the consultative committees had become unworkable and were not representative. The Acting CEO Mr Conway said that the new committee had not yet been established but this was due to the pressing work load associated with the council amalgamation issue and other matters.

No evidence was obtained that the five councillors deliberately acted to restrict community consultation.

2.3 Undue Pressure on Staff

Pressure on the Acting CEO before 21 February 1994

It was alleged that:

"At a meeting on 21 February 1994 with all councillors present, the Acting CEO made it clear that some councillors were interfering with the daily functioning of his office to an extent that he found it increasingly difficult to discharge his responsibilities.

Specifically the Acting CEO made the allegation that certain councillors had been pressuring him to implement various council resolutions in a way that was contrary to the clear intention of the resolution."

It was claimed that some councillors had breached section 95(1)(g) of the Local Government Act which provides:

"Council staff should be protected against arbitrary action, personal favouritism and coercion."

When interviewed on 22 March 1994 the Acting CEO, Mr Conway, downplayed the matter. He declined to name any councillor and said that the discussion was in confidence and not very significant.

Without the Acting CEO confirming the allegation there is inadequate evidence to draw any conclusion on the matter.

Notice of Motion No. 610

It was alleged that "Notice of Motion No. 610" for the Council Meeting on 4 March 1994 demonstrated undue pressure on the Acting CEO. The Notice of Motion related to a review of the organisation by management consultants.

On 3 March 1994 the Acting CEO, Mr Conway, acting in accordance with a resolution of the Council passed the night before, wrote to Management Growth Systems Pty Ltd directing the Company to deliver copies of its report for each councillor to the Town Hall. The Acting CEO understood that only the Mayor had a copy.

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Also on 3 March 1994, Cr Zafiropoulos in a letter to the Acting CEO stated:-

"As this is not the first time that such unacceptable practice is followed by the Mayor and certain councillors, I am urging you to intervene and implement Council's resolution in relation to this matter as a matter of urgency."

On 4 March 1994, Cr Millman, in Notice of Motion No. 610, stated:-

"Organisation Restructure Steering Committee

That as the Acting CEO has not understood the intent of the following motion nor has he made any attempt to seek clarification from the mover or seconder I rescind:

'That the report be made available to other councillors as soon as possible to avoid previous errors of reports of this nature being circulated to some councillors and not others.'

and to replace it with the following motion:

'That as soon as the Sub-Committee of the Steering Committee has met and drafted recommendations, the report be circulated to all councillors - that as this is a Staff/Personnel matter, it remain confidential until cleared by Council.'

In a letter of 4 March 1994 to the Acting CEO, Management Growth Systems said that it had advised the Council Steering Committee that it was inappropriate that the report be distributed to all councillors, external to the Council Steering Committee, prior to a full written report including recommendations from the Council Steering Committee being included in the report.

On receipt of the rescission motion from Cr Millman, Mr Conway sent a memo to all councillors advising them of the rescission motion and that the report would not be circulated.

Mr Conway, the Acting CEO, had taken prompt action to implement Council's resolution but acted reasonably in changing course when the rescission notice was received.

The letter from Management Growth Systems shows that it was the consultants who were advocating withholding of the report from all councillors until certain steps had been taken so that the councillors were fully informed.

While the intention of the consultants may have made good sense from a general management viewpoint, in the context of council politics the consultants demonstrated inadequate understanding of due process.

It could be argued that Cr Millman's comment in the notice of motion is an expression of dissatisfaction with the Acting CEO rather than an attempt to influence him not to implement a council resolution. It appears that the Acting CEO was concerned that the report be provided to all councillors as soon as possible after 28 February 1994 even before the Sub-Committee of the Steering Committee had met and drafted recommendations.

On the other hand Cr Millman claimed that the Acting CEO had misunderstood the intent of the resolution passed on 28 February 1994 and despite its imprecise wording, in his view it should have been clear to Mr Conway that it was appropriate to wait until the recommendations had been prepared before the report was distributed.

From another viewpoint it could be argued that the comment by Cr Zafiropoulos in his letter of 3 March 1994 could be interpreted as placing pressure on the Acting CEO.

Both Crs Millman and Zafiropoulos appear to have been critical of the Acting CEO in relation to his handling of the report to the Organisation Restructure Steering Committee. However, it does not appear that a breach of the Local Government Act occurred.

Parking Infringement Notices

It was alleged that Councillor Ireland voted on a motion retrospectively exempting her from paying validly issued parking infringement notices, thereby breaching the pecuniary interest provisions of the Local Government Act. It was also alleged that councillors exerted undue influence on council staff in relation to parking fines.

On 4 October 1993 the Council resolved:-

"That those holders of the Fitzroy Council Parking Disk be permitted to park in all legal parks within the City."

The intent of the motion was to provide councillors with flexible parking arrangements when they were engaged on Council business. Previously a "disk" issued to a councillor only enabled him/her to park in a Council decreed residential zone.

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In a report to the Physical and Development Services Committee on 11 October 1993 the Group Manager Technical Services pointed to difficulties with the new policy. For councillors to park in "Loading Zones" the signs would need to be changed which would entail an excessive cost. Furthermore parking infringements are also issued by the Victoria Police and it would not be possible for the Police to act on a policy which is contrary to law. As an alternative the Group Manager recommended the following policy which was supported by the Committee:

"Councillor Preferential Parking Permits

*That Council adopt the following policy effective from 4 October 1993.
That Council waive and/or pay the cost of a parking infringement incurred by a Fitzroy City Councillor whilst displaying the Councillor Preferential Parking Permit within the City of Fitzroy in the following cases:*

Parking in a Commercial/Loading Zone.

Parking at an expired meter.

Exceeding any time limit..."

The policy was endorsed at the Council meeting on 25 October 1993.

Records obtained from the Council office show that at the commencement of the Committee Meeting Cr Ireland had three parking tickets outstanding.

At the council meeting on 22 November 1993 the preferential parking permit policy was revoked on a motion moved by Cr Ireland.

When interviewed on 22 July 1994 Cr Ireland confirmed she voted on the resolution on 11 October 1993. She said she was prepared to accept that there were three parking infringement notices unpaid at that time, but she believed they had been wrongly issued in view of the Council's previous decision of 4 October 1993. She also believed that under the earlier policy she was entitled to park in a loading zone with her councillor sticker on her car.

The Victorian Government Solicitor has advised :

"The effect of the resolution is to give councillors free parking in areas where others would be fined in certain circumstances. It is arguable that all Councillors have a pecuniary interest in the resolution (and that of 4 October) for they were voting to give themselves the right to park illegally at no cost. Against this however, it may be argued that Councillors should not be required to meet costs incurred in the exercise of their duties. This principle for example, is recognised in section 75:

'A Council may reimburse Councillors...for necessary out-of pocket expenses incurred while performing duties as a Councillor...'

It is, in my opinion, not possible to characterise a fine for a breach of the law as 'a necessary out-of pocket expense'. Similarly, section 76 has been examined, which calls for the Council to indemnify Councillors against all actions or claims in respect of acts done...in good faith in the exercise of duties as a Councillor. This provision is, in my view, aimed at civil actions against Councillors and not at prosecutions for offences. Nonetheless, lest section 76(b) is thought to apply to the situation it again appears to me that a breach of a law cannot be something which is done in good faith.

Since in the Case of Proclamations, 1611 12CO REP 74, it was said:

'The King hath no prerogative but that which the law of the land allows him.'

It is clear that no one is above the law. This obviously applies to Councils and Councillors. It is, in my opinion, clear that it is beyond the power of a Council to make laws exempting Councillors from the consequences of breaching the law... The resolution is, in my view, ultra vires the Council...

This being so, the question arises of whether Councillors could be prosecuted for voting on the resolution. It would seem unfortunate, to say the least, if a Councillor could rely on the invalidity of a resolution to resist prosecution on a charge of voting upon it, in a case where he would have a pecuniary interest. Nonetheless, I believe it to be a defence which would be open to the Councillor and which would be difficult for the prosecution to overcome. The effect of the matter being ultra vires the Council, is likely to be that the resolution is void ab initio, that is that it never existed. It is highly likely to be used as a defence and I could not suggest that a prosecution would be likely to succeed."

The other part of the allegation was that some councillors exercised undue influence on staff in relation to parking fines. The minutes of Council meetings show that over an extended period Council was not satisfied that Traffic Officers were doing their job properly. On 25 October 1993 Council resolved that certain unnamed officers be reprimanded.

Evidence was obtained from several councillors and senior managers that some Traffic Officers may have been deficient in their duties. On the limited evidence obtained there appeared to be some substance to the allegation regarding the Traffic Officers.

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No evidence was obtained to demonstrate that the Council resolution on 25 October 1993 was unreasonable or illegal.

2.4 Bribe

It was put to the Office of Local Government that:

"We have read in the Melbourne Leader of 28 February 1994 that there is a sworn statement by Mr Graham Marston, the Liaison Officer of the Fitzroy Community Youth Centre, (FCYC) alleging that a councillor attempted to bribe him in return for support for the Council's submission to the Local Government Board (11 February 1994). The bribe allegedly took the form of an offer to give the FCYC a 99 year lease over land currently the subject of a Supreme Court action between the FCYC and the City of Fitzroy."

When interviewed on 17 March 1994 Mr Marston told the investigators that there was no sworn statement but he had spoken to the Melbourne Leader over the phone.

Mr Marston said that Cr Millman had offered him (on behalf of the FCYC) a 99 year lease for the building occupied by FCYC in exchange for support for Fitzroy's submission to the Local Government Board. He also said that if he could get a lease signed, he (Marston) would have permanent employment for the next five years at the Youth Centre under the new structure.

However, when interviewed on 30 March 1994 Cr Millman claimed to the contrary that Mr Marston had offered him a bribe. Cr Millman's version of events was corroborated to some extent by Cr Blackie's evidence on 29 March 1994.

The Local Government Act 1989 (section 59) provides for an offence of bribery only in the circumstances where a person seeks to influence voting in Council elections.

The Victorian Government Solicitor advised that:

"Bribery is not an offence as set out in the Crimes Act but the circumstances described would be embraced in the terms of section 176 of the Crimes Act regarding secret commissions...As the evidence stands, there is little detail on which to proceed."

2.5 Review of Management

Waste of Council Money

It was alleged that:-

"Despite the prospect of major municipal restructure and reform expected as a result of the Local Government Board's imminent report to the State Government and the obvious ramifications for the City of Fitzroy, a majority of Council has engaged at great expense a consultant to report on a major internal organisational restructure which undoubtedly will be redundant given that the status quo is unlikely to prevail."

On 17 January 1994 the Council approved the appointment of Management Growth Systems Pty Ltd to undertake a review of the internal structure of the Council's management.

Cr Millman explained that the purpose of the study was to obtain factual information to determine the strengths and weaknesses of the management and supervision of the organisation. He said that if amalgamation occurred the Council wanted to achieve the best possible outcome in a new structure.

The explanation by Cr Millman for the climate survey was unconvincing. The Council, and individual councillors, were unlikely to be in any position to impose on any appointed Commissioner their views as to the competency of senior management. Accordingly, it appears that expenditure on the climate survey was totally unnecessary at that time. However, this does not represent a breach of the Local Government Act.

Leak of Management Report

On 22 March 1994 the Council considered the confidential "Organisational Climate Survey Report" and a letter from Management Growth Systems which stated:

"The Group General Managers do not appear to operate at a level we believe to be a level of competency. We recommend therefore, that a long term replacement program should be considered."

The Melbourne Times reported the matter on 23 March 1994 under the front page headline:

"REPLACE MANAGERS

Secret report slams management at Fitzroy Council."

Five councillors and three senior managers were questioned regarding this matter. All denied leaking the document.

Section 77 of the Local Government Act 1989 provides:-

" Improper use of information

A councillor or member of a Council committee must not make improper use of any information acquired as a councillor or member to gain directly or indirectly a pecuniary advantage for himself or herself or for any other person or with intent to cause detriment to the Council irrespective of whether detriment was caused."

This was a serious leak of information which could only further damage the morale of Council staff at the time it occurred. No firm information as to the source of the leak was obtained.

Management Breached Confidentiality

The Mayor, Cr Blackie, enquired whether the management team breached the Local Government Act by having Coopers and Lybrand review a private and confidential report prepared by Management Growth Systems.

On 28 March 1994 the A/CEO, Mr Conway, on behalf of the managers made the following statement at a Council meeting, in camera:-

"Managers have engaged at their own personal expense Coopers & Lybrand.

