



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 1, 2 and 3

No. 1 — Tuesday, 19 December 2006

- 1 The Council met pursuant to the Proclamation of the Governor dated 5 December 2006, which was read by the Clerk and is as follows:

PROCLAMATION

I, David de Kretser, AC, Governor of the State of Victoria, acting under section 8 and 20 of the *Constitution Act 1975* and all other powers vested in me, fix 19th December 2006 at 11.00 am as the time for the commencement and holding of the First session of the Fifty-sixth Parliament of Victoria for the dispatch of business, at the Parliament Houses, Melbourne. The Honourable Members of the Legislative Council and the Members of the Legislative Assembly are required to attend at that time and place.

GIVEN under my Hand and the Seal of the State of Victoria,
at Melbourne, this 5th day of December 2006
DAVID DE KRETSER
Governor

(L.S.)

By His Excellency's Command
STEVE BRACKS
Premier

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

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

MEMBERS OF THE LEGISLATIVE COUNCIL AND MEMBERS OF THE
LEGISLATIVE ASSEMBLY —

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

The Commission was then read and is as follows:

BY HIS EXCELLENCY DAVID DE KRETSER, AC,
GOVERNOR OF VICTORIA
TO THE HONOURABLE JUSTICE MARILYN WARREN, AC,
CHIEF JUSTICE OF VICTORIA
AND
TO THE HONOURABLE JUSTICE CHRISTOPHER MAXWELL,
PRESIDENT OF THE COURT OF APPEAL

GREETING:

Acting under all available powers and with the consent of the Premier, I commission each of you, on my behalf, to open the first session of the Fifty-sixth Parliament at 11.00 am in the morning of Tuesday, the nineteenth day of December 2006 and to do all other things that it is necessary or usual for me to do on the opening of a new Parliament.

GIVEN under my hand and the Seal of Victoria
on this fifteenth day of December 2006
DAVID DE KRETSER
Governor

(L.S.)

By His Excellency's Command
STEVE BRACKS
Premier

Then the Honourable the Chief Justice said —

MEMBERS OF THE LEGISLATIVE COUNCIL AND MEMBERS OF THE LEGISLATIVE ASSEMBLY —

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

The Members of the Legislative Assembly then withdrew.

The Honourable the President of the Court of Appeal withdrew.

- 3 COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The Honourable the Chief Justice handed her Commission to administer the Oath or Affirmation prescribed by section 23 of the *Constitution Act 1975* to the Clerk, who read the same as follows :

BY HIS EXCELLENCY DAVID DE KRETSER, AC,
GOVERNOR OF VICTORIA
TO THE HONOURABLE JUSTICE MARILYN WARREN, AC,
CHIEF JUSTICE OF VICTORIA

GREETING:

Acting under section 23 of the *Constitution Act 1975* I authorise you, in the Parliament Houses, Melbourne, on the nineteenth day of December 2006, to administer the prescribed Oath or Affirmation of allegiance to Members of the Legislative Council.

GIVEN under my hand and the Seal of Victoria,
on this fifteenth day of December 2006
DAVID DE KRETSER
Governor

(L.S.)

By His Excellency's Command
STEVE BRACKS
Premier

4 RETURNS TO WRITS — The Clerk announced that a Writ issued under the hand of the Governor on 31 October 2006 for the election of Members to serve in each of 8 Regions had been received from the Governor, and by the endorsements on that Writ it appeared that the following Members had been elected:

For the Eastern Metropolitan Region —

Bruce Atkinson
Richard Dalla-Riva
Jan Kronberg
Shaun Leane
Brian Tee

For the Eastern Victoria Region —

Phillip Davis
Peter Hall
Edward O'Donohue
Johan Scheffer
Matt Viney

For the Northern Metropolitan Region —

Greg Barber
Nazih Elasmr
Matthew Guy
Jenny Mikakos
Theo Theophanous

For the Northern Victoria Region —

Candy Broad
Kaye Darveniza
Damian Drum
Wendy Lovell
Donna Petrovich

For the South Eastern Metropolitan Region —

Gavin Jennings
Inga Peulich
Gordon Rich-Phillips
Bob Smith
Adem Somyurek

For the Southern Metropolitan Region —

Andrea Coote
David Davis
John Lenders
Sue Pennicuik
Evan Thornley

For the Western Metropolitan Region —

Khalil Eideh
Bernie Finn
Colleen Hartland
Justin Madden
Martin Pakula

For the Western Victoria Region —

Peter Kavanagh
David Koch
Jaala Pulford
Gayle Tierney
John Vogels

- 5 DECLARATION OF ALLEGIANCE** — Mr Atkinson, Mr Barber, Ms Broad, Mrs Coote, Mr Dalla-Riva, Ms Darveniza, Mr D. Davis, Mr P.R. Davis, Mr Drum, Mr Eideh, Mr Elasmar, Mr Finn, Mr Guy, Mr Hall, Ms Hartland, Mr Jennings, Mr Kavanagh, Mr Koch, Mrs Kronberg, Mr Leane, Mr Lenders, Ms Lovell, Mr Madden, Ms Mikakos, Mr O'Donohue, Mr Pakula, Ms Pennicuik, Mrs Petrovich, Mrs Peulich, Ms Pulford, Mr Rich-Phillips, Mr Scheffer, Mr Smith, Mr Somyurek, Mr Tee, Mr Theophanous, Mr Thornley, Ms Tierney, Mr Viney and Mr Vogels approached the Table, and took and subscribed the oath or affirmation required by law.

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

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

Mr Lenders, addressing the Clerk, nominated Mr Robert Smith to be President.

Mr Jennings seconded the nomination.

Mr Smith, addressing the Clerk, indicated his acceptance of the nomination.

There being no further nominations, the Clerk declared Mr Smith to be elected President.

The Council then calling Mr Smith to the Chair, he was taken out of his place by Mr Lenders and Mr Jennings and conducted to the Chair; and, standing on the dais, he returned his acknowledgements to the Council for the high honour that had been conferred on him and then took the Chair of the President and read the prayer.

Mr Lenders, Mr P.R. Davis and Mr Hall then congratulated the President.

- 7 ELECTION OF DEPUTY PRESIDENT** — The President called for nominations for Deputy President.

Mr P.R. Davis nominated Mr Bruce Atkinson to be Deputy President.

There being no further nominations the President declared Mr Atkinson to be elected Deputy President.

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

[Sitting suspended from 11.35 a.m. until 2.30 p.m.]

- 8 APPROACH OF THE GOVERNOR** — The approach of the Governor was announced by the Usher of the Black Rod.

A fanfare was sounded.

The Governor 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, the Governor was pleased to speak as follows:

HONOURABLE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL

HONOURABLE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY

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

I would also like to acknowledge the courageous efforts of the men and women of Victoria's emergency services – including an army of selfless volunteers – who are continuing the fight to protect our community from the threat of bushfires as I speak.

It is also my duty to inform the Parliament of the death of one former member of both the Legislative Council and the Legislative Assembly, Mr Donald Neville Saltmarsh, Member for Waverley in the Legislative Council and Member for Wantirna in the Legislative Assembly between 1976 and 1985. I would like to take this opportunity to acknowledge the contribution Mr Saltmarsh made to this Parliament and this State.

Honourable Members, Victoria's first Parliament was officially opened on November 25 – 150 years to the day before the election of this, Victoria's 56th Parliament.

This sesquicentenary has particular significance because – just as November 25, 1856, marked the beginning of our democracy – November 25, 2006, marked the beginning of a new era in our democracy.

For the first time, Victorians have voted in fixed term elections. And, for the first time, the Legislative Council has been elected by proportional representation.

This new era in our democracy also comes at a time when we are entering a new era in our Federal system of government, following the High Court's decision on the validity of the Commonwealth's WorkChoices Act.