Managers do not have a copy of the report from MGS nor have they forwarded a copy to Coopers & Lybrand.

The advice from Coopers & Lybrand clearly indicates that the press article recommendations from MGS concerning the Managers is an overstatement of what this type of survey sets out to do.

The Managers are being used as a political football with leaking of recommendations to press, being unable to properly address Council on the issue, five out of nine councillors seeking to engage legal representation."

No evidence was obtained that any of the managers had access to the confidential report and letter of 16 March 1994.

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The facts that:-

- (a) this allegation was made;
- (b) senior management felt it necessary to collectively and at personal expense obtain a report to counter the Management Growth Systems report; and
- (c) senior management felt that it was being prevented from consulting properly with the Council on this matter;

together clearly demonstrate a complete breakdown in the relationships that ought to exist in an organisation in order for it to function efficiently and effectively.

Cr Zafiropoulos

It was alleged that Cr Zafiropoulos breached the confidentiality of the Organisational Climate Survey Report by discussing it with a journalist of the Melbourne Times.

An article in the Melbourne Times dated 30 March 1994 stated:

"Cr Mike Zafiropoulos was on the steering committee directing Management Growth Systems. He said that the consultants had at first resisted coming up with any specific recommendations at all.

Cr Zafiropoulos said that although he left before recommendations were discussed, there had been a meeting where councillors Steve Blackie, Geoff Millman and Angela Ireland would have had the chance to influence MGS's final report."

When this allegation was raised with Cr Zafiropoulos he said he could not recall the particular article in the Melbourne Times as there were a lot of articles about Fitzroy City Council in the press at that time. He was adamant that he would not have released details from a confidential report. However, he said that the press would have had some knowledge of the matter because it was on the public agenda of the Council. He also said that the press article was not accurate.

Another allegation raised against Cr Zafiropoulos was that in 1992-93, as Mayor, he acted without consent of the Council in approving a trip by Cr Tran to Canberra.

It was claimed that Cr Tran visited Canberra at the expense of the Council for a political gathering (without the endorsement of the Council) and that approval and funding was obtained after the event.

Investigation showed that Cr Tran and two other Vietnamese councillors (from Richmond and Collingwood) were officially invited to Canberra on 27 May 1993 to mark the visit of the Prime Minister of Vietnam.

The minutes of the Community and Corporate Services Committee of 21 June 1993 contained a recommendation that if Council was of the opinion that Cr Tran represented Council on the visit to Canberra that his flight costs (amounting to \$369) be reimbursed.

The CEO (Mr Francesconi) in his "CEO's Weekly Newsletter" dated 27 May 1993 said that the other councillors attending the Canberra event had their costs covered and "I thought it appropriate that we do the same for Cr Tran".

The Council approved the reimbursement on 28 June 1993.

No evidence was obtained that Cr Zafiropoulos, in the capacity of Mayor, acted without the prior approval of the Council.

3. CONCLUSIONS

3.1 Achievements

Council's 1993 Annual Report and its submissions to the Local Government Board, particularly the September 1993 submission, outline a list of achievements in recent years. However, the residents and other interested parties are entitled to ask whether the Council made full use of its resources.

In the climate that existed at Council level it was obvious that management time and attention was occupied in tasks resulting from the conflict itself and the management team was therefore prevented from managing to the best of its ability.

While vigorous debate is not to be discouraged, it is felt that the climate of extreme conflict that was allowed to develop in 1993/94 had the effect of:-

- (a) denying the community the maximum benefits that could otherwise have resulted from the enthusiasm and talents of councillors and management, and from the City's physical resources, and
- (b) seriously damaging the image of the City and its overall administration.

During the investigation it was evident that the councillors and senior managers interviewed had very strong enthusiasm and commitment to the City. However, it was also evident that systems to harness the Council's resources were inadequate.

3.2 Corporate Planning

In 1991 Fitzroy Council issued its first Corporate Plan which contained 156 tasks including 83 to be undertaken over the following 3 years. To implement the Corporate Plan a detailed Action Plan 1990/91 was prepared.

Corporate plans and corresponding action plans were not prepared in 1992 and 1993. Evidence was obtained that conflict between councillors hindered management's attempts to gain Council input.

In January 1994 a new Corporate Plan was released largely identical to the 1991 plan except that almost all target dates had been deleted.

While the precise figures are not important, comparison of the two documents shows that approximately 70 out of 80 tasks in a 3 year work program appear not to have been done.

When queried as to the apparent lack of achievement demonstrated by the 1994 Plan the Acting Chief Executive Officer, Mr Conway conceded that due to work pressures associated with the Council amalgamation proposal the Plan had

been prepared hurriedly to meet the statutory deadline and therefore may not be fully accurate.

Mr Conway subsequently provided an annotated copy of the 1994 Plan and a document setting out management's views of its achievements in recent years. Mr Conway claimed that only 27 tasks out of the 83 listed in the 1991 Plan had not been fully or partially completed.

Councillors were asked about inadequate completion of the three year work program. In general the councillors interviewed were unaware of the lack of achievement demonstrated by the 1994 Corporate Plan. Furthermore those councillors demonstrated little interest in the plan.

In the view of the investigators the complexity of modern Council administration and the requirements of the Government's reform program require strong, co-ordinated planning and review. It is regrettable that councillors, particularly the longer serving ones, allowed corporate planning to lapse in 1992 and 1993. However, management should have still provided strong corporate planning regardless of the attitude of the Council. Without co-ordination of longer term important matters councillors can be diverted into lengthy debate on matters of great personal interest but of little importance.

While it is acknowledged that changes of personnel at Council level can produce changes in directions and priorities, the annual review of a Corporate Plan is carried out for the purpose of taking account of such changes and setting a clear direction for the organisation. The task of updating the Corporate Plan annually is now a statutory requirement.

The imprecise corporate direction and control due to inadequate corporate planning, was undoubtedly a contributing factor to Council's inadequate performance. However, it should be recorded that Council in February 1994 decided to review the Corporate Plan every four months, thereby suggesting that Council itself had belatedly recognised this deficiency.

3.3 Implementation of Council Decisions

Several councillors expressed dissatisfaction with the implementation of Council decisions by management. It was complained that some decisions were not being implemented or implemented too slowly. It was also claimed that there was inadequate reporting to the Council on the implementation of Council decisions.

On investigation it was found that management had not developed a co-ordinated system for following up the implementation of council decisions.

This was a significant contributing factor to the mistrust that councillors developed for management. A simple numbering and computerised follow-up system for Council decisions would have assisted this problem.

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Similarly a numbering system, on a computerised basis, needed to be introduced to integrate actions resulting from the Corporate Plan, Council decisions, Budget etc so that tasks and deadlines flowed downwards through the organisation until they were embodied in work plans of individual staff. Similarly systems needed to be established so that adequate reporting flowed upwards back to the Council.

It needs to be emphasised that councillors were responsible for the full range of Council's activities, not just those items in which they had a personal interest. Councillors have a responsibility to ensure that adequate systems are developed and maintained to monitor all of Council's activities.

3.4 Council Meeting Agenda

In the Fitzroy City Council as in other organisations the move to a flatter organisational structure with reduced staffing inevitably requires greater delegation of tasks down through the organisation.

Minutes of Council meetings show that often there were 80 or so items discussed. Examination of the minutes shows that a number of items discussed were fairly trivial in nature and could have been delegated to staff. This would have resulted in better use of time in Council meetings to consider more important items.

Greater delegation of powers was warranted and would have assisted in providing adequate time for the consideration of the more important policy issues. In particular it was noted that the two standing committees of the Council, while each was comprised of all councillors, had only limited powers under delegation. Recommendations of committees needed the approval of the Council and were subject to a second debate.

While the order of business for ordinary meetings as listed in the council's meeting procedures local law was followed, the structure of the Council agenda showed that items were grouped by subject on a traditional basis. This type of structure results in consideration of a mixture of items for information and other items for decision. Lengthy debate can result on minor items which are for information only, with the difficulty that major items for decision, where they appear towards the end of the agenda, receive inadequate consideration. Furthermore this type of structure can lead to long rambling meetings with a lack of focus on Council's objectives.

It was evident that meetings of the Fitzroy City Council were not as productive and focused as they could have been. Greater use of delegation and better structuring of the agenda would have assisted.

It is acknowledged that a change in the local law would have been necessary in order to facilitate a less rigid order of business.

3.5 Personal Conduct

The best management systems and the best intentions will be wasted if participants, including the public gallery at Council meetings, do not conduct themselves in an orderly manner. There was evidence that, on occasions, some staff of the Council also attended in the gallery and contributed to the disruptive behaviour.

Evidence was obtained that vigorous debate had been a feature of the Fitzroy City Council for a long time but behaviour got out of control with the 1993/94 Council. The investigators considered tapes of three meetings in early 1994. It was clearly evident to an outsider that on at least two occasions hostility was at the flashpoint of potential violence.

How did this develop?

It appears that a culture of tolerance for hostile debate had grown in the Fitzroy City Council. However, the Mayor for 1993/94, Cr Blackie, allowed the hostility to worsen through his chairmanship style. When interviewed on 29 March 1994 Cr Blackie said that in chairing Council meetings he had "tried a lot of techniques" to control "screaming matches" but the "best is let them run out of steam - let them scream until they've had enough."

The investigators do not agree with that approach. When a Council meeting is underway the Mayor, as Chairperson, has a range of tools available under Council's Meeting Procedure Local Law to control unacceptable behaviour by anyone present to ensure the maintenance of fair and orderly debate.

Management also has a role to set the framework for that to happen eg by ensuring that all councillors have adequate knowledge of meeting procedure. Management can also provide information to the gallery, before the meeting, on meeting procedure and acceptable behaviour. Management ultimately holds ongoing responsibility for security.

It is significant that on 30 August 1993 the Council expressed concern about behaviour of the gallery at a recent meeting and decided that "security procedures must be reviewed." Subsequently management did not put a report to the Council although it was claimed there was some minor discussion.

Later, on 8 April 1994 in relation to another matter, management obtained legal advice including the following:-

"Council does however, have the power to engage security guards to attend Council meetings to assist in keeping control of the public gallery."

In the view of the investigators management was remiss in not dealing with security problems adequately in 1993 and early 1994.

Deterioration in the standards of personal conduct in the Council Chamber was a major factor that contributed to the request for the Office of Local Government to intervene.

While such situations are exceptional they serve to demonstrate that firm control from the chair is necessary and the use of local law provisions is warranted in controlling both councillors and the gallery. Use of security guards and requests to the Police are warranted in extreme circumstances. The standing of a council in the eyes of its community largely depends on the standards observed in the conduct of its meetings.

3.6 Overview

The allegations and counter allegations raised were far reaching and dealt fundamentally with the relationships between groups of councillors and between councillors and senior management.

In the period investigated it was evident that two loose groupings of councillors operated. The groupings did not appear to have clear leaders although certainly some members were more active than others. The minutes of Council meetings show that the groupings tended to operate on key issues but councillors did not consistently vote as "blocks" or "tickets" and it was denied that there was formal caucussing before Council meetings.

However, ample evidence was obtained that there was strong ongoing hostility between the two groups.

The investigation revealed major problems in the operation of the Council as evidenced by:

- (a) the lapsing of a council meeting due to lack of a quorum on 3 November 1993;
- (b) the unsuccessful motion on 22 November 1993 that the Council be suspended and an administrator appointed;
- (c) the letter of 7 March 1994 by four councillors making allegations about the other five councillors and the subsequent counter allegations;
- (d) the resignation of the CEO in January 1994;
- (e) the leaking of a confidential external review of management;
- (f) personal and open abuse between councillors at Council meetings;
- (g) undisciplined and uncontrolled participation of the gallery;
- (h) suspicion and inadequate co-operation between senior management and councillors;
- (i) low staff morale and poor industrial relations; and
- (j) community debate in the media and otherwise about inadequate performance by the Council.
- (k) poor records and lack of minutes of the steering committee which dealt with the Council's submission to the Local Government Board.

The poor visible state of the Council as outlined above and evident to the public developed through a complex range of factors and can not be attributed to an individual or a small group of key players. It was clearly evident that the breakdown in relationships within the Council, and between the Council and management was a major cause of the decline in the Council's image and performance. Some residents who disrupted Council meetings also contributed.

Ultimately the Council, that is collectively all of the councillors, must bear the blame for the sorry state of the Fitzroy City Council in 1993 and 1994.

**INVESTIGATION INTO
PAYMENTS TO THE
LOCAL AUTHORITIES
SUPERANNUATION BOARD
AT THE
WHITEHORSE CITY COUNCIL**

Ordered to be printed

MELBOURNE
L. V. NORTH, GOVERNMENT PRINTER
1995

EXECUTIVE SUMMARY

The Auditors commissioned to undertake the due diligence audit for the Whitehorse City Council identified irregularities in the payment of superannuation contributions to the Local Authorities Superannuation Fund for employees of the former City of Box Hill.

These irregularities were referred by the Commissioners of the Whitehorse City Council to the Office of Local Government for investigation. Pending the outcome of the investigation the Local Authorities Superannuation Board [LASB] was requested not to make payments of redundancy benefits to the officers concerned.

This report is the result of that investigation.

The investigation revealed that there were significant problems with the superannuation payments made to the Local Authorities Superannuation Fund by the former City of Box Hill over a period of years.

These problems can be attributed to a number of factors such as poor record keeping and an apparent lack of understanding of the elements of superannuation. Changes to the legislation governing superannuation entitlements such as the recognition of salary packaging have also contributed to the problem.

However, the problems were significantly compounded when senior staff sought to enter employment contracts and change the method of payment from a salary and allowances to salary packaging during 1994.

Since 1992, the LASB has recognised salary packaging which enabled employees to have the option of converting certain items such as the cost of a vehicle into cash and recognised the right for an employer to pay the employees' superannuation contribution in lieu of salary - this is known as salary sacrifice.

It was during negotiations with the Council for these changes to apply that the Chief Executive Officer and senior officers together with their consultants, realised that potential existed for their salary packaging arrangements to improve their superannuation entitlements.

The LASB requires, however, that "clear written evidence" be provided to the Board that salary packaging had been approved by the Council.

However, the investigation found that a number of actions take by the former Chief Executive Officer and Directors in November 1994 had not been approved by the Council and that therefore they were taken without appropriate authority.

On 13 December 1994, the former Chief Executive Officer Mr Ian Port and his Directors sought to claim that the salary packaging arrangements had existed since January 1992.

However, the only resolution which could be found in relation to salary packaging was made on 6 June 1994. This resolution adopted the concept of salary packaging on the basis that there was no additional cost to Council.

On the evidence available it appears that the LASB has been misled as to the commencement of salary packaging at the former City of Box Hill.

As the result of Mr Port's actions, employee and Council contributions were made to the LASB to retrospectively cover the shortfall for the former Chief Executive Officer, Directors and one Senior Officer since January 1992. No authority has been found which entitled the retrospective payments of \$38,207 and \$5,290 to be made.

The former Chief Executive Officer authorised one payment to the LASB on 13 December 1994 two days before council amalgamation.

A second payment was made by Mr Port in his capacity as Director, Special Projects in January 1995. Again, no authority for this payment has been found. Indeed, the Commissioners of the Whitehorse City Council were unaware that it had been made.

The effect of these payments was to significantly increase the superable salary of the officers which, when they retire or are made redundant would result in an increase of the pension or redundancy payment paid by the LASB. This action was done by officers at a time when municipal restructure was imminent and redundancies were a real possibility.

Once the investigation commenced, key Council documents were provided by the consultants rather than the Council; it is extraordinary that these documents were not securely held by the Council. These documents showed that the former Chief Executive Officer and three of the four Directors had signed liens against exit benefits to cover the retrospective superannuation contributions of both the Council and the employee. No evidence exists to show that the Council had authorised the liens nor were the Commissioners of the Whitehorse City Council made aware of their existence. Indeed, the former Chief Executive Officer admitted that he did not wish to advise to the Council that errors in superannuation calculations had occurred.

This may be the case but neither the former Council nor Commissioners were given the opportunity to deal with the matter and consider whether retrospective payments were appropriate.

The investigation has also identified other deficiencies in the practices of the former Council.

It has been found that the former Chief Executive Officer engaged the consultants who prepared the employment contracts and advise on salary packaging. No authority existed from the Council to do so, nor was a written contract entered into. It is not clear on whose behalf the consultants were acting; the Council or the employees.

The investigation has also shown that arbitrary payments were made by senior officers for the use of a vehicle. These ranged from \$960 to \$8,000 for the use of the car as well as a fortnightly rental payment. By not paying the real cost to the Council of the vehicles involved, it appears that this arrangement contravened the Council policy that salary packaging not impose any additional costs on Council. Moreover, the arbitrary nature of the payments resulted in senior officers in similar positions being treated differently.

It is recommended that:-

- **The Chief Executive Officer of the Whitehorse City Council provide the LASB with the correct salary information for the former Chief Executive Officer and relevant Directors to enable pension or redundancy payments to be properly made;**
- **The LASB be advised that no authority had been given for retrospective payments in relation to salary packaging for the former Chief Executive Officer and relevant Directors; and**
- **That the Office of Local Government prepare guidelines to ensure that salary packaging for appropriate positions is applied consistently across the local government sector.**

BACKGROUND

The Commissioners of the Whitehorse City Council have commissioned Coopers & Lybrand to undertake a Due Diligence audit of the records of the former Cities of Box Hill and Nunawading.

One matter which was examined by the auditors was a payment made to the Local Authorities Superannuation Board in December 1994 by the former City of Box Hill just two days prior to amalgamation.

On 20 March 1995 the auditors wrote to the Chairman of Commissioners, Mr Geoff Oscar and outlined their findings in relation to this matter (*appendix 1*).

The key conclusion is:-

"Based on our review we believe that for the period 1 July 1994 to 13 December 1994, the contribution shortfall payment was justified for all employees noted in paragraph 2 above, with the exception of Mr Ian Port who did not sign an employment contract on 1 July 1994.

For the period 1 January 1992 to 30 June 1994, we could not find any evidence to support the contribution shortfall payment for any of the employees noted in paragraph 2, as no agreements or council minutes could be located that confirmed that the car components of the salary packages were convertible to cash.

We believe the Commissioners should contact the LASB in respect to the contribution shortfall payment and advise them that payments made in respect to the following employees and periods are questionable and need further clarification before any payment is made to City of Box Hill executive employees taking redundancy packages.

Employee	Period
Ian Port	1 Jan 1992 - 13 Dec 1994
Rex Hopkins	1 Jan 1992 - 30 Jun 1994
Geoff Limmer	1 Jan 1992 - 30 Jun 1994
Warren Roberts	1 Jan 1992 - 30 Jun 1994
Helen Hayes	1 Jan 1992 - 30 Jun 1994"

The Commissioners have subsequently notified the LASB of the problem and have informed the Office of Local Government of the matter.

This report outlines the results of an investigation by an Inspector of Municipal Administration into the circumstances surrounding the payments.

The investigation has revealed a number of significant problems with the administration of the former City of Box Hill, in addition to the issue of payments to the LASB.

REVIEW

All former Directors and the former Chief Executive Officer of the City of Box Hill have been interviewed. Discussions have also been held with key staff of the Whitehorse City Council.

Discussions have also been held with the Chief Executive Officer and other staff of the Local Authorities Superannuation Board (LASB) and the consultants used by the former council, Macquarie Advisory Group.

Officers were invited to provide information to assist in determining the sequence of events and to determine entitlements. Limited material was provided.

SPECIFIC MATTERS EXAMINED

1. Appointment of the Chief Executive Officer, Directors and Senior Officers at the former City of Box Hill

The appointment of the Chief Executive Officer at the City of Box Hill was examined in The Report of An Investigation Into Senior Staff Employment Contracts and Appointments in Victorian Municipalities which was tabled in Parliament by the Minister for Local Government, the Hon Roger Hallam MLC on 19 May 1994.

The report stated:-

"City of Box Hill

The Council considered a report from the Town Clerk at its Ordinary Meeting of 6 December 1993. This report canvassed a number of matters associated with the Bill and concluded:-

"As the Bill transfers all responsibility vested in the Municipal Clerk to the CEO [or to the person assigned to the CEO's duties] from the date the Bill receives Royal Assent [probably 7 December] and as the Council will be obliged to advertise the position of CEO externally from that same date, the opportunity can be taken by the Council should it so wish, at its meeting on 6 December to make the appointment of a CEO. A Council decision of 6 December would alleviate the necessity to advertise the position externally and would allow the Council to proceed without delay to the creation of a corporate structure which is a natural progression from the adopting of a Corporate Plan, currently in the course of preparation."

The Council resolved:-

"That the Town Clerk, Mr Ian Port, be appointed Chief Executive Officer of the City of Box Hill on a three year performance based contract, effective from this date, viz 6th December, 1993."

No contract has been entered into at this time and the Chief Executive Officer is considered to be on a deemed contract which will expire on 30 September 1995.

Findings

The appointment of the Chief Executive Officer on 6 December 1993 does not comply with the requirements of the Local Government Act in so far as applications for the position were not called for by advertisement. However, the appointment was made before the new advertising requirement came into effect. Nevertheless, the timing of the appointment reflects adversely on the Council."

An examination of the minutes shows that at the same meeting the Council also resolved:-

"That Mr Port prepare for the consideration and adoption by the Council at its next meeting, if practicable, a corporate management structure reflecting the goals, objectives and strategies contained in the Council's Corporate Plan under preparation."

At the Ordinary meeting on 13 December 1993 the Council considered a report from the Chief Executive Officer on the Organisation Structure.

This report states:-

"The Council at its meeting last Monday (6 December) appointed a Chief Executive Officer and directed the CEO prepare for its consideration and adoption by the Council a corporate management structure reflecting the goals, objectives and strategies contained in the Council's Corporate Plan currently being prepared.

Discussions held with senior officers over the past week came to the conclusion that a corporate structure embracing the major functional areas of Planning and Development, Human Services, Environmental Services, and Corporate Services with a Director appointed for each of these responsibility areas would adequately accommodate the Council's future direction.

Accordingly, the following named officers are recommended for appointment as Directors to the newly created positions:-

Officer	Present Position	Newly Created Position
Mr Rex Hopkins	City Engineer	Director Planning & Development and Deputy Chief Executive Officer
Ms Helen Hayes	Manager Community Services	Director Human Services
Mr Warren Roberts	Deputy City Engineer & Group Manager Engineering	Director Environmental Services
Mr Geoff Limmer	Deputy Town Clerk & Group Manager Administration	Director Corporate Services

An organisational structure plan showing major functional areas was circulated.

Recommendation

1. That the report be received.
2. That the creation of the Directorate positions and major functional areas be approved.
3. That Mr Hopkins, Ms Hayes, Mr Roberts and Mr Limmer be appointed to the newly created positions set out above and that the appointment date from 14 December 1993 be subject to three year performance based contracts.
4. That a Council Sub-committee consisting of The Mayor, Councillor Ryan and Councillors Anderson, Green, Jackson and Quintner, be appointed with delegated authority to negotiate the terms and conditions of the three year contracts for the Chief Executive Officer, the four Directors and the General Manager, Box Hill Electricity.
5. That Mr Eddy Chrzanowski, Manager Finance and Accounting, be appointed Principal Accounting Officer pursuant to the Local Government (Reporting and Accounting) Regulations 1992."

Directors were advised on 23 December 1993 of their appointments effective from 14 December 1993. One Director, Ms Helen Hayes, was also advised by the Chief Executive Officer that "a review of your total remuneration package will be undertaken at the earliest possible date."

The other Directors were advised:-

"Your total remuneration package will not be less than applied to your previously held position."

The Council at the meeting of 6 December 1993 also resolved:-

- "1. That the appointment of the Chief Executive Officer, Mr Ian Port, be recognised and the salary for this position be increased as deemed appropriate by Council.
2. That all senior officers be placed on three (3) year performance-based contracts."

Senior officers were subsequently offered contracts of employment for their existing entitlements or could remain on "deemed contracts" until 30 September 1995 as recognised in the Local Government (Miscellaneous Amendments) Act 1993.

Subsequently, in early 1994, the Council agreed to a salary increase for the Chief Executive Officer, Mr Ian Port and the Director of Human Services, Ms Helen Hayes.

Findings

The creation of the new corporate structure and the appointment of Directors without advertisement is contrary to the principles contained in the Local Government Act 1989 which require:-

"Promotion and advancement should be from qualified individuals selected in fair and open competition on the basis of relative efficiency measured in relation to the position involved;" (section 95(1)(b))

When questioned, none of the Directors could explain why the positions had not been advertised at the very least internally, nor did they consider the process used unusual.

Fortunately, in recognition of cases such as this, the Act has been amended to require all senior officers positions to be advertised externally prior to any appointments being made.