To quote Justice Kirby, "If the Commonwealth's view of the corporations power is correct, and is upheld without inhibitions derived from other heads of federal power ... this will have profound consequences for the residual legislative and governmental powers of the States in this country."

These are, undoubtedly, challenging times for the Victorian Parliament.

Following the results of this election I have commissioned the leader of the Australian Labor Party, Mr Steve Bracks, to form a government.

Accordingly, I have summoned you today for the first session of the 56th Parliament to outline the policy directions and legislative agenda for the third term of the Government.

The Government has spent the past seven years working to make Victoria a more prosperous and inclusive place to live and raise a family.

It has done so by creating and implementing a new agenda for Victorian families that is financially responsible and socially progressive.

- Governing for every region, every suburb and every town;
- Keeping the economy strong and creating new jobs;
- Investing the proceeds of economic prosperity in better schools, high quality hospitals, community safety, a clean environment, and a sustainable water supply;
- And standing up for the workplace rights of Victorian families.

Those values have seen the Government:

- Create more than 350,000 new jobs;
- Lead the nation on climate change and water reform;
- Deliver seven budget surpluses;
- Take Victoria from the State with the second highest number of business taxes to the second lowest;
- Triple investments in infrastructure;
- Rebuild existing services and create innovative new services;
- Return democracy to the community;
- And create more national parks than any other Victorian Government.

The Government's policy directions and legislative agenda for its third term build closely on these achievements.

The Government believes that Victoria faces many challenges. Maintaining our future prosperity will involve much hard work and a commitment from the whole community to address these challenges.

In the short term Victoria faces three major challenges:

- This year's **bushfire** season is already one of the worst we have seen. The fight to protect our alpine towns is continuing and there are many weeks before this year's fire season will end and the countryside across the State remains tinder dry.
- The **drought** is having a huge impact on farmers and is now bringing town supplies to critical levels and impacting on the economy. Urgent action is needed to deliver short and long term solutions on water.
- The **economy** is moving into tougher conditions and the impact of the drought will flow through to reduced demand and slower growth. Spending will need to be carefully managed through value for money procurement.

In the longer term the Government will be giving priority to other big challenges that need to be tackled in this term of Government including:

- Arresting the disturbing growth in child obesity and the trend on Type 2 Diabetes amongst adults;
- Achieving national and international agreement on climate change – with Victoria leading the way in adoption of renewable energy and conservation measures;
- Increasing school completion rates and providing the skills training to get more young people into good jobs;

- And continuing to address disadvantage in our community – to help more Victorians reach their full potential.

To address these challenges, the Government will focus on the issues that matter to Victorian families. Namely, sound economic management and job creation, better schools, better hospitals, a secure water supply, a clean environment, climate change, a safe community, better roads and public transport, and a fair go in the workplace.

Economic Management and Job Creation

In financial and economic management, the Government will continue its strong record in the management of the State's economy.

During this term the Government will maintain Victoria's AAA credit rating, deliver an annual operating surplus of at least \$100 million, and continue to invest in world-class infrastructure across the State – both through direct investment and Public Private Partnerships.

The Government will pursue the National Reform Agenda – a once in a generation opportunity for Australia's Governments to invest in the future prosperity of our nation and our people – focussing initially on national reforms for early childhood development, health, education and skills.

The Government will also continue to campaign for reform of Commonwealth-State finances to remove the imbalance that subsidises resource rich states at the expense of Victoria.

The Government's economic goals include:

- Creating an additional 150,000 jobs over the next four years;
- Increasing productivity through continued investment in innovation;
- Achieving an export target of \$35 billion per annum by 2015;
- And cutting the administrative burden of regulation by 15% over the next three years, and 25% over the next five years.

Strong financial controls within Government will continue and the Government will adopt a new policy on procurement and expand its electronic procurement system – ensuring greater value-for-money for taxpayers and giving Victorian business better access to government work.

A whole of government approach to shared services will be adopted, with more processes and technology standardised, and more resources and expertise pooled.

Stronger democracy

During its third term, the Government will present initiatives designed to further strengthen democracy in Victoria:

- A new Legislative Council Legislation Committee will enable more detailed consideration of new Bills by the Legislative Council;
- An all Party Parliamentary committee will consider options to further strengthen government and parliamentary accountability in Victoria;
- Parliament will sit for at least 10 months of the year, and the winter recess will be abolished;
- "E-Democracy" reforms will be implemented – making it easy for Victorians to obtain information and comment on matters of public interest;
- A Parliamentary sitting will be held in Gippsland in 2008;
- And, also in 2008, there will a celebration of the centenary of women's suffrage in Victoria.

The reforms recommended by the Victorian Ombudsman for the Freedom of Information Act will be implemented.

And, by 2010, the process of reviewing and modernising all of Victoria's legislation, a task begun in 2000, will have been completed.

Education and Skills

Education and skills are areas the Government has identified as its top priority.

The Government believes every Victorian is entitled to the benefits of a quality school education, as well as the option to either go on to university or technical education.

The Premier has announced the Government's intention to renew tech wings in every public secondary college – and a 10-year plan to rebuild or modernise every public primary and secondary school in the State.

More than 400 schools have already been rebuilt and modernised since 1999.

The Government intends to boost capital works funding by 75% and rebuild and modernise another 500 schools by 2011.

By 2016, the Government plans to have rebuilt or modernised every school – making this project, which will cost \$2.3 billion between now and 2011, the biggest education building program in Victoria since the post-War boom. A further \$30 million in capital grants will be made to assist needy non-government schools.

During this Parliament, the Government will also:

- Implement a major, \$76 million science and maths strategy to encourage more students to study science and maths;
- Create two new select-entry academic schools;
- Build the Sir John Monash Science School;
- Establish a new sports school as part of the redevelopment of Maribyrnong Secondary College;
- Rebuild the Victorian College of the Arts secondary school;
- Establish four new Technical Education Centres in Ballarat, Wangaratta, Berwick and Heidelberg.
- Extend funding for the highly successful Primary Welfare Officer initiative;
- Employ an additional 300 secondary teacher assistants;
- And introduce the Ultranet – a high-tech, virtual education network that will connect our public schools to students and parents.
- A comprehensive workforce participation strategy will also be implemented. This strategy will see the Government:
 - Investing in TAFE institutes;
 - Continuing to implement the skills statement, Maintaining the Advantage;
 - Creating an additional 4500 pre-apprenticeship places;
 - Promoting Victoria's position as a destination of choice for skilled and business migrants;
 - And the creation of incentives to encourage more than 700 retired experts to return to the workforce in industries experiencing skills shortages.

As well as focusing on education and skills, a range of initiatives will be implemented to give children the best possible start in life.

Access to kindergarten will be improved, with the kindergarten subsidy raised for low-income families and kindergarten programs made available in long-day care centres.

Kindergarten teachers' skills will be upgraded, and the dedicated parent management committees will be better supported.

Children's services will be placed in growing communities, when and where families need them, and grants will be provided towards 40 new Children's Centres.

The neonatal hearing screening program will be extended to all maternity hospitals. And a greater investment will be made in early intervention services for children with disabilities.

Environment and Water

Just as education and skills are vital for Victoria's future, so too is the sustainability of our way of life.

During this Parliament the Government will take new measures to ensure Victoria's environmental sustainability into the future, and continue to show national leadership in relation to water sustainability.

The Government believes water is Victoria's most precious resource. That is why Victoria has led the nation on water management.

And that is why, in this term, the Government will implement its Our Water Our Future strategy and secure water supplies for our State's homes, farms, businesses and the environment:

Through this strategy the Government will:

- Secure enough water for Melbourne, Geelong, Ballarat, Westernport and the Latrobe Valley to fully meet their future needs taking account of population growth and the impacts of climate change;
- Undertake water supply projects and environmental flow requirements for Northern Victoria, Gippsland, Wimmera-Glenelg and the South West;
- Cut industry's water use by a further 10% over the next 10 years;
- And provide a rebate of up to \$1,000 for water tanks connected to toilets and laundries to help households reduce water use.

The Eastern Treatment Plant will be upgraded to treat wastewater to Class A standard. A business case will also be completed for the Eastern Water Recycling Proposal, which would free up the equivalent of one quarter of Melbourne's drinking water now used by power stations and industry.

The Government will facilitate upgrades to the Shepparton irrigation district by beginning the next major stage of irrigation channel upgrades.

It will also make a significant investment in design of major infrastructure upgrades to other irrigation districts across northern Victoria.

The Tarago Reservoir will be reconnected to Melbourne's water supply.

And, critically, Victoria's separate water systems will be linked up through pipelines – creating a water grid that will reduce water wastage and enable water to be moved where it is needed.

Climate change

The Government will also continue to address Victoria's greatest environmental challenge: climate change.

The Government – which has already created an Office of Climate Change – believes climate change threatens our environment, our economy and our way of life.

That is why strong action must be taken to reduce greenhouse gas emissions and adapt to the impact of climate change.

Parliament will consider a landmark Climate Change Bill, and legislation to establish a long-term target to cut greenhouse emissions by 60 percent by 2050 compared to 2000 levels.

Short term objectives will also be pursued – including a target to achieve 20% renewable and low emissions energy generation by 2020, and reduce household emissions by 10% by 2010.

Energy retailers will be required to buy a minimum of 10% renewable energy by 2016 and to pay a fair price for “feed in power”.

The Government will also lead the development of a national State-based emissions trading scheme, to be operational within five years.

Families will be assisted to install insulation, and replace old fridges, heaters, coolers and other inefficient appliances.

And solar panelling will be installed on 500 schools and community buildings over the next four years.

The Government's own energy use – which has already been reduced by 15% – will be cut by another 5% by 2010; while its use of green power will be increased to 25%.

The Government will also make a major investment in one of the world's largest solar power stations, to be built in north-west Victoria.

The Government does not support the adoption of nuclear power as a viable alternative and will legislate to require a plebiscite of all Victorians if the Commonwealth seeks to over-ride the Nuclear Free Victoria Act 1983.

Energy

In energy, the Government intends to invest in a new clean coal power plant to demonstrate coal drying and gasification.

The Government will also:

- Invest in the retrofitting of one of Hazelwood Power Station's generation units – a project that will reduce Hazelwood's greenhouse emissions by up to 30%;
- And develop the energy and resource processing industries in south-west Victoria and the Latrobe Valley.

The Government will also continue to lead the way in the national energy reform process. In addition, gas and electricity consumers will be protected with the strongest consumer protection framework in Australia.

Although Victoria's energy sector is fully privatised, the Government believes it has a responsibility to do all it can to ensure energy supplies are not just sustainable, but also secure, efficient and affordable for families and businesses.

Environment

The Government will also continue to build on the initiatives from the environmental sustainability statement it released in its second term.

Free single use plastic bags will be phased out by the end of 2008.

The State's national parks will be extended, including the creation of the Great Victorian Alpine National Park. More Park Rangers will also be engaged.

A sustainable timber industry will be supported, coastal regions protected, and biodiversity enhanced through an extensive initiative to protect Victoria from noxious weeds and pests.

The Government will also continue to build on the initiatives from the environmental sustainability statement it released in its second term:

- Reducing the economic and environmental effects of salinity;
- Improving the health of Victoria's rivers;
- Improving air quality;
- Further protecting the Otway Ranges and green wedges;
- Increasing the usage of renewable electricity sources;
- And increasing public transport usage.

Transport

Another major undertaking during this Parliament will be the implementation of the Government's transport and liveability action plan.

This \$10.5 billion initiative is the largest single investment in the transport system ever undertaken by a Victorian Government.

During the life of this Parliament, the Government will implement the first tranche of work under this initiative, including the upgrade of the North Melbourne station, the Clifton Hill rail junction, and the first stage of the Dandenong triplication project.

There will a major investment in roads to make the State's road network safer, more efficient and less congested – with 10 new road improvement packages delivered in outer Melbourne, and the commencement of Stage 4 of the Geelong Bypass.

In addition, major investments will be made to ensure Victoria's public transport is more accessible. The Fare Go program will eliminate the metropolitan Zone 3 and cut the cost of all regional and country V/Line train and bus tickets by an average of 20% in March next year.

Health

In health, the Government believes in a health system based on need, rather than the ability to pay, where every Victorian has access to first-class health services.

The Government has already signaled its intention to focus on mental health services by appointing Victoria's first Mental Health Minister.

The Government is also aware major new investments and initiatives are needed to keep pace with the growing demands Victoria's ageing and growing population is placing on Victoria's health services.

During this term, Parliament will be presented with a major reform of the State's core public health arrangements, with the introduction of a Public Health and Wellbeing Bill.

The Government will also:

- Invest in two new elective surgery centres;
- Expand outer suburban hospitals and modernise rural hospitals and nursing homes;
- And continue to increase the number of patients being treated in public hospitals.

The Government will also recruit 1,000 extra nurses, doctors and health staff a year to respond to growth in demand.

A \$59.2 million boost in funding will extend the elective surgery blitz at Victoria's suburban and regional hospitals for the next four years.

Waiting times in emergency departments will be reduced, with major investment in the capacity of these departments to treat additional patients.

Mental health treatment teams will also be established in major hospital emergency departments.

Hospital outpatient clinics will be reformed, with an extra 200,000 Victorians to have opportunities for appointments with a specialist at the State's public hospitals.

The Government will continue to give careful attention to health care needs in rural and regional Victoria.

Stage 1 of the Warrnambool Hospital redevelopment will commence, and public hospitals in Alexandra, Ballarat, Bendigo and Geelong upgraded – along with other hospitals, aged care facilities and community health centres in non-metropolitan Victoria.

The Government will also invest \$24.7 million to retain and recruit more doctors to rural areas – including increased allowances for rural doctors who work on-call in emergency departments and free training for 11 rural GPs to offer more services such as obstetrics, mental health, emergency medicine, surgery and anaesthetics.

Further investment will be made in the Metropolitan Ambulance Service, to maintain fast response times, which are already among the best in the country.

Rural ambulance services will be expanded, with 12 rural ambulance stations built or upgraded.

A new Health and Rehabilitation Centre for veterans will be constructed at the Heidelberg Repatriation Hospital, as well as a major new mental health facility which will incorporate a specific veterans unit.

Preventative health will be a high priority for the Government, with the Go For Your Life strategy being a major undertaking for the Government in its third term.

People at risk of Type 2 diabetes will be encouraged to change their lifestyle to help prevent illness. Newly diagnosed diabetics will also be assisted to manage their condition.

The Government's Life! program, will be based around accredited lifestyle and weight loss support programs, to be delivered by community health centres and other suitable providers. The program will include a telephone support line and an interactive website to assist people to assess their risk factors.

Free Fruit Friday will be introduced for Victorian school children, from Prep to Grade 2, to encourage consumption of fruit and vegetables. New canteen guidelines will also be introduced and schools assisted to phase in healthy foods and phase out unhealthy products.

The Government will also continue to mandate weekly minimums of sport and physical education in schools.

The Premier's Family Fitness Challenge will be established to encourage Victorian families to exercise 30 minutes a day.

Substantial funding will be made available to local councils to build more community sport facilities. Funding will also be made available for sporting organisations to increase sports participation across the State.

Local Communities

Building stronger communities – communities where individuals and families are supported by networks that provide support, create opportunities to participate, volunteer and get help when needed – has been a long term goal of the Government.