2. Contracts for the Chief Executive Officer, Directors and Senior Officers

Chief Executive Officer

Following the investigation into the appointment of the Chief Executive Officer, Mr Ian Port by the Office of Local Government in May 1994, Mr Port decided not to enter into a contract of employment for three years but remain on a deemed contract.

Therefore to determine the terms and conditions of his employment it is relevant to examine any council resolutions or exchange of letters which set out the terms and conditions of employment.

In this regard, the letter from the former Mayor of Box Hill on 23 December 1993 appointing Ian Port to the position of Chief Executive Officer (*appendix 2*) and the Council Minutes of 7 March 1994 regarding increased remuneration (*appendix 3*) are relevant.

Directors

The contracts for Directors and Senior Officers were prepared by Maddock Lonie & Chisholm for the Council. When interviewed, all Directors explained the long process of consultation and negotiation to develop the contracts. Many expressed frustration at the process.

On 12 May 1994, the Hon Roger Hallam MLC made an Order which forbade councils from entering into contracts with senior officers which expired after 1 October 1995. As no contracts had been entered into at this time the draft contract was amended to state that it had been intended to enter the contracts for three years with an option to extend or renew the contract for a further two year period. The contracts were drafted to expire on 30 September 1995.

On 6 June 1994 the Directors' contracts were submitted to the Special Committee Meeting of the Council for ratification.

The report submitted to the Council by the Chief Executive Officer on 6 June 1994 in support of the contracts states:

*Following the distribution of draft Employment Contracts for Directors last Monday evening, final contracts for the following Senior Officers are now submitted for execution under Seal by the Council:

Director Planning & Development and Deputy Chief Executive - Mr D.R. Hopkins

Director Corporate Services - Mr G.F. Limmer

Director Environmental Services - Mr W.J. Roberts

Director Human Services - Ms H. Hayes

Council should be aware that the contracts now being signed are for a lesser period of time than resolved by Council on 13 December, 1993 when appointments to Director's positions were resolved.

The Council resolution was for 3 years performance based contracts. However the Minister for Local Government issued a directive on 9 May 1994 which limits all contracts not signed prior to that date to a period not longer than 30 September 1995.

The contracts now cover the period 13 December 1993 till 30 September, 1995. Schedule 2 to the contract sets out the basic performance criteria for each Director pursuant to Section 95A and 95B of the Local Government Act 1989. The intention is that the performance criteria will be further developed in consultation with the Chief Executive Officer over the ensuing months.

Provision has been made in the contract for salary packaging based on no additional cost to the Council. The option will be available to Directors to convert non-cash items into cash items or salary sacrifice for superannuation purposes. This packaging approach accords with modern business practice and allows more flexibility to meet the needs of both employers and employees.

The same opportunity, for salary packaging will be offered to other Senior Officers, as determined by the Chief Executive Officer in consultation with the appropriate Directors. The contracts for the other Senior Officers where total remuneration cost exceeds \$60,000 are in the process of being negotiated as will the contract for the Chief Executive Officer."

It was resolved by the Council on the motion of Cr Anderson and seconded by Cr Quintner:

- "1. That the report be received.
2. That the concept of salary packaging for senior staff be adopted.
3. That the four employment contracts be executed under the Seal of the Council."

Senior Officers

Negotiations then commenced with Senior Officers on the terms and conditions of their contracts.

The table opposite shows when these Senior Officer contracts were entered.

Section 95A of the Local Government Act 1989, as it existed at the time the contracts were entered, stated:-

"95A. Employment of senior officers to be regulated by contract

- (1) A senior officer may only be employed by a Council under a contract.
- (2) The contract must-
 - (a) specify performance criteria for the purpose of reviews of the senior officer's performance; and

CONTRACTS FOR SENIOR OFFICERS

NAME	POSITION	DATE
Stephen Cooper	Manager, Administration	23 September 1994
Philip Warner	Traffic and Planning Engineer	23 September 1994
Terry Roberts	Manager PC Support	23 September 1994
Helen Radatti	Manager, Information Systems	23 September 1994
Charles Dickie	Manager, Rating and Valuations	22 September 1994
Norman Wootten	Chief Environmental Health Officer	26 September 1994
Terrence Cowan Hackett	Superintendent Taffic (<i>sic</i>) & Local Laws	26 September 1994
Paul Allen	Manager, Swimming & Recreation Centre	29 September 1994
Simon Mackie	Works Engineer	29 September 1994
Andrew Jeffrey	Manager, Information and Publicity	29 September 1994
Michael Hoy	Superintendent Parks	30 September 1994
Maureen Imeson	Manger, Family & Neighbourhood Services	29 September 1994
Jennifer Nelson	Manager, Home & Special Services	not dated
James Temple	Principal Accounting Officer	31 October 1994

- (b) specify the date on which it expires, which must be a date that is not less than 1 year, nor more than 5 years, after the date it is signed; and
 - (c) include any other matter that is required by the regulations.
- (3) On the expiry of a senior officer's contract, the Council may enter into a new contract with the senior officer.
 - (4) Any contract of employment between a Council and a senior officer that does not comply with sub-section (2) is void.
 - (5) This section does not apply to work performed by a person filling a position on an acting basis.
 - (6) For the purposes of this section, if a contract contains an option for renewal, the expiry date of the contract is the date on which the last option period ends."

Findings

Mr Ian Port, Chief Executive Officer of the former City of Box Hill has a "deemed" contract.

One contract, that of James Temple, does not meet the requirements of section 95(2)(b) in that it is for a period of less than one year and it appears that therefore it is void.

It is also necessary to determine the date which the contract of Jennifer Nelson was entered into to determine whether this conforms to the requirements of the legislation or not.

All other contracts meet the requirements of the legislation.

The Whitehorse City Council should seek legal advice on the two contracts mentioned above.

3. Appointment of a Consultant

Ms Kerrie Nixon of Macquarie Advisory Group was appointed to advise on financial aspects of salary packaging and contracts. This appointment was made by the Chief Executive Officer.

It has not been possible to find a council resolution authorising the Group's appointment or any written documentation setting out the terms and conditions of employment or the ceiling on expenditure for the Group.

It is also not clear whether the Group was employed to act on behalf of the Council or on behalf of the Directors in their negotiations with the Council on salary packaging.

Section 186 of the Local Government Act 1989, at the time this arrangement was entered into, listed the restrictions on the power to enter contracts. It stated:

- "186. (1) Before a Council enters into a contract (other than a contract for the sale of land) to the value of \$50,000 or more it must give public notice of the purpose of the contract and invite proposals to the Council to undertake the contract.
- (2) Sub-section (1) does not apply if-
- (a) the Council resolves that the contract must be entered into because of an emergency; or
- (b) the contract is entered into with a public body; or
- (c) the contract is for professional services.
- (3) Whenever practicable, a Council must give effective and substantial preference to contracts for the purchase of goods, machinery or material manufactured or produced in Australia."

Therefore, no calling for tenders for the contracts for provision of professional service was required.

The Directors of the former Council, when interviewed, have indicated that they believed Mr Port hired the Macquarie Advisory Group or Macquarie Executive Benefits as the Group was then known. They were not aware of the terms and conditions of employment but believed that Ms Nixon acted on behalf of Council.

Ms Nixon, when interviewed, indicated that she was hired on a consultancy basis of \$800/day. She indicated that there was no written contract and that she normally operated on a verbal agreement. Ms Nixon agreed that she was hired in February/March 1994.

Records show Macquarie Executive Benefits were paid three payments \$3,200, \$3,200 and \$4,800 by the former City of Box Hill in May, July and September respectively.

Records show that Macquarie Advisory Group was paid two payments in the financial year 1994/95 - \$4,000 and \$2,400 for the work done at the former City of Box Hill. Both these payments were made after the Whitehorse City Council had been established (on 15 December 1994) being 19 December 1994 and 6 February 1995 respectively.

The authorisation for these payments was made by former City of Box Hill employees and the cheques raised were titled "City of Box Hill".

Commissioners have subsequently approved these payments at a Council meeting.

Findings

The appointment of the consultants Macquarie Advisory Group was not conducted in a professional manner. That is not to say that the consultants did not act in a professional manner.

There are no written terms and conditions of employment nor was a ceiling placed on the costs of their employment.

It is also not clear on what basis the consultants were acting, that is on behalf of the Council or on behalf of the employees.

The payments to the consultants have been endorsed by the former Council or the Commissioners. However, no documentation exists to demonstrate that the Commissioners were aware of the duties which the consultants were fulfilling or of the reason for payments. The lack of additional information to the Commissioners, given the timing of the payments, reflects poorly on the officers concerned.

It is recommended that a system be instituted for the employment of consultants which provides for:

- a. an authorisation of the Council to hire the consultants or a clear delegation to officers to be able to appoint consultants;*
- b. an exchange of contracts or letters containing clear written terms and conditions of employment; and*
- c. a fixed fee or a fixed fee together with an ability to negotiate contingencies or an additional fee.*

4. Background to Superannuation Entitlements

There have been significant changes to the legislation governing superannuation for local government employees since 1988.

These changes have enabled employees and employers to make changes to the way employees' contributions are made into the fund and on the entitlements available at the end of their service.

The employees who are the subject of this investigation are all contributors to the "defined benefits" superannuation scheme.

There are three significant matters which are pertinent to this investigation. The first is the definition of "superable salary", the second is the issue of "salary sacrifice" and the third issue is "adjusted final salary".

The gross salary base on which superannuation must be calculated includes the cost of all items in the salary package which are able to be converted to cash including the cost of vehicles, certain allowances and possibly other items eg telephone rental. This is known as "salary sacrifice".

The legislation sets out the contribution rates for employers and contributors based on the gross salary.

These contributions are calculated at varying rates from 1988 until now for both the employer's and employees' contribution. The rate is currently 13.25% and 6% respectively.

In January 1992, following consultation with a number of interested parties, the Local Authorities Superannuation Board ruled that the definition of taxable salary enabled an employee to elect to receive cash in lieu of an item which was included in a salary package.

The Board wrote to all Chief Executive Officers stating:

"There was wide support for a change to the definition of salary provided it does not involve any increase in costs. The new definition adopted by the Board on 20 December 1991 is designed to achieve this position (except where a member has already 'packaged' and advised the Board of a much lower salary).

The definition is, "The taxable salary to which the employee is entitled if the employee elected to receive all benefits in cash (i.e. the taxable salary that would be paid if the employee chooses not to package any items)".

Given this definition and in recognition of the general circumstances in Local Authorities, the following items should not be included unless agreement is reached between the Authority and the Board:-

- (i) cars,
- (ii) employer-paid superannuation,

- (iii) employer-provided housing,
- (iv) any other employer-provided benefit where there is no right on the employee's part to relinquish the benefit and receive additional taxable salary.

The inclusion of any employer contributions to an Additional Benefits Contract will depend on the nature of the agreement between the employee and the Authority. Where gross salary is foregone, it can be included within the above definition of a package item.

The new definition takes effect on 1 January 1992. It is not expected to lead to many cases where the salary advised to the Board will change. In cases where the Authority believes a change is required as a result of this definition, please forward the details to me for approval.

One matter that remains unresolved is the case where the employer pays all or part of the employee superannuation contributions. Until the issue of the legislative authority to make these payments is considered in the Autumn 1992 session of State Parliament, payments made by the employer should be excluded. If the legislation is changed, then I expect the Board will accept this payment as part of a 'package' benefit."

In June 1992, changes were made to the legislation which enabled the employers to be able to pay the employees' contribution. This enabled these contributions to be included in a salary package and thereby reduce the taxable salary of employees.

A circular was sent to all Chief Executives on 7 July 1992 which explained these changes (*Appendix 4*).

This circular specified:

"Please be reminded that there must be written evidence that any item included in a salary package carries with it the clear rights of the individual to choose to take taxable salary in lieu of that item."

Therefore, if a person elected not to take an item offered in a package, for example a car, their salary would be increased by a relevant amount for the cost of the car to the employee.

In calculating the entitlement of employees at resignation or redundancy the "adjusted final salary" is an important issue. The legislation sets out the formula for calculating this salary. One of the key components to this formula is the salary paid to an employee over the last year of employment. Any increase in salary for superannuation purposes will lead to a commensurate increase in entitlement.

The LASB has frequently provided information of salary packaging to councils. The following information was contained in Super Directions published in May 1994.