The Government believes that strong families and strong communities are the bedrock of our State.

That is why the Government has supporter 473 grassroots projects through its Community Support Grants, as well as 600 grants for volunteer organizations.

That is why the Government has tripled funding for neighbourhood houses, and is implementing Neighbourhood Renewal projects in 19 communities across the State.

That is why the Government is investing \$146 million to support communities affected by the drought.

And that is why, during this term, the Government will continue to invest in community assets, support community organisations, and fund community renewal through the Department of Victorian Communities.

In local government, during this term the Government will implement the landmark Victorian State-Local Government Agreement to progress social, economic and environmental results for Victorian communities.

The Government will also establish a new tribunal to arbitrate serious disputes in local government.

The relationship between state and local planning policies will be strengthened and clarified, and planning approvals will be streamlined through the exemption of planning permits for cubby houses, pergolas and tree pruning.

Housing Affordability

Having access to affordable housing is crucial to Victorian families.

With that in mind, the Government will, during this term, implement a package of reforms that will provide savings for 75% of homebuyers:

- Stamp duty will be cut by 14% on houses priced between \$115,000 and \$500,000;
- The First Home Bonus for first home buyers of existing properties will be extended until June 2009, and the bonus for first home buyers of new properties increased to \$5,000;
- Land will be made more affordable by providing a 25 years' supply of land;
- 230 new rental homes for low-income families and 120 medium to long-term rental accommodation apartments will be provided;
- And the Victorian Housing Strategy, which responds to challenges ranging from social housing to private rental to affordable home ownership, will be implemented.

Addressing Disadvantage

As well as ensuring Victorians can afford a place to live, the Government is also committed to making Victoria a fairer place to live.

That is why, in its third term, the Government will continue its record of practical and targeted measures to assist disadvantaged members of our community.

These measures will include:

- Providing greater support and recognition for Victoria's 100,000 primary carers;
- Creating new opportunities for people with a disability;
- Improving services for homeless Victorians;
- Addressing poverty and the cost of services;
- Tackling drug and alcohol issues;
- Increasing access to justice for victims of family violence;
- And revitalizing Indigenous communities.

Regional and Rural Victoria

The Government has stated it will continue to govern for all Victorians – in every region, every city, and every suburb – and ensure rural and regional areas receive their fair share of growth and prosperity.

To this end, the Government will seek to return Victoria's regional rail freight network – which was privatised in 1999 – to public ownership and delivering better freight rail services to farming communities.

There will also be a freight upgrade of the Mildura line and the Wodonga Bypass.

In response to demand for the new regional fast rail services, the Government will purchase 14 new V'Locity train carriages and two additional V'Locity trains to expand V/Line's capacity.

This Parliament will also see legislation to establish a Regional Aviation Fund to provide infrastructure upgrades in regional airports across Victoria.

The Government will replace relocatable buildings at more than 40 small to medium rural schools with permanent, modern facilities.

There will also be substantial investment in new health facilities and better health treatment for provincial Victoria. A new dental school for regional Victoria will be established in Bendigo.

Legislation will be introduced into Parliament to establish a Clean Coal Authority in the Latrobe Valley to develop new clean coal industries for Victoria.

Measures will also be introduced to further protect Victorian farmers from pest animals and noxious weeds.

The Government will implement the initiatives of the Premier's Drought Taskforce, to help farmers and farming communities through the drought.

And the Government will continue to vigorously market Victoria's regional centres to the national and international tourist market and the regional population growth target of 1.25% will be retained.

Police, Emergency Services and Counter Terrorism

As the response to the ongoing bushfires demonstrate, Victorian families are served and protected by an army of dedicated police and emergency services personnel.

These men and women serve our community tirelessly, at great personal risk, and deserve our thanks and continued support.

During this term, the Government will raise sworn police numbers to 11,250 by November 2010 – recruiting 350 general uniform members, with strengthened capacity in forensic investigation and specialised crime fighting.

Eight new police stations will also be built, the police vehicle fleet increased by 100, and substantial resources committed to ensure our police are equipped with the weapons necessary to carry out their important work.

Sixteen local Country Fire Authority stations and 11 VicSES units and training centres will also be replaced and upgraded.

And measures announced during 2006 in the fight against terrorism will be implemented.

Multicultural Communities

Multiculturalism remains one of Victoria's greatest strengths, and best protections against community disharmony.

The Government will continue to vigorously promote and strengthen Victoria's multicultural identity and community harmony.

The multicultural precincts of Lonsdale Street, Lygon Street and Little Bourke Street will be revamped to showcase our Greek, Italian and Chinese communities.

The Victorian Multicultural Commission's Community Grants Program will be expanded – with a focus on supporting new arrivals to Victoria, and older Victorians and women from culturally and linguistically diverse backgrounds.

The Victorian Office of Multicultural Affairs will be merged with the Victorian Multicultural Commission to improve the delivery of strategies, policies and services.

There will be further support for multicultural communities through the Multicultural Advisory Unit within Victoria Police.

Government departments will also be required to develop cultural diversity plans to improve service delivery to Victoria's diverse cultural communities.

Justice

Access to justice for all Victorians has been a core principle of the Government since 1999.

That commitment to "justice for all" will continue during this Parliament with further investment made in community legal centres, including a network of dedicated Family Violence Community Lawyers.

Legislation will be introduced into the Parliament to increase pain and suffering compensation by 30%, and improve access to compensation from offenders.

New, stand-alone family violence legislation will also be introduced, as part of the Government's response to the Victorian Law Reform Commission's recommendations on family violence.

The Government will complete reforms to the handling of sexual assault cases by the justice system, and implement the Safe Families Training Program for frontline professionals to deal with family violence.

Further action will also be taken to phase out suspended sentences, to further align sentencing outcomes with community expectations.

The Government will also implement the next stage of the Aboriginal Justice Agreement during the life of this Parliament.

Work and Family Life

Finally, in industrial relations, the Government has stated its strong intention to keep standing up for the rights of working Victorians.

Legislation will be introduced during this term to establish a Victorian Workplace Pay and Conditions Standard.

This Standard will apply when vulnerable working Victorians are left with no award safety net as a result of recent changes to Commonwealth law, to ensure that they receive fair and reasonable treatment.

Legislation will also be introduced to protect employees if they question their wages and conditions or raise safety issues, or suffer a workplace injury.

Legislation will also prevent employers making unauthorised deductions from employees' pay.

The Government's Ethical Purchasing Policy will continue to ensure that companies who supply goods and services to government comply with their legal obligations and do not undercut award entitlements.

The Government will amend equal opportunity legislation to introduce "family responsibility" as a ground of unlawful discrimination, and enable the Equal Opportunity Commission to proactively investigate discrimination against individuals or groups of workers.

A Working Families Council will be established to champion and promote employment practices that help balance work and family time.

The Government will also strengthen the Returning to Earning program – helping parents to access training and jobs in areas with skills shortages.

Support will be given to Financial Literacy Training to help women become financially secure, increase their earning, and plan for a more comfortable retirement.

The Government will also extend superannuation contributions for women on maternity leave from the Victorian Public Service.

Conclusion

Honourable Members, I have outlined for you the Government's program for this Parliament.

It is an ambitious program designed to match the challenges we face as a State.

A program informed by the Government's ambitions to govern for every Victorian, focus on the needs of Victorian families, and make our State a better place to live, work and raise a family.

A program that builds on the progress of the past seven years.

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

Professor David de Kretser AC
Governor of Victoria
19 December 2006

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

The Legislative Assembly withdrew.

[Sitting suspended from 3.22 p.m. until 5.05 p.m.]

9 The President resumed the Chair.

10 **RECEPTION OF THE PRESIDENT BY THE GOVERNOR** — The President reported that, accompanied by Members of the Council, he had presented himself to the Governor as the choice of the Legislative Council, and that the Governor had addressed him as follows:

President

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

The able manner in which you have discharged the duties you have undertaken during your Parliamentary career is recognised by the Members of the Legislative Council who in their wisdom have selected you as their President.

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

David de Kretser
Governor of Victoria

Melbourne

19 December 2006

11 **THE LATE DONALD NEVILLE SALTMARSH** — Mr Lenders moved, That this House expresses its sincere sorrow at the death, on 3 November 2006, of Donald Neville Saltmarsh, 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 Waverley Province from 1976 to 1982 and as a Member of the Legislative Assembly for the electoral district of Wantirna from 1982 to 1985.

The question was put and agreed to unanimously with Members standing in their places.

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

BY HIS EXCELLENCY DAVID DE KRETZER, AC
GOVERNOR OF VICTORIA
TO THE HONOURABLE ROBERT SMITH,
PRESIDENT OF THE LEGISLATIVE COUNCIL OF VICTORIA
GREETING:

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

GIVEN under my hand and the Seal of Victoria on this 19th day of December 2006

DAVID DE KRETZER

Governor

(L.S.)

By His Excellency's Command

STEVE BRACKS

Premier

13 PRIVILEGE BILL — STATUTE LAW REVISION BILL — Pursuant to Standing Order 1.09, Mr Lenders introduced a Bill *to revise the statute law of Victoria*.

Bill read a first time and ordered to be read a second time on the next day of meeting.

14 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

15 PAPERS —

LAW REFORM COMMITTEE REPORT ON DE NOVO APPEALS TO THE COUNTY COURT

— Pursuant to section 35(2) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Report from the Law Reform Committee on De Novo Appeals to the County Court (including appendices), together with Minutes of Evidence.

Ordered to lie on the Table and to be printed.

* * * * *

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE REPORT ON THE INQUIRY INTO THE PRODUCTION AND/OR USE OF BIOFUELS IN VICTORIA — Pursuant to

section 35(2) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Report from the Environment and Natural Resources Committee on the Inquiry into the Production and/or Use of Biofuels in Victoria (including appendices), together with Minutes of Evidence.

Ordered to lie on the Table and to be printed.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE ANNUAL REPORT FOR 2005-06 —

Pursuant to section 35(2) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Public Accounts and Estimates Committee Annual Report for 2005-06 (including 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 on the Table by the Clerk:

Anderson's Creek Cemetery Trust —

Minister's report of failure to submit report for 2005-06 to the Minister within the prescribed period and the reasons therefor.

Minister's report of receipt of 2005-06 report.

Bendigo Cemeteries Trust —

Minister's report of failure to submit report for 2005-06 to the Minister within the prescribed period and the reasons therefor.

Minister's report of receipt of 2005-06 report.

Confiscation Act 1997 — Report, 2005-06, from the Chief Commissioner of Police pursuant to section 139A of the Act.

Drugs, Poisons and Controlled Substances Act 1981 — Standard for the Uniform Scheduling of Drugs and Poisons — Minister's Notice and amendments to the Poisons Code, 1 October 2006.

Gene Technology Act 2001 — Statutory Review, August 2006.

Intellectual Disability Review Panel — Report, 2005-06.

Legal Ombudsman's Office — Report for the period from 1 July 2005 to 11 December 2005.

Legal Profession Act 2004 — Practitioner Remuneration Order, 5 October 2006.

- Legal Services Board — Report for the period from 12 December 2005 to 30 June 2006.
- Legal Services Commissioner — Report for the period from 12 December 2005 to 30 June 2006.
- Lilydale Memorial Park and Cemeteries Trust —
 Minister's report of failure to submit report for 2005-06 to the Minister within the prescribed period and the reasons therefor.
 Minister's report of receipt of 2005-06 report.
- Necropolis Springvale —
 Minister's report of failure to submit report for 2005-06 to the Minister within the prescribed period and the reasons therefor.
 Report, 2005-06.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Alpine Resorts Planning Scheme — Amendments C17 Part 1 and C18.
 - Ballarat Planning Scheme — Amendments C58, C84, C88 part 1, C105 and C112.
 - Bass Coast Planning Scheme — Amendment C43.
 - Baw Baw Planning Scheme — Amendments C37 and C39.
 - Bayside Planning Scheme — Amendment C39 Part 3.
 - Boroondara Planning Scheme — Amendments C58, C62 and C70.
 - Brimbank Planning Scheme — Amendments C80 Part 2 and C91.
 - Buloke Planning Scheme — Amendment C10.
 - Campaspe Planning Scheme — Amendment C47.
 - Cardinia Planning Scheme — Amendments C59, C76 and C87 Part 2.
 - Casey Planning Scheme — Amendments, C52 Part 1, C80 Part 1, C82, C86 and C97.
 - Central Gold Fields Planning Scheme — Amendment C8.
 - Colac Otway Planning Scheme — Amendment C46.
 - Frankston Planning Scheme — Amendment C37.
 - Glen Eira Planning Scheme — Amendment C53.
 - Glenelg Planning Scheme — Amendments C31 and C32.
 - Greater Bendigo Planning Scheme — Amendments C63 Part 1 and C90.
 - Greater Dandenong Planning Scheme — Amendments C55 and C84.
 - Greater Geelong Planning Scheme — Amendments C101 Part 2, C113 and C142.
 - Greater Shepparton Planning Scheme — Amendments C33 and C72.
 - Hindmarsh Planning Scheme — Amendment C3.
 - Hobsons Bay Planning Scheme — Amendment C61.
 - Horsham Planning Scheme — Amendment C29.
 - Hume Planning Scheme — Amendments C65, C73 and C78.
 - Kingston Planning Scheme — Amendments C54, C58 and C69.
 - Knox Planning Scheme — Amendments C40, C46 and C52.
 - Macedon Ranges Planning Scheme — Amendments C25 and C39.
 - Manningham Planning Scheme — Amendment C25.
 - Maribyrnong Planning Scheme — Amendments C31 and C61.
 - Maroondah Planning Scheme — Amendment C57.
 - Melbourne Planning Scheme — Amendment C115 and C120.
 - Melton Planning Scheme — Amendment C62.
 - Mildura Planning Scheme — Amendment C20.
 - Moira Planning Scheme — Amendments C20 Part 1, C21 and C29.
 - Monash Planning Scheme — Amendment C67.
 - Moreland Planning Scheme — Amendments C35, C37, C64, C73 and C75.
 - Mount Alexander Planning Scheme — Amendment C32.
 - Moyne Planning Scheme — Amendments C20 and C22.
 - Nillumbik Planning Scheme — Amendments C42 and C44.
 - Port Phillip Planning Scheme — Amendment C58.
 - Pyrenees Planning Scheme — Amendment C15.
 - South Gippsland Planning Scheme — Amendment C39.