SALARY PACKAGING

We wish to remind Authorities that salary packaging (including Superannuation) is permitted under the Local Authorities Superannuation Act but that these arrangements are subject to approval by the Board.

The Board is prepared to recognise packaged items as part of a salary where these items can be converted to cash i.e. they would be part of taxable salary if they were taken as cash.

Such items include:

- (i) cars,
- (ii) Employer-paid superannuation,
- (iii) Employer-provided housing,
- (iv) any other employer-provided benefit where there is a right on the employee's part to relinquish the benefit and receive additional taxable salary.

The 13.25% employer contribution cannot be regarded as part of salary. This amount cannot be converted to cash. However, salary sacrifice arrangements for additional superannuation contribution are permissible. Arrangements of this nature enable all or part of the member's 6% contribution to be paid by the employer or for contributions to be paid to Additional Benefits Contracts (ABC's).

Discussions were held with the Chief Executive Officer and Deputy Chief Executive Officer of the Local Authorities Superannuation Board in order to gain a greater understanding of the issues surrounding the changed payments to the LASB and the impacts of the changes to salaries of officers at the former City of Box Hill.

Officers of the LASB have indicated that it is possible to amend the information held on an individual's entitlement if an error is found. LASB relies on data provided by the Council and therefore if mistakes have been made then they can be rectified.

The LASB generates invoices to councils on a quarterly basis for superannuation payments. These invoices are raised on the basis of calculations made on data provided. It is unusual for a Council to make a payment in the absence of an invoice.

The Chief Commissioner of the Whitehorse City Council has requested that the LASB not make any payments to any of the Directors of the former City of Box Hill until the matter is resolved.

At no stage has a comparison been made of the information held by the LASB with that held at the Whitehorse City Council regarding individual employees. This is a matter for the Council to convey to the Board.

5. Salary Packages for employees at the former City of Box Hill

The investigation of the matter has been hampered by the lack of comprehensive and chronological paperwork contained on files at the former City of Box Hill.

For example, the relevant information on salaries, packages etc is not contained exclusively on personnel files and had to be obtained from a number of sources. In addition, Council resolutions on salaries, pay increases and salary packaging are often ambiguous.

More information has been obtained in this investigation than was obtained by the Auditors, however this is not surprising as some documents were not held at the Council.

The packaging arrangements differ between the CEO and Directors, certain senior officers and all other senior officers.

Council Resolutions

A council resolution was passed in 1984 which set out the structure and entitlements of the then senior officers (*appendix 5*).

These entitlements were based on the notion of a salary based on the award and included over award payments, allowances (eg clothing and civic allowances) and the private use of a car.

In 1986 these arrangements were revised. Executive Officers were classified into three levels. The Officers were paid a salary and allowances and provided with unrestricted use of a car. For Level 1 and 2 officers superannuation payments of employees were paid in full by the council.

This matter was again revisited in September 1988 when a review of the relativities in the salaries of the three Levels was examined. In the report to the Council it is stated:

"For Level 1 and 2 Officers the Council bears an additional 4.5% of employee superannuation contribution. This, in effect means that for Level 1 and 2 Officers the Council pays the full employee superannuation contribution.

In terms of monetary value this represents a current annual benefit of:

Level 2 - \$2,572

Level 2 - \$2,084

The intention of the Council and the time, though not recorded in the August 1986 resolution was that the officer could elect to take the above sum as additional salary and bear the 4.5% superannuation contribution himself."

The resolution passed at this meeting abolished overaward payments and allowances but maintained the option of officers taking a salary reduction and council paying the 4.5% employee superannuation contribution. This is an extremely liberal view of the 'written' words of the 1986 resolution.

It appears that in further years consideration was given to salary increases but no changes to the structure of the 'package' was considered by the Council until the changes of December 1993 occurred.

Register

Section 98(b) of the Local Government Regulations 1990 requires that a Council must make available details of senior officers' current gross salaries allowances and other benefits for the current financial year and the two previous financial years.

All but one of the former Directors believes that they were on a salary package arrangement since 1988 or 1992 depending on recollection. An examination of the Register of Directors' Gross Salaries Allowances and other benefits from 1990 shows that this was not the case.

Salary packaging involves the consideration of all costs of employment being packaged in a way to provide options for an employee in how remuneration is paid (ie. cash) as well as the employer meeting legal requirements for payments of matters such as FBT, tax, superannuation etc.

In superannuation terms, the % paid by both the employer and the employee is based on the total cost of the cash items of the package. This has clearly not been the case at the former City of Box Hill where the base figure for any calculations of superannuation has been the 'salary' component of the items offered to the employee.

This error appears to have been perpetuated for a number of years resulting in two problems. The amount paid to the LASB for the Council contribution is considerably less than it should be and, where an employee has opted to allow the Council to pay the employee's contribution, this has also been calculated wrongly leading to a benefit to the employee in the net salary.

From 1986 to 1992 where the Council paid the superannuation contributions of the employee this would not be recognised by the LASB as a package item. The higher salary should have been reported to the LASB. Since 1992, if a salary packaging arrangement was to be in place, it needed to be approved by the LASB.

No documentation can be found to demonstrate that approval was sought and given in 1992 by the LASB. Had it been done, then the errors in the calculations would probably have been picked up and correct salary packaging arrangements put in place.

When the Macquarie Advisory Group was hired in 1994 these problems gradually became manifest and it was not until the end of November 1994 that calculations were finally done to attempt to redress the problems. That is, as if salary packaging was in place.

The Officers then sought to retrospectively claim to the LASB that they had been salary packaging since 1992. It is not apparent that this is the case and no authority has been found for that to occur. The Council needs to verify the salary information provided to the LASB to ensure that correct calculations are made.

Findings

It is not possible to verify the figures which should have been supplied to the LASB. These will need to be checked and verified by Council Officers and the correct information provided to the LASB.

Four distinct periods will need to be calculated:

- *August 1986 - January 1992 (Total gross salary including the salary sacrifice)*
- *January 1992 - June 1992 (Total gross salary including the salary sacrifice)*
- *June 1992 - June 1994 (Total gross salary including the salary sacrifice)*
- *June 1994 onwards - (Total package items)*

6. Submissions to LASB

On 29 March 1994, Mr Eddy Chrzanowski, Manager Finance and Accounting wrote to the LASB notifying them of the salary increases of Mr Port and Ms Hayes and requesting changes to the payments for the other Directors in line with them opting to pay their own superannuation payments in lieu of a salary sacrifice:

"Please find enclosed salary increase notices for Council's Executive Officers.

These have been brought about following a Council restructure in December 1993 in which Council appointed a Chief Executive Officer and created five Director positions. All these positions were filled internally.

As a result two Council Officers Mr Ian Port (previously Town Clerk) and Ms Helen Hayes (previously Manger Community Services) received salary increases.

While the four other Directors did not receive any salary increase they have elected at their option to increase their salary by 6% in return for the payment of their own 6% employee statutory contribution. Both Mr Port and Ms Hayes have also elected this option.

This has been done under a salary package arrangement set in place in 1988 where these employees at any time and at their option could elect to take a salary sacrifice in return for the Council paying their 6% superannuation contribution.

Council is prepared to make any retrospective superannuation contribution resulting from the implementation of the adjusted salary levels as the board requires."

The figures provided to the LASB were for the salary only. These figures are calculated on the basis that should have been provided to the LASB since 1988.

On 28 July 1994, the Chief Executive Officer again wrote to LASB:

"Previously sent to you was notification of salary increases for our Chief Executive and five (1) Directors (per attached). This was due to these employees paying for their own employee superannuation contributions rather than the Authority (i.e. the City of Box Hill) paying on their behalf.

Attached is two reports listed as per the Local Government Reporting and Accounting Regulations detailing the Register of Director's Gross Salaries, Allowances and Other Benefits. This details the total packages that the Directors were on before 22 March 1994 and after this date.

The salary before notification of change effective 22 March 1994 has been accepted and processed as the L.A.S. Annual Salary. With the Directors paying their own employee contribution, this new form now reflects their actual salary.

	@ 30.07.91	@ 22.03.94
e.g. D.R. Hopkins	X	Y (2)

(1) included CEO of Municipal Electricity Utility
(2) data deleted

Since this salary increase notification was forwarded to the L.A.S., it has come to our attention that since May 1994 Superannuation Newsletter (i.e. Super Directions per attached), that L.A.S. Salary Packaging policy has not been followed correctly thus the L.A.S. have the incorrect Annual Salary information."

On 13 December 1994, the Chief Executive Officer of the former City of Box Hill wrote to the LASB:

"I write regarding the superannuation contribution of this Council's executive team. On 29 March 1994, you were advised of new salaries for the six members of the executive team. Additional information was requested by phone, this was sent in July and we received acknowledgment date 12 October 1994 (copy attached). To date no further advice has been received.

An independent financial adviser has assessed the situation and has indicated that the superannuation contribution shortfall since 1992 is considerable. This is due to the misunderstanding of the salary packaging implemented by Council's previous Manager of Finance.

In response to a letter issued by LASB in July 1992, the Council's Finance Committee discussed the components of the executive team's salary packages. It was agreed that the motor vehicles could be taken as additional cash benefits.

However, this was not conveyed as requested to LASB, nor were any internal systems implemented to effect it.

In March 1994 an independent adviser drew attention to the issue once again, prompting correspondence as mentioned above. In May 1994 the Superannuation Directions newsletter further made mention of the inclusion of non-cash items for superannuation purposes.

A full investigation of the superannuation contributions paid since 1 January 1992 on behalf of the executive team was then commissioned. The results are enclosed. We wish to have the matter resolved as quickly as possible. One member of the team has already left the Council's employment without a correct superannuation benefit and it is considered highly undesirable that any other executives suffer the same.

I now enclose a cheque for \$38,207 to rectify the situation."

On 16 December the LASB wrote back to Mr Port advising that the salary packaging arrangements had been approved.

On 19 January 1995, Mr Greg Molloy wrote to the LASB. Mr Molloy, an employee of the former City of Box Hill wrote as 'Administration Officer'.

"I am enquiring on behalf of the Directors of the former City of Box Hill in reference to the processing their Superannuation Salary with the Local Authorities Super. We have recently been invoiced (Inv. No. 15953) by the L.A.S. for the Director's Salary packaging but there is no indication that the Motor Vehicle Salary Sacrifice has been included in this calculation.

On the 14 December 1994, the City of Box Hill sent a cheque (Chq No. 9924) to the L.A.S. worth \$38,207.00 representing the directors' outstanding backdated superannuation contributions with the attached spreadsheet detailing the calculation of the cheque. This cheque was presented the next day on 15 December 1994.

The accompanying spreadsheet shows that the value of the Motor Vehicle was included in these calculations backdated as far as January 1992, but to date, no change has been made to include this Motor Vehicle value in the directors' superannuation salary. If there is any further queries or information required, please contact either Malcolm Pulford (Human Resources Manager) or Greg Molloy (Superannuation Admin. Officer) on Ph:

If you could respond at your earliest convenience so we can inform the directors of the status of their superannuation as soon as possible."

Another letter was forwarded to the LASB on 24 January 1995 signed by Mr Ian Port in his capacity as Acting Director, Special Projects enclosing information on another staff member.

"Mr Yuen Lim, a member of the executive team until December, 1993, should have been included in the list forwarded to you on 13th December, 1994 (copy attached). Mr Lim enjoys exclusive and unfettered use of a Council owned vehicle, for which he makes no financial contribution.

Additional superannuation contributions of \$5,290, covering the period 1st January, 1992 to 15th December, 1994, are enclosed.

Please confirm the salaries for the following staff:

Yuen Lim
Ian Port
Helen Hayes
David Hopkins
Geoff Limmer
Warren Roberts

Your letter of 16th December made mention of Mr Kevin Moore. Are we to presume you are replying to our letter dated 29th March, 1994? Since Kevin Moore has been transferred to the SEC fund as of September, does this entitle him to an additional benefit? Your urgent response to these concerns would be appreciated."

There are four issues of concern with these letters:

- a. On what basis and under what authority were the changes to the 'superable' salary made?;
 - b. By what authority were retrospective arrangements made?;
 - c. On whose authority were the letters sent to the LASB?; and
 - d. On what basis were the cheques sent to the LASB?
- a) Changes to superable salary

The LASB has recognised the ability for salary sacrifice of employee's superannuation and other items since 1992. At the time this occurred the Board advised the Chief Executive Officer:

"Please be reminded that there must be clear written evidence that any item included in a salary package carries with it the clear rights of the individual to choose to take taxable salary in lieu of that item"

The letter from the former Chief Executive Officer of the City of Box Hill to the LASB dated 13 December 1994 states:

"In response to a letter issued by LASB in July 1992, the Council's Finance Committee discussed the components of the executive team's salary packages. It was agreed that the motor vehicles could be taken as additional cash benefits.

However, this was not conveyed as requested to LASB, nor were any internal systems implemented to effect it."

No minutes of the Finance Committee have been found which support this contention. It is arguable that if this proposition were true, that it meets the LASB's requirements of "clear written evidence."

Nevertheless, this is a matter for the LASB to reconsider.

b) Authority for retrospective arrangements

The only relevant Council resolutions which have been found which relate to salary packaging are the decision of September 1988 in relation to the option for Council to pay an employee's superannuation contribution and the decision of 6 June 1994 which states:

"That the concept of salary packaging for senior staff be adopted."

The first resolution related to superannuation was only provided to officers who filled Level 1 and 2 positions at the Council at that time. That is:

- I Port	- J M Wilkins	- K Moore
- D R Hopkins	- G Limmer	- W Roberts

The second decision comes into effect for:

Directors - on 13 December 1994 (where a contract was entered into).

Senior Officers - on 1 July 1994 (where a contract has been entered into).

The request sent to the LASB for backdating commences on 1 January 1992 for a number of items. It does not appear to have been formally considered by the Council and it is therefore considered that there is no authority for such backdating.

In the letter sent to the LASB on 13 December 1994 retrospective arrangements were sought for:

- Ian Port
- David Hopkins
- Warren Roberts
- Geoff Limmer
- Helen Hayes and subsequently
- Yuen Lim

These arrangements were for the salary sacrifice in relation to employee's superannuation and the vehicle.

Based on the resolutions of the Council, the following table demonstrates the commencement date for which employees of the Council were able to claim entitlements.

OFFICER	EMPLOYEE CONTRIBUTION TO SUPERANNUATION	VEHICLE
IAN PORT	SEPTEMBER 1988 ONWARDS	N/A DID NOT ENTER A CONTRACT
DAVID HOPKINS	SEPTEMBER 1988 ONWARDS	13 DECEMBER 1994
WARREN ROBERTS	SEPTEMBER 1988 ONWARDS	13 DECEMBER 1994
GEOFF LIMMER	SEPTEMBER 1988 ONWARDS	13 DECEMBER 1994
HELEN HAYES	13 DECEMBER 1994	13 DECEMBER 1994
YUEN LIM	1 JULY 1994	1 JULY 1994

However, the legislation administered by the LASB did not recognise the salary sacrifice of employee's superannuation until June 1992.

The retrospective arrangements were sought back until 1 January 1992. This reflected the time that the LASB recognised salary packaging and had foreshadowed the changes to the legislation. For Ian Port, David Hopkins, Warren Roberts and Geoff Limmer these should be amended to June 1992.

It would appear that the retrospective arrangements for Helen Hayes for the employee contribution to superannuation should only have been claimed from 13 December 1994.

Yuen Lim was only entitled to such arrangements when he signed a contract which he did on 23 September 1994. This contract is effective from 1 July 1994.

In the case of the vehicles, Ian Port has not entered a contract and is therefore not eligible for the backdated arrangement.

Section 6 of the Director's contract states:

"6. Remuneration -

The Director's total remuneration package shall total the sum of the following components -

- (a) a salary of \$... per annum will be available to the Director, who may nominate in writing to the Chief Executive any proportion of it that he wishes to take as non-salary benefits (which may include an additional superannuation contribution equal to 6 percent of salary, representing the Director's statutory superannuation contribution) additional to those specified below*
- (b) employer's superannuation contribution equal to 13.25 percent of salary, or such other percentage as may be required from time to time by legislation*
- (c) a superannuation Additional Benefits Contract equal to 3 percent of salary*
- (d) the provision of a motor vehicle to be used in accordance with Clause 9 of this Agreement*
- (e) payment of all Fringe Benefit Taxes accruing to benefits derived by the Director under this Agreement -*

PROVIDED THAT if the Director elects to do so by notice in writing to the Chief Executive, he may choose to take the value of items (c) and (d) above as salary additional to the amount set out in (a) above as an alternative to taking those items in the above form."

The Directors are required to nominate to take the salary as an alternative to the vehicle. No Director made that nomination. Nevertheless the value of the vehicle could be included in the superable component of the salary from the effective date of the contract that is 13 December 1994.

The retrospective payment which was made to the LASB for the vehicle for David Hopkins, Warren Roberts, Geoff Limmer and Helen Hayes back to 1 January 1992 is not appropriate. The provision should come into effect from 13 December 1994.

In the case of Mr Lim, a Senior Officer, schedule 3 of the contract sets out remuneration.

SCHEDULE 3

REMUNERATION

The Senior Officer's total remuneration package shall total the sum of the following components-

- (a) a salary of \$55,200 per annum will be available to the Senior Officer, who may nominate in writing to the Chief Executive any proportion of it that he wishes to take as non-salary benefits (which may include an additional superannuation contribution equal to 6 percent of salary, representing the Senior Officer's statutory superannuation contribution) additional to those specified below
- (b) employer's superannuation contribution equal to 13.25 percent of salary, or such other percentage as may be required from time to time by legislation
- (c) a superannuation Additional Benefits Contract equal to 3 percent of salary
- (d) the provision of a motor vehicle to be used in accordance with Clause 8 of this Agreement
- (e) payment of all Fringe Benefit Taxes accruing to benefits derived by the Senior Officer under this Agreement -

PROVIDED THAT if the Senior Officer elects to do so by notice in writing to the Chief Executive, he may choose to take the value of items (c) and (d) above as salary additional to the amount set out in (a) above as an alternative to taking those items in the above form.

PRE-PACKAGED SALARY

Base Salary	\$
Value of Vehicle (less contribution) or Travel Allowance	\$
Council Super. Contribution	\$

TOTAL \$

PACKAGED SALARY

Base Salary	\$
Value of Vehicle or Travel Allowance	\$
Council Super. Contribution Other Packaged Items	\$

TOTAL \$"

The letter to the LASB regarding Mr Lim appears to be incorrect. Mr Lim was only entitled to salary packaging arrangements from the date the contract was effective, that is 1 July 1994.

c) On whose authority were the letters sent to the LASB?

The first letter to the LASB dated 13 December 1994 was signed by Ian Port in his capacity as Chief Executive Officer of the former City of Box Hill. It is understood that the Council was unaware that the letter was sent nor did the Council resolve to make the back payments to the LASB.

The second letter to the LASB dated 24 January 1995 was signed by Ian Port in his capacity as Acting Director, Special Projects. The Commissioners of the Whitehorse City Council have stated that they were unaware of the letter and had not authorised it or the payment of \$5,290 of backpayments to the LASB.

Indeed, if due process had been followed, the letter should have been signed by the Acting Chief Executive Officer after approval had been obtained.

No rationale explanation has been provided as to why the former Council was not informed of the proposed backpayments in December 1994 nor the Commissioners in January 1995.

d) On whose authority were the cheques sent?

The letters forwarded to the LASB enclosed cheques for the backdated payments.

This is an unusual practice. It is normal procedure for the LASB to be advised of the changes to salary and other matters and to then raise an invoice for payment once the relevant calculations have been made.

No invoice could be found for these payments from the LASB. The authority found to raise the first cheque of \$38,207.00 was certified by Ian Port who was to benefit from such certified payment. The second authority was certified by Malcolm Pulford.

No Council resolution endorsing the back payments has been made by either the former City of Box Hill in the case of the first cheque, or the Commissioners of the Whitehorse City Council in the case of the second cheque prior to the cheques being sent.

Indeed the raising of the first cheque is in direct conflict with the council report of 6 June 1994 which states that "provision has been made in the contract for salary packaging based on no additional cost to the Council."

Findings

The salary packaging information which has been provided to the LASB on each of the six officers is incorrect and it appears the LASB may have been misled.

The LASB had indicated to all Chief Executive Officers that if salary packaging were to be contemplated there must be written evidence that any item could be packaged. No written evidence has been found that the Council had approved salary packaging in 1992. The only resolution regarding this matter was made on 6 June 1994.

No authority has been identified to raise the cheques for backpayments of money to the LASB. In addition, Mr Port had no authority in his role as Director, Special Projects at the Whitehorse City Council to make such a payment.

It is also of concern that the matter was not discussed with the Commissioners and Acting Chief Executive Officer of the new council.

7. Lien against exit benefits

Documents were couriered to the Council on the first day of the investigation from the MacQuarie Advisory Group. These documents had not been previously available to the Auditors or the Commissioners.

There are two sets of documents. The first set was titled "City of Box Hill, Superannuation Shortfall Calculation". These show "incorrect" and "correct" salary packaging and calculations for the motor vehicle.

Each sheet is counter signed by the relevant officer. The sheets were signed by I Port, W Roberts, H Hayes, R Hopkins, G Limmer and Yeun Lim. Ms Hayes qualified the signature as 'sighted'. All sheets with the exception of Yeun Lim were signed on the ninth or tenth of December 1994. Mr Lim's sheet was signed on 2 February 1995. A copy of a sheet is attached as *Appendix 6*.

The second set of documents each comprised three pages. They include calculations for the backdated contributions to the superannuation from January 1992 and a signed and witnessed statement.

"TO WHOM IT MAY CONCERN

I understand that, due to an administrative oversight, the correct superannuation contributions were not forwarded to the Local Authorities Superannuation Board on my behalf. In order to rectify this problem I hereby agree to a lien being placed over any exit benefits to which I am entitled equivalent to the shortfall outlined in the schedule attached."

A copy is attached as *appendix 7*.

All staff, except Helen Hayes, signed the lien.

When interviewed, Ms Hayes indicated that the document had not been provided to her. This was confirmed by Mr Port who indicated Ms Hayes had left the employment of the Council at the time the liens were signed. Ms Hayes had extremely limited knowledge of what had occurred at the Council as she had left in late 1994.

There are differing views as to the interpretation of the lien. Mr Limmer believes the lien covers the employee contribution to the backdated payment. All other Directors believe that the lien covered both the Council's and the employee's contributions.

Mr Port, when interviewed, explained that the officers did not want the embarrassing situation of advising the Council that there had been errors in the superannuation calculation in the past, particularly in light of the June 1994 resolution that salary packaging not place an additional cost to the Council. He believed that the lien covered both the Council and employee contributions. Mr Port indicated that the Council was unaware of the liens.

The fact that Ms Hayes had not signed a lien was discussed. Mr Port agreed that this exposed the Council to a shortfall of \$2,285 being both the Council and employee contribution. The Commissioners and the new Chief Executive Officer of Whitehorse City Council have indicated that Mr Port had not made them aware of the existence of the liens during his initial negotiations for his exit from the Council.

Findings

All Council documents should be contained on council files and not in other places.

It is not known when these documents would have been provided to the Council if an investigation had not been commenced.

The use of liens is an unusual method to provide for a payment. No other council is known to have used such a technique. If superannuation payments had genuinely been calculated in error, then any responsible council would have remedied the situation. The former Councillors at the City of Box Hill were not informed of the situation and therefore could not consider what action was appropriate.

The secrecy adopted by the former Chief Executive Officer and certain Directors is of concern. It leads to a perception that there was something to hide and that the payments were not properly authorised. This is compounded by the fact that the Commissioners were also not adequately informed regarding the arrangements which had been put into place.

8. Salary Packaging for Senior Officers

The salary packages offered to senior staff have also been examined and demonstrates some inconsistencies in the treatment of use of cars which are of concern.

Schedule 4 to the contract which is attached as *appendix 8* sets out a policy for the use of cars. The cost of cars was to be charged accordingly to the type of use permitted in the salary package.

An examination of all senior officers contracts shows that officers were paying two charges for a car. A "cost" included in the contract and a "fortnightly charge".

There are significant discrepancies between both the costs charged to individuals and the fortnightly charge for what purports to be the same type of use. For example the cost of the car to the employee ranges from \$960 - \$8,000, the "unrestricted" use rate varies from \$40 - \$60.

In the case of Mr Lim there is also a discrepancy between the cost charged to him \$8,000 and the cost notified to the LASB in January 1995 of \$10,000.

An examination of the salary packaging indicates that there was no additional cost to Council which is in line with the Council resolution of June 1994.

It appears that certain officers are paying significantly more than others for the same benefits.

Findings

The salary packaging arrangements for senior officers is arbitrary and needs to be reviewed to ensure that a uniform and consistent policy is in place.