- Stonnington Planning Scheme — Amendments C62 and C66.
- Strathbogie Planning Scheme — Amendment C23.
- Surf Coast Planning Scheme — Amendments C15 Part 2, C18 and C29.
- Swan Hill Planning Scheme — Amendment C23.
- Victoria Planning Provisions — Amendments VC39, VC42, VC43 and VC44.
- Wellington Planning Scheme — Amendment C23 Parts 1 and 2.
- West Wimmera Planning Scheme — Amendment C7.
- Whitehorse Planning Scheme — Amendments C41, C50 Part 2 and C64.
- Wodonga Planning Scheme — Amendments C39 and C48.
- Wyndham Planning Scheme — Amendments C51 and C89.
- Yarra Planning Scheme — Amendments C75 and C86.
- Yarra Ranges Planning Scheme — Amendment C33.
- Yarriambiack Planning Scheme — Amendment C6.
- Preston Cemetery Trust —
 - Minister's report of failure to submit report for 2005-06 to the Minister within the prescribed period and the reasons therefor.
 - Minister's report of receipt of 2005-06 report.
- Professional Standards Council Victoria —
 - Report, 2003-04.
 - Report, 2004-05.
- Statutory Rules under the following Acts of Parliament:
 - Australian Grands Prix Act 1994 — No. 157.
 - Building Act 1993 — Nos. 136 and 154.
 - Catchment and Land Protection Act 1994 — Nos. 149 and 151.
 - Conservation, Forests and Land Act 1987 — Nos. 134, 140, 141 and 150.
 - Corrections Act 1986 — No. 132.
 - County Court Act 1958 — Nos. 166, 167 and 168.
 - Financial Management Act 1994 — No. 152.
 - Heritage Act 1995 — No. 137.
 - Infringements Act 2006 — No. 145.
 - Magistrates' Court Act 1989 — No. 164.
 - Metropolitan Fire Brigades Act 1958 — No. 142.
 - Motor Car Traders Act 1986 — No. 148.
 - Owner Drivers and Forestry Contractors Act 2005 — No. 153.
 - Parliamentary Salaries and Superannuation Act 1968 — No. 155.
 - Planning and Environment Act 1987 — No. 135.
 - Prevention of Cruelty to Animals Act 1986 — No. 143.
 - Road Safety Act 1986 — No. 158.
 - Sentencing Act 1991 — No. 144.
 - Serious Sex Offenders Monitoring Act 2005 — No. 133.
 - Subordinate Legislation Act 1994 — Nos. 131, 147 and 160.
 - Supreme Court Act 1986 — Nos. 162, 163 and 169.
 - Supreme Court Act 1986 — Interpretation of Legislation Act 1984 — No. 161.
 - Trade Measurement Act 1995 — Trade Measurement (Administration) Act 1995 — No. 146.
 - Transport Act 1983 — Nos. 138 and 139.
 - Victoria State Emergency Service Act 2005 — No. 130.
 - Victorian Civil and Administrative Tribunal Act 1998 — No. 165.
 - Water Industry Act 1994 — No. 159.
 - World Swimming Championships Act 2004 — No. 156.
- Subordinate Legislation Act 1994 —
 - Ministers' exemption certificates under section 8(4) in respect of Statutory Rule Nos. 131, 142, 147, 149, 150, 161 to 169.
 - Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 132 to 141, 144 to 146, 148, 151, 155 and 158.

Ministers' infringements offence consultation certificates under section 6A(3) in respect of Statutory Rule Nos. 138 and 146.

Templestowe Cemetery Trust —

Minister's report of failure to submit report for 2005-06 to the Minister within the prescribed period and the reasons therefor.

Minister's report of receipt of 2005-06 report.

VicFleet Pty Ltd — Minister's report of receipt of 2005-06 report.

Victoria Grants Commission — Report for the year ended 31 August 2006.

Victoria Law Foundation — Report, 2005-06.

Victorian Relief Committee — Report, 2005-06.

Water Act 1989 — Minister's Orders of 2 and 12 October 2006 declaring water supply protection areas for the Avon River, Woori Yallock Creek and Little Yarra and Don River Catchments.

* * * * *

PROCLAMATIONS — Proclamations of the Governor or the Lieutenant Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Catchment and Land Protection (Further Amendment) Act 2006 — sections 3, 4, 5(1), 5(3), 7, 8, 13, 16(1), 21, 23 and 25 — 24 October 2006 (*Gazette No. S284, 24 October 2006*).

Courts Legislation (Jurisdiction) Act 2006 — section 10 — 1 November 2006 — Part 2 — 1 January 2007 (*Gazette No. G40, 5 October 2006*).

Groundwater (Border Agreement) (Amendment) Act 2005 — 31 October 2006 (*Gazette No. G43, 26 October 2006*).

Health Services (Supported Residential Services) Act 2006 — sections 9 and 17 — 12 October 2006 (*Gazette No. G41, 12 October 2006*).

Justice Legislation (Further Amendment) Act 2006 — remaining provisions (except Part 4) — 18 October 2006 (*Gazette No. S273, 17 October 2006*).

National Parks and Crown Land (Reserves) Acts (Amendment) Act 2006 — sections 13(2) and 16(2) and Part 3 (except section 26(6)) — 19 October 2006 (*Gazette No. G42, 19 October 2006*).

National Parks (Otways and Other Amendments) Act 2005 — Part 4 — 24 October 2006 (*Gazette No. S285, 24 October 2006*).

Water (Governance) Act 2006 — Part 3 — 31 October 2006 (*Gazette No. G43, 26 October 2006*).

16 SESSIONAL ORDERS — Mr Jennings moved, by leave, That —

(1) the Clerk of the Parliaments be authorised to alter the title appearing before the enacting words (or, if there is a preamble, before the preamble) in a Bill that is to be presented to the Governor for Royal Assent by substituting the word "Act" for the word "Bill"; and

(2) the statement of compatibility required to be tabled pursuant to the *Charter of Human Rights and Responsibilities Act 2006* when a Member introduces a Bill into the Council be incorporated into *Hansard* together with the second reading speech.

Debate ensued.

Question — put and agreed to.

17 SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Jennings moved, by leave, That Mr Dalla-Riva, Mr Elasmar, Mr Eideh and Ms Pulford be members of the Scrutiny of Acts and Regulations Committee until 28 February 2007.

Question — put and agreed to.

18 SPEECH OF THE GOVERNOR — The President reported the Speech of the Governor on the Opening of Parliament.

Ms Pulford moved, That the Council agree to the following Address to the Governor in reply to the Governor's Opening Speech:

MAY IT PLEASE THE GOVERNOR

We, the Legislative Council of Victoria assembled in Parliament, express our loyalty to Australia and the people of Victoria, and thank you for the speech which you have made to the Parliament.

We declare that we will faithfully carry out the important duties entrusted to us by the people of Victoria, to advance the best interests of all sections of the community.

Mr Tee seconded the motion.

Debate ensued.

On the motion of Mr Barber, the debate was adjourned until the next day of meeting.

19 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 9.51 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 2 — Wednesday, 20 December 2006

1 The President took the Chair and read the Prayer.

2 STATE TAXATION LEGISLATION AMENDMENT (HOUSING AFFORDABILITY) BILL —

The President announced the receipt of a Message from the Assembly presenting a Bill *to amend the Duties Act 2000, the First Home Owner Grant Act 2000 and the Pay-roll Tax Act 1971 to improve housing affordability and bring forward pay-roll tax cuts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

3 ACTING PRESIDENTS — The President laid on the Table the following Warrant nominating Acting Presidents:

LEGISLATIVE COUNCIL
VICTORIA

Pursuant to the provisions of Standing Order 2.12 of the Legislative Council, I hereby nominate —

Mr Bernie Finn
Ms Sue Pennicuik
Mrs Inga Peulich
Mr Adem Somyurek and
Mr John Vogels

to be Acting Presidents whenever requested to do so by the President or Deputy President.

Given under my hand this twentieth day of December 2006.

ROBERT F. SMITH
President of the Legislative Council

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

Alpine Resorts (Management) Act 1997 — Alpine Resorts Strategic Plan pursuant to Section 33E.

Budget Update, 2006-07.

Geoffrey Gardiner Dairy Foundation Ltd — Report, 2005-06 (two papers).

Northern Victorian Fresh Tomato Industry Development Committee — Minister's report of receipt of 2005-06 report.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

- 6 WATER RESOURCES MISMANAGEMENT** — Ms Lovell moved, That this House condemns the State Government's mismanagement of Victoria's water resources and in particular its failure to provide water certainty and to take adequate action on supply, recycling and infrastructure.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson
Mrs Coote
Mr Dalla-Riva (*Teller*)
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn (*Teller*)
Mr Guy
Mr Hall
Mr Koch
Mrs Kronberg
Ms Lovell
Mr O'Donohue
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

NOES, 20

Ms Broad (*Teller*)
Ms Darveniza (*Teller*)
Mr Eideh
Mr Elasmar
Mr Jennings
Mr Kavanagh
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Mr Pakula
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney

Question negatived.