It is not acceptable that staff are not treated on an equal basis.

The system adopted by the former City of Box Hill has all the hallmarks of a contrived system so that the bottom line of the salary package was not increased. This was consistent with the Council resolution.

PRIVATE &

20 March 1995

CONFIDENTIAL

Mr G Oscar
Chief Commissioner
City of Whitehorse
Locked Bag 2
Eastern Mail Centre 3110

Dear Mr Oscar

PAYMENT TO LASB

As a result of a payment being made to the Local Authority Superannuation Board (LASB) on 13 December 1994 by the former City of Box Hill, you requested that we bring forward our Due Diligence Review in order to establish the validity of this payment. We have conducted a review of the circumstances surrounding the payment and make the following observations and recommendations.

Background

2. On 13 December 1994 a payment of \$38,207 was made to the LASB. The payment was accompanied by a letter from the former City of Box Hill and signed by the then Chief Executive Officer Mr I G Port. The letter stated the following matters in support of the payment:

- in response to a letter issued by the LASB in July 1992 which stated that certain non-cash items could be included for superannuation purposes, the City's Finance Committee discussed the components of the executive teams' salary package and concluded that motor vehicles could be taken as additional cash benefits. Accordingly, the cash value of motor vehicles formed part of the "superable salary" of the executive team for calculating superannuation contributions.
- the conclusion of the City's Finance Committee was not conveyed to the LASB, nor were any internal systems implemented to effect it.
- in March 1994 an independent advisor again drew attention to the issue of the inclusion of non-cash items for superannuation purposes. This was confirmed by the Superannuation Directors newsletter in May 1994.

- a full investigation of the superannuation contributions paid since 1 January 1992 on behalf of the executive team was commissioned. The results were as follows:

Employee	PRIVATE & COUNCIL CONTRIBUTION	Shortfall Council \$	Shortfall Employee \$	Shortfall Total \$
Ian Port		8,873	441	9,314
Rex Hopkins		8,810	441	9,251
Geoff Lummer		8,616	138	8,754
Warren Roberts		8,373	230	8,603
Helen Hayes		2,216	69	2,285
		<u>36,888</u>	<u>1,319</u>	<u>38,207</u>

Salary Packages

3. The payment of \$38,207 was made on the basis that the superable portion of the employees' salary package included the car component. LASB has stated that it is prepared to recognise packaged items as part of a salary where these items can be converted to cash (ie. they would be part of the taxable salary if they were taken as cash).

4. We have reviewed council minutes, employee personnel files and employee contracts to establish if the employees in question were receiving salary packages since 1 January 1992 and if so, whether the car component was convertible to cash.

5. For the period 1 January 1992 to 30 June 1994 we could not find any evidence of salary packages having been negotiated or approved by council for the employees in question. On 1 July 1994, all employees in question with the exception of Mr Ian Port signed employment contracts. Each contract included a clause stating that the employee may include any portion of their non-salary benefits as a cash component.

Conclusion

6. Based on our review we believe that for the period 1 July 1994 to 13 December 1994, the contribution shortfall payment was justified for all employees noted in paragraph 2 above, with the exception of Mr Ian Port who did not sign an employment contract on 1 July 1994.

7. For the period 1 January 1992 to 30 June 1994, we could not find any evidence to support the contribution shortfall payment for any of the employees noted in paragraph 2, as no agreements or council minutes could be located that confirmed that the car components of the salary packages were convertible to cash.

8. We believe the Commissioners should contact the LASB in respect to the contribution shortfall payment and advise them that payments made in respect to the following employees and periods are questionable and need further clarification before any payment is made to City of Box Hill executive employees taking redundancy packages.

Employee	PRIVATE &	Period
Ian Port		1 Jan 1992 - 13 Dec 1994
Rex Hopkins		1 Jan 1992 - 30 June 1994
Geoff Limmer		1 Jan 1992 - 30 June 1994
Warren Roberts		1 Jan 1992 - 30 June 1994
Helen Hayes		1 Jan 1992 - 30 June 1994

9. If you have any queries regarding the matters raised as a result of this review, please contact me on 03 606 4842.

Yours faithfully



G D Harry
Partner



CITY OF BOX HILL

TOWN HALL, 1022 WHITEHORSE ROAD, BOX HILL, VICTORIA 3128

MAYOR

23 December, 1993

Mr I G Port

Dear Mr. Port,

A report on the Local Government (Miscellaneous Amendment) Act 1993 which received Royal Assent on 7 December 1993 was considered by the Council at its meeting on 6 December 1993.

As you are aware Section 8 of the Act repeals Section 97 of the Local Government Act 1989 which requires Council to employ certain designated officers, including municipal engineers, municipal electrical engineers and municipal clerks.

The Council resolved to act immediately on the adoption of a Corporate management structure and I am pleased to inform you that you were appointed to the newly created position of Chief Executive Officer. The appointment dates from 6 December 1993 and will be subject to a three year performance based contract to be negotiated with you early in the new year. Your total remuneration package will not be less than applied to your previously held position of Town Clerk.

I take this opportunity to congratulate you on your appointment and to assure you that I and other members of the council look forward to working with you in your new role.

Yours sincerely,

**CR. MARY RYAN,
MAYOR**

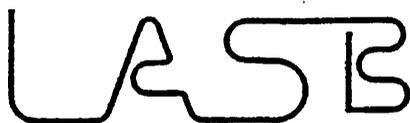
11. GENERAL BUSINESS

Directors' Contracts of Employment

The Mayor, Cr. Ryan, reported on progress of 3 year employment contracts and a salary package revision undertaken earlier in the evening by the Senior Staff Contracts Committee (Cr's. Ryan (Chairman), Anderson, Jackson, Quintner and Thorpe). The salary packages currently in place for the Director Planning & Development, Director Corporate Services, Director Environmental Services and the General Manager Box Hill Electricity will remain unchanged for the time being, despite a reported 14.5% increase in wage/salary levels over the past 4 years. The Director Human Services was granted a 10% salary increase and the basis of her superannuation contribution brought into line with other Directors. The Chief Executive Officers salary was increased by \$10,000 per annum to bring the package into line with comparable local government positions. (Refer Attached Schedule)

This report was made under delegated authority made by the Council at its meeting on 13 December 1993.

RC:LC



LOCAL AUTHORITIES SUPERANNUATION BOARD

922835.

12/597

7 July 1992

CITY OF BOX HILL
 RECEIVED No.....
 - 9 JUL 1992
 Referred to Submitted to Council
 FYM |

Dear Chief Executive

Salary Packaging

~~COPY TO GMA CE
 Pay CE GME
 ACCT. GME~~

In my letter of 9 January 1992 I advised that effective 1 January 1992, the new definition of salary is, "The taxable salary to which the employee is entitled if the employee elected to receive all benefits in cash (i.e. the taxable salary that would be paid if the employee chooses not to package any items)."

Please be reminded that there must be written evidence that any item included in a salary package carries with it the clear right of the individual to choose to take taxable salary in lieu of that item.

The Local Authorities Superannuation Act 1988 has been amended in such a way that employers may pay all or part of the employees' 6% contribution. Employee contributions can now be included in any package where the employer pays this amount and reduces the taxable salary to which the employee is entitled by at least the same amount.

Please telephone me on (03) 869 7552 if you have any queries.

Yours sincerely

Ross Christie
 Chief Executive Officer

HEADING AND FILE REFERENCE

REPORT OF SENIOR OFFICERS SALARIES SUB-COMMITTEE -11-

CONSIDERATION OF REPORT AND RECOMMENDATIONS OF THE MEETINGS OF SENIOR OFFICERS SALARIES SUB-COMMITTEE HELD ON WEDNESDAY 26TH SEPTEMBER 1984 & WEDNESDAY 3rd October 1984.

Town Clerk's Comment:

Copy of the report is attached.

REPORT TO: GENERAL PURPOSES COMMITTEE

FROM: SENIOR OFFICERS' SALARIES SUB-COMMITTEE

SUBJECT: REPORT OF MEETING 24TH SEPTEMBER 1984
AND 3RD OCTOBER 1984

DATE: 8TH OCTOBER, 1984

PRESENT ... (24/9/84) Crs. Medcraft, Thorpe and Crawford

NOTE ... Crs. Thorpe and Crawford attended the meeting in substitution for Crs. Charlesworth and Friday (Mayor) who were unable to attend owing to a prior commitment. Cr. Hargreaves attended as an observer for the major part of the meeting.

PRESENT ... (3/10/84) Crs. Medcraft (Chairman), Charlesworth and Friday (Mayor)

1. Election of Chairman

The Sub-Committee reports having appointed Cr. Medcraft as Chairman for the 1984/85 municipal year.

2. Staff Salary Schedule ****

The staff salary schedule as at 1st October 1984 was circulated and discussed. The Management Committee had reviewed the grading and classification of all staff members and recommended that the schedule, incorporating regradings and reclassifications denoted by asterisk in the schedule, be adopted.

Copy of the schedule together with a statement showing the salary increase relating to each regraded staff member and the departmental and total cost to both the General Account and the Electric Supply Account is attached.

Recommendation:

- a) That the staff schedule be adopted and that the salary increase relating to each regraded staff member apply from the first pay period commencing in October 1984.
- b) That Council policy relating to the private use of vehicles supplied by the Council be amended to read -

"That the Town Clerk, City Engineer, City Electrical Engineer, Deputy Town Clerk, Deputy City Engineer and Deputy City

Electrical Engineer, be granted private use of vehicles supplied by the Council, outside normal working hours, on the understanding that the vehicle is accommodated off-street and that the officer accepts responsibility for maintenance of the vehicle in a clean condition. As far as practicable, all vehicles to be of the same type and standard and similarly fitted out with accessories.

Further, that the Management Committee be authorised to permit the use of Council vehicles by specified staff under their control provided the vehicle is accommodated off-street and that the officer is responsible for maintenance of the vehicle in a clean and tidy condition.

c) That the principle of parity apply to the three (3) Department Heads (Town Clerk, City Engineer and City Electrical Engineer) and that the remuneration payable to each Officer be calculated by combining the following sums -

- the higher of the respective award rates.
- a fixed sum allowance (in lieu of the award entitlement for attendance at more than one meeting a week) which shall be indexed annually to the C.P.I. The current allowance, \$2,000 per annum to be increased to \$3,000 per annum.

Note - As a cost containment measure no increase in this allowance was made in the 1982 and 1983 annual salary review).

- payment to the City Engineer and City Electrical Engineer of a civic allowance equal to the Town Clerk's Award Civic Allowance (currently \$1,368 per annum) together with a clothing allowance of \$200 per annum to each Officer.

d) That the remuneration for the three Deputy Department Heads (Deputy Town Clerk, Deputy City Engineer, Deputy City Electrical Engineer) be at an annual rate equal to 80% of each of the components set out in (c) above.

e) That the structure of the remunerations under (c) and (d) above be the subject of a further recommendation by the Sub-Committee.

f) That the remuneration payable to the Department Heads and their respective Deputies apply to the current incumbents only and not be deemed as a precedence for any future appointment.

o o o o o o o

PROPOSED STAFF SCHEDULE - SENIOR OFFICERS SALARIES EFFECTIVE 1/10/84

MUNICIPAL AND ELECTRIC SUPPLY

OFFICER	POSITION	COMMENCEMENT DATE	AWARD RATE	PARITY OVER AWARD PAYMENT	IN LIEU OF AWARD ALLOWANCE	CIVIC ALLOWANCE	CLOTHING ALLOWANCE	TOTAL SALARY	ALLOCATION
<u>DEPARTMENTAL HEADS</u>									
Port I.G.	Town Clerk	18.10.71	46,151	NIL	3,000	1,368	200 Veh. Supp.	50,719	102.01 67% Electric 33%
Pollock I.G.	City Engineer	20. 5.63	44,942	1,209	3,000	1,368	200 Veh. Supp.	50,719	401.01
Wilkins J.M.	City Electrical Engineer	10.12.79	43,248	2,903	3,000	1,368	200 Veh. Supp.	50,719	Electric
Limmer G.F.	Deputy Town Clerk	27.12.72	37,275	NIL	2,400	1,094	160 Veh. Supp.	40,929	201.01 10% 102.01 20% 107.01 20% Electric 50%
Hopkins D.R.	Deputy City Engineer	5. 4.71	36,022	1,253	2,400	1,094	160 Veh. Supp.	40,929	401.01
Planner B.	Deputy City Electrical Engineer	20. 5.74	34,948	2,327	2,400	1,094	160 Veh. Supp.	40,929	Electric General

**City of Box Hill
Superannuation Shortfall Calculation**

Incorrect Salary Packaging

	Initial Method	Correct Method
Salary	63,104	63,104
Salary Increase	3,786	3,786
Paid as	Super	Salary
Total	66,890	66,890
Super Benefit per Year of Service	13,252	14,047
Contribution Shortfall		1,961

	Initial Method	Correct Method
Salary	63,104	63,104
Salary Increase	3,786	3,786
Paid as	Super	Salary
Total	66,890	66,890
Super Benefit per Year of Service	13,252	14,047
Contribution Shortfall		445

Motor Vehicle

	Initial Method	Correct Method
Value of Vehicle	10,000	10,000
Super Benefit per Year of Service	0	2,100
Total Contribution Shortfall		6,813

O.K.G.


TO WHOM IT MAY CONCERN

I understand that, due to an administrative oversight, the correct superannuation contributions were not forwarded to the Local Authorities Superannuation Board on my behalf. In order to rectify this problem I hereby agree to a lien being placed over any exit benefits to which I am entitled equivalent to the shortfall outlined in the schedule attached.

SIGNED: _____

DATE: 12/12/94

Witness Signature: _____

Witness Name: _____
(Please print)

Audit of Superannuation Contributions

Ian Port					Contributions Paid				Contributions Due					
Date	Taxable Salary	Motor Vehicle	Other Benefits	Total Package	Council Cont. pa	Employee Cont. pa	Cumulative Council Cont. Paid	Cumulative E'cc Paid	Cont.	Council Cont.	Employee Cont.	Cumulative Council Cont. Paid	Cumulative E'cc Paid	Cont.
1/01/92	78,460	10,000	4,708	93,168	18,288	0				21,716				
5/10/93	81,960	10,000	4,918	96,878	19,104	0	32,217			22,581		38,257		0
6/12/93	91,960	10,000	5,518	107,478	21,435	0	35,462			25,052		42,092		0
22/03/94	96,525	10,000	0	106,525	15,685	5,792	41,687			17,310	6,392	49,368		0
15/12/94	96,525	10,000	0	106,525	15,685	5,792	53,204		4,252	17,310	6,392	62,078		4,693

SHORTFALL	
Council	E'cc
0	0
6,039	0
6,630	0
7,680	0
8,873	441

Rex Hopkins					Contributions Paid				Contributions Due					
Date	Taxable Salary	Motor Vehicle	Other Benefits	Total Package	Council Cont. pa	Employee Cont. pa	Cumulative Council Cont. Paid	Cumulative E'cc Paid	Cont.	Council Cont.	Employee Cont.	Cumulative Council Cont. Paid	Cumulative E'cc Paid	Cont.
1/01/92	78,460	10,000	4,708	93,168	18,288	0				21,716				
22/03/94	82,510	10,000	0	92,510	13,408	4,951	40,635			15,033	5,551	48,252		
15/12/94	82,510	10,000	0	92,510	13,408	4,951	50,480		3,635	15,033	5,551	59,290		4,076

SHORTFALL	
Council	E'cc
0	0
7,617	0
8,810	441

Geoff Limmer					Contributions Paid				Contributions Due					
Date	Taxable Salary	Motor Vehicle	Other Benefits	Total Package	Council Cont. pa	Employee Cont. pa	Cumulative Council Cont. Paid	Cumulative E'cc Paid	Cont.	Council Cont.	Employee Cont.	Cumulative Council Cont. Paid	Cumulative E'cc Paid	Cont.
1/01/92	63,104	9,000	3,786	75,890	14,709	0				17,689				
22/03/94	66,360	10,000	0	76,360	10,784	3,982	32,682			12,409	4,582	39,304		
14/06/94	63,104	10,000	3,786	76,890	14,709	0	35,164		916	17,922		42,160		1,054
15/12/94	63,104	10,000	3,786	76,890	14,709	0	42,579		916	17,922		51,195		1,054

SHORTFALL	
Council	E'cc
0	0
6,622	0
6,996	138
8,616	138

Warren Roberts					Contributions Paid				Contributions Due					
Date	Taxable Salary	Motor Vehicle	Other Benefits	Total Package	Council Cont. pa	Employee Cont. pa	Cumulative Council Cont. Paid	Cumulative E'cc Paid	Cont.	Council Cont.	Employee Cont.	Cumulative Council Cont. Paid	Cumulative E'cc Paid	Cont.
1/01/92	63,104	9,000	3,786	75,890	14,709	0				17,689				
22/03/94	66,360	10,000	0	76,360	10,784	3,982	32,682		0	12,409	4,582	39,304		
9/08/94	63,104	10,000	3,786	76,890	14,709		36,818		1,527	17,922		44,063		1,757
15/12/94	63,104	10,000	3,786	76,890	14,709		41,976		1,527	17,922		50,349		1,757

SHORTFALL	
Council	E'cc
0	0
6,622	0
7,245	230
8,372	230

Helen Hayes					Contributions Paid				Contributions Due			
Date	Taxable Salary	Motor Vehicle	Other Benefits	Total Package	Council Cont. pa	Employee Cont. pa	Cumulative Council Cont. Paid	Cumulative E'ee Cont. Paid	Council Cont.	Employee Cont.	Cumulative Council Cont. Paid	Cumulative E'ee Cont. Paid
1/01/92	52,863	8,000		60,863	7,937	2,379			7,937	2,379		
14/12/93	58,150	8,000	3,489	69,639	11,810		15,505	4,647	12,518		15,505	4,647
22/03/94	61,229	10,000	0	71,229	8,113	3,674	18,676	4,647	9,438	4,274	18,866	4,647
3/05/94	58,150	10,000	3,489	71,639	11,810		19,609	5,070	14,549		19,952	5,139
8/07/94	58,150	10,000	3,489	71,639	13,554		21,745	5,070	16,698		22,583	5,139
15/12/94	58,150	10,000	3,489	71,639	13,554		27,686	5,070	16,698		29,903	5,139

SHORTFALL	
Council	E'ee
0	0
0	0
190	0
343	69
838	69
2,216	69

Current Salaries for Superannuation Purposes

		Salary	TPV
Ian Port	1/01/92	93,168	108,307
	5/10/93	96,878	112,620
	6/12/93	107,478	124,943
	22/03/94	106,525	123,835
Rex Hopkins	1/01/92	93,168	108,307
	22/03/94	92,510	107,543
Geoff Limner	1/01/92	75,890	88,222
	22/03/94	76,360	88,769
	14/06/94	76,890	89,385
Warren Roberts	1/01/92	75,890	88,222
	22/03/94	76,360	88,769
	9/08/94	76,890	89,385
Helen Hayes	1/01/92	60,863	69,840
	14/12/93	69,639	78,866
	22/03/94	71,229	80,667
	3/05/94	71,639	83,280

TOTAL SHORTFALL	\$ 38,207
------------------------	------------------

SCHEDULE 4

POLICY - PRIVATE AND COMMUTER USE OF COUNCIL VEHICLES

Purpose

All motor vehicles are considered to be corporate resources and may be allocated across the organisation irrespective of the department in which an eligible employee may work.

Objectives

1. To ensure equity, fairness and equal opportunity in the allocation of vehicle benefits to staff.
2. To offer competitive remuneration packages, especially for more senior positions.
3. To provide alternative secure garaging arrangements for Council cars.
4. To minimise the labour costs associated with cleaning, fuelling etc. of the car fleet.

Definitions

Unrestricted Private Use:

Unrestricted private use of a Council vehicle in accordance with the provisions of the officer's employment contract.

Restricted Private Use:

Private use of a Council vehicle outside of normal working hours but not during periods of absence from duty. Restricted private use is for use by the officer and incidental use only by members of the officer's immediate family.

Mutual arrangements may be made with Directors for vehicle use during periods of absence from duty.

Commuter Use

Commuter use of the vehicle means use of the vehicle to travel to and from work and work related travel during the day.

Commuter Plus Local Private use

Commuter plus local private use means use of the vehicle to travel to and from work, for work related travel and local private use within a radius of 50km of the municipal offices.

Policy

1. Allocation of Car Usage Benefits

The allocation of car usage benefits shall be on the following basis:

Group 1 - Senior Managers

Unrestricted private use of a six cylinder vehicle or equivalent. This applies to Chief Executive and Directors only and will be specified in the employment contract.

Group 2 - SEO Band 8 and Band 7

Unrestricted use of a vehicle may be granted as part of a remuneration package at a nominated cost to the officer, as determined by the appropriate Director and within budget parameters..

Group 3 - Work Related Vehicles

Officers who use vehicles during the day in the pursuance of their duties may be offered 'restricted private use' at a cost to be determined by the Executive Committee. Vehicles to be returned as per the agreement.

Group 4 - Commuter Use Vehicles

a) 48 Week Commuter Use

Other vehicles which form part of the fleet may be allocated to staff for commuter use for 48 weeks of the year. Use will be restricted to work related travel, and travel to and from home and work; or

b) 48 Week Commuter Plus Local Private Use

Other vehicles which form part of the fleet may be allocated for commuter and local private use only. Use would be restricted to within 50 km of the municipal offices and for travel to and from home and work.

2. Conditions of Use

- 2.1 All vehicles are the property of the Council and must be returned to Council premises immediately on demand.
- 2.2 All vehicles must be available for organisational use whenever required, either during or outside normal working hours.
- 2.3 Vehicles must be parked off-street, unless otherwise approved by the Director and preferably under cover.
- 2.4 Council's insignia will be removed from vehicles where private use is granted but not otherwise.
- 2.5 The Council is not committed to guaranteeing a replacement vehicle in the event of the allocated vehicle being unavailable for private use, eg. if off the road for repairs.
- 2.6 Fuel will be provided by Council.
- 2.7 The car user is to be responsible for the vehicles cleanliness, fuelling, driver maintenance (including checking tyres, water, oil) and the reporting of maintenance needs.

- 2.8 Council will be responsible for providing servicing, insurance and maintenance to vehicles, including registration.
- 2.9 Council vehicles are intended principally for Council functions and officers with restricted private use are responsible for ensuring the return of vehicles to work as per the agreement.
- 2.10 Officers with private use of Council vehicles are responsible for retaining a record of any personal expenditure on the vehicle eg. petrol for private use, washing materials etc. Officers are also responsible for completing log books for vehicles when requested by the Finance Department for Fringe Benefit Tax purposes.
- 2.11 Officers are responsible for any speeding fines or other fines incurred whilst the vehicle is in this control.
- 2.12 Private Use of vehicles is confined to the participant and his/her immediate family (over the age of 25 years), save in the case of accidents or illness when any other adult person with a full licence may drive the vehicle. There is no restriction on passengers provided they do not exceed the legal limits of the vehicles.
- 2.13 Council vehicle insurance policy will cover all authorised drivers.
- 2.14 The Council may terminate this agreement with any Officer who breaches these conditions.
- 2.15 Employee payroll deductions shall cease during any period in which private use is discontinued.
- 2.16 The duration of any agreement for private car use under this policy shall be at the discretion of Council and may be terminated by Council having given one month's notice.
3. Directors may make temporary arrangements for private vehicle usage during periods when authorised drivers are absent from duty.
4. A dollar value is to be apportioned to each vehicle benefit and recorded as a salary package component.

Procedure

1. The allocation of car usage benefits and any changes are to be reviewed annually by the Executive Committee as part of its remuneration review.
2. All allocations are to be made through the appropriate Director.
3. All employees who accept an offer of private use of a Council vehicle shall notify their acceptance of the conditions of use specified in this policy by signing an agreement (see attachment) and where appropriate, a payroll deduction authorisation.
4. All employees who are allocated car usage benefits are to receive a copy of this policy from the Human Resources Officer.

5. The appropriate Director or officer authorised by the Director is to notify payroll of any authorised salary deductions.
6. The Director is to advise the Fleet Manager of all car allocations.
7. The Fleet Manager is to maintain a computerised record of all car allocations.

Responsibility

1. The Executive Committee is responsible for the annual review and allocation of car usage benefits.
2. Directors are responsible for ensuring that this policy is adhered to in their respective Service Groups.
3. Directors/Managers/Supervisors are responsible for day to day vehicle usage arrangements.
4. The Human Resources Officer is responsible for the co-ordination and administration of this policy.
5. Employees using Council vehicles are responsible for the proper care and maintenance of the vehicle in accordance with the conditions of use.

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