Business having been interrupted at 2.08 p.m. pursuant to Standing Orders —

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 8 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (for address see page 19) —
On the motion of Mrs Peulich, the debate was adjourned until later this day.
- 9 STATE TAXATION LEGISLATION AMENDMENT (HOUSING AFFORDABILITY) BILL** — Mr Lenders moved, That the second reading speech be incorporated into Hansard.
Question — put and agreed to.
Mr Lenders moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned until the next day of meeting.
- 10 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (for address see page 19) —
On the motion of Mr P.R. Davis, the debate was adjourned until the next day of meeting.
- 11 ADJOURNMENT** — Mr Lenders moved, That the House do now adjourn.
Debate ensued.
- And then the Council, at 10.13 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 3 — Thursday, 21 December 2006

1 The President took the Chair and read the Prayer.

2 **PAPERS —**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 1 for 2006-07, 56th Parliament, from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

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

Grampians Wimmera Mallee Water Authority — Report, 2005-06 (two papers).

Mildura Cemetery Trust —

Minister's report of failure to submit report for 2005-06 to the Minister within the prescribed period and the reasons therefor.

Minister's report of receipt of 2005-06 report.

Radiation Advisory Committee — Report for the year ended 30 September 2006.

3 **SITTING OF THE COUNCIL —** Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 13 February 2007.

Question — put and agreed to.

4 **MEMBERS' STATEMENTS —** Statements were made by Members pursuant to Standing Order 5.13.

5 **STATEMENTS ON REPORTS AND PAPERS —** Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

6 **BUSINESS POSTPONED —** Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor, postponed until later this day.

7 **STATE TAXATION LEGISLATION AMENDMENT (HOUSING AFFORDABILITY) BILL —** Debate resumed on the question, That the Bill be now read a second time.

Mr Barber moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this Bill be withdrawn until the Government tables a strategy to address the crisis in affordable housing in Victoria".

Debate ensued.

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

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

Business having been interrupted at 2.03 p.m. pursuant to Standing Orders —

8 **QUESTIONS —** Questions without notice were taken pursuant to Standing Order 8.04.

9 **ADJOURNMENT —** Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 3.10 p.m., adjourned until Tuesday, 13 February 2007.

W.R. TUNNECLIFFE
Clerk of the Legislative Council



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 4, 5 and 6

No. 4 — Tuesday, 13 February 2007

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE HECTOR ROY WARD** — Mr P.R. Davis moved, That this House expresses its sincere sorrow at the death, on 19 December 2006, of the Honourable Hector Roy Ward, 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 South Eastern Province from 1970 to 1988.
The question was put and agreed to unanimously with Members standing in their places.
- 3 **ASSENT TO ACT** — The President read a Message from the Governor informing the Council that he had, on 22 December 2006, given the Royal Assent to the following Act presented to him by the Clerk of the Parliaments:
State Taxation Legislation Amendment (Housing Affordability) Act 2006.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and an answer to a question on notice was circulated pursuant to Standing Order 8.10.
- 5 **PAPERS** —
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 1 of 2007 from the Scrutiny of Acts and Regulations Committee (including Appendices).
Ordered to lie on the Table and to be printed.
Mr Eideh moved, That the Council take note of the Report.
Question — put and agreed to.

* * * * *

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 and District Ambulance Service of Victoria — Minister's report of receipt of 2005-06 report.
Anti-Cancer Council of Victoria — Report, 2005.
Australian Crime Commission — Report, 2005-06.
Border Groundwaters Agreement Review Committee — Report, 2005-06.
Calvary Health Care Bethlehem Limited — Report, 2005-06 (two papers).
East Wimmera Health Service — Report, 2005-06 (two papers).
Mallee Track Health and Community Service — Report, 2005-06.
Melbourne City Link Act 1995 —

- City Link and Extension Projects Integration and Facilitation Agreement Fourteenth Amending Deed, 20 December 2006, pursuant to section 15B(5) of the Act.
- Exhibition Street Extension Tenth Amending Deed, 20 December 2006, pursuant to section 15D(6) of the Act.
- Melbourne City Link Twenty-third Amending Deed, 20 December 2006, pursuant to section 15(2) of the Act.
- National Parks Act 1975 — report in relation to the Great Otway National Park pursuant to section 17(2A) of the Act.
- Parliamentary Committees Act 2003 — Minister's Response to recommendations in Outer Suburban/Interface Services and Development Committee's Inquiry into Building New Communities.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Alpine Planning Scheme — Amendment C18.
 - Ballarat Planning Scheme — Amendments C39 Part 2, C74, C86 and C106.
 - Bass Coast Planning Scheme — Amendments C55 and C62.
 - Baw Baw Planning Scheme — Amendments C33 and C38 Part 1.
 - Brimbank Planning Scheme — Amendment C89 Part 1.
 - Campaspe Planning Scheme — Amendments C35 and C48.
 - Cardinia Planning Scheme — Amendments C70, C82 and C87 Part 1.
 - Casey Planning Scheme — Amendment C89.
 - Colac Otway Planning Scheme — Amendment C28.
 - Glenelg Planning Scheme — Amendment C27.
 - Greater Bendigo Planning Scheme — Amendments C44, C73 and C92.
 - Greater Dandenong Planning Scheme — Amendment C76.
 - Greater Geelong Planning Scheme — Amendments C102 and C107.
 - Greater Shepparton Planning Scheme — Amendment C82.
 - Hobsons Bay Planning Scheme — Amendments C34 and C56 Part 2.
 - Horsham Planning Scheme — Amendment C22.
 - Kingston Planning Scheme — Amendments C59, C64, C66 and C70.
 - Maribyrnong Planning Scheme — Amendment C35.
 - Melton Planning Scheme — Amendment C50.
 - Mitchell Planning Scheme — Amendment C32.
 - Moira Planning Scheme — Amendment C24 Part 2.
 - Mornington Peninsula Planning Scheme — Amendments C75 and C80 Part 1.
 - Nillumbik Planning Scheme — Amendments C25 Part 2 and C41.
 - South Gippsland Planning Scheme — Amendments C9 Part 1 and C21.
 - Warrnambool Planning Scheme — Amendments C28, C31 and C43.
 - Whittlesea Planning Scheme — Amendments C9 and C53 Part 2.
 - Wodonga Planning Scheme — Amendments C12 and C30.
 - Wyndham Planning Scheme — Amendment C31.
 - Yarra Ranges Planning Scheme — Amendment C55.
- Project Development and Construction Management Act 1994 — Order in Council of 19 December 2006 of amendments to nomination orders.
- Rural Finance Act 1988 — Treasurer's directive of 29 December 2006 to the Rural Finance Corporation of Victoria.
- Seymour District Memorial Hospital — Report, 2005-06 (three papers).
- Special Investigations Monitor's Office — Report for the period to 20 December 2006, pursuant to section 30Q of the Surveillance Devices Act 1999.
- St Vincent's Health [incorporating the financial statements of Caritas Christi Hospice Limited, St George's Health Service Limited and St. Vincent's Hospital (Melbourne) Limited] — Report, 2005-06 (four papers).
- Statutory Rules under the following Acts of Parliament:
- Building Act 1993 — No. 2/2007.
 - Infringements Act 2006 — No. 173/2006.
 - Magistrates' Court Act 1989 — Nos. 170, 178 and 179/2006.

Statutory Rules — *continued*

Mental Health Act 1986 — No. 174/2006.

Livestock Disease Control Act 1994 — No. 172/2006.

Road Safety Act 1986 — Nos. 175 and 176/2006 and 1/2007.

Supreme Court Act 1986 — No. 171/2006.

Water Industry Act 1994 — No. 177/2006.

Subordinate Legislation Act 1994 —

Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 170, 171, 178 and 179/2006.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 173 to 176/2006 and 1/2007.

Victorian Environmental Assessment Council Act 2001 — Minister's withdrawal of request made on 8 December 2005 for the Victorian Environment Assessment Council to investigate the Goolengook Forest, pursuant to section 16(1)(a) of the Act.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

Courts Legislation (Neighbourhood Justice Centre) Act 2006 — remaining provisions (other than Part 6) — 2 January 2007 (*Gazette No. G51, 21 December 2006*).

Water (Governance) Act 2006 — sections 3 (other than paragraphs (a) to (j) and paragraphs (l) and (m)), 5, 7 to 20, 27 to 33, 35 to 36, 38 to 46, 48 to 53, 68, 69(2) and (3), 95 to 97, 121, 123(1), (2), (3) and (4), 124, 129(1), 130, 137 to 147, 160, 166 to 172 and Part 5 of that Act and Schedule 2 to that Act — 21 December 2006 (*Gazette No. G51, 21 December 2006*).

Water (Resource Management) Act 2005 — Section 58 — 21 December 2006 (*Gazette No. G51, 21 December 2006*).

6 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

7 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (for address see page 18).

On the motion of Mr Madden, the debate was adjourned until the next day of meeting.

8 INTERPRETATION OF LEGISLATION AMENDMENT BILL 2006 — The President announced the receipt of a Message from the Assembly presenting *A Bill to amend the Interpretation of Legislation Act 1984 to provide for style changes in Acts and statutory rules and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

9 ADJOURNMENT — Mr Madden moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.48 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 5 — Wednesday, 14 February 2007

- 1 The President took the Chair and read the Prayer.
- 2 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 3 **SELECT COMMITTEE ON GAMING LICENSING** — Mr P.R. Davis moved, That —
 - (1) A Select Committee of 7 Members be appointed to inquire into and report on —
 - (a) the conduct, processes and circumstances (including but not limited to the probity thereof) pertaining to post-2008 public lotteries licensing in Victoria pursuant to the *Gambling Regulation Act 2003* (the Act) and any related matter;
 - (b) the conduct, processes and circumstances (including but not limited to the probity thereof) pertaining to the extension of Tattersall's public lotteries licence until 30 June 2008;
 - (c) the conduct, processes and circumstances (including but not limited to the probity thereof) pertaining to post-2012 Electronic Gaming Machine (EGM) operator licensing in Victoria pursuant to the Act, and any related matter;
 - (d) the adequacy or otherwise of the legislative and regulatory framework pertaining to the number, location, distribution and specification of EGMs in Victoria and any related matter;
 - (e) the effectiveness or otherwise of current measures to minimise and address the incidence of problem gambling in Victoria, the merits of alternative measures and any related matter;
 - (f) the financial position of the Community Support Fund (the Fund) described in the Act, including, but not limited to:
 - (i) payments into the Fund under section 10.3.2 of the Act (and its predecessors);
 - (ii) payments from the Fund under section 10.3.3 of the Act (and its predecessors); and
 - (iii) the criteria, processes and methodology for the selection of projects funded by payments referred to in sub-paragraph (ii) above; and
 - (iv) the community benefit statements prepared by those venues not required to contribute to the Fund;
 - (g) any other associated matters dealing with gaming licensing issues.
 - (2) The Committee will consist of 2 Members from the Government Party nominated by the Leader of the Government, 2 Members from the Opposition nominated by the Leader of the Opposition, 1 Member from The Nationals nominated by the Leader of The Nationals, 1 Member from the Australian Greens nominated by the Australian Greens Whip and Mr. Peter Kavanagh, MLC from the Democratic Labor Party.
 - (3) The Members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on Friday, 16 February 2007.
 - (4) The first meeting of the Committee must be held no later than 4.00 p.m. on Monday, 26 February 2007.
 - (5) The Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.
 - (6) 4 Members of the Committee will constitute a quorum of the Committee.
 - (7) The Committee will advertise its terms of reference and call for submissions and all such submissions received by the Committee will be treated as public documents unless the Committee otherwise orders.
 - (8) The Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry.

- (9) The presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions.
- (10) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

Debate ensued.

Mr Lenders moved the following amendments —

- (1) In paragraph 1(a) and (b), at the end of each paragraph insert "but that this Term of Reference not be dealt with by the Select Committee until such time as the public lotteries licence allocation process is concluded."
- (2) In paragraph (2), "2 members from the Government Party" be omitted with the view of inserting in their place "4 members from the Government Party".
- (3) In paragraph (2), at the end of the paragraph insert "The Select Committee will appoint either the Chair or Deputy Chair from among the Government nominees."
- (4) In paragraph (8), after "persons" insert "employed by the Legislative Council as at 14 February 2007".
- (5) In paragraph (9), at the end of the paragraph insert ", but the Committee will be required to complete its work and present its report within 6 months of the public lotteries licence allocation process being concluded."

Debate ensued.

Ms Pennicuik moved the following amendments —

- (1) After paragraph (6) insert the following new paragraph:
 - () The Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member.
- (2) After paragraph (8) insert the following new paragraph:
 - () The Committee will present its final report to the Council no later than 28 February 2008.

Debate ensued.

Question — That Amendment No. 1 moved by Mr Lenders be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber (<i>Teller</i>)
Mr Eideh	Mrs Coote (<i>Teller</i>)
Mr Elasmar (<i>Teller</i>)	Mr Dalla-Riva
Mr Jennings (<i>Teller</i>)	Mr D. Davis
Mr Leane	Mr P. Davis
Mr Lenders	Mr Drum
Mr Madden	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pulford	Ms Hartland
Mr Scheffer	Mr Kavanagh
Mr Smith	Mr Koch
Mr Somyurek	Mrs Kronberg
Mr Tee	Ms Lovell
Mr Theophanous	Mr O'Donohue
Mr Thornley	Ms Pennicuik
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Rich-Phillips
	Mr Vogels

Amendment negatived.

Question — That Amendment No. 2 moved by Mr Lenders be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber
Mr Eideh	Mrs Coote
Mr Elasmarr	Mr Dalla-Riva (<i>Teller</i>)
Mr Jennings	Mr D. Davis
Mr Leane (<i>Teller</i>)	Mr P. Davis
Mr Lenders (<i>Teller</i>)	Mr Drum
Mr Madden	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pulford	Ms Hartland
Mr Scheffer	Mr Kavanagh (<i>Teller</i>)
Mr Smith	Mr Koch
Mr Somyurek	Mrs Kronberg
Mr Tee	Ms Lovell
Mr Theophanous	Mr O'Donohue
Mr Thornley	Ms Pennicuik
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Rich-Phillips
	Mr Vogels

Amendment negatived.

Question — That Amendment No.3 moved by Mr Lenders be agreed to — put and negatived.

Question — That Amendment No.1 moved by Ms Pennicuik be agreed to — put and agreed to.

Question — That Amendment No.4 moved by Mr Lenders be agreed to — put and negatived.

Question — That Amendment No.2 moved by Ms Pennicuik be agreed to — put and agreed to.

Question — That Amendment No.5 moved by Mr Lenders be agreed to — put and negatived.

Question — That —

- (1) A Select Committee of 7 Members be appointed to inquire into and report on —
 - (a) the conduct, processes and circumstances (including but not limited to the probity thereof) pertaining to post-2008 public lotteries licensing in Victoria pursuant to the *Gambling Regulation Act 2003* (the Act) and any related matter;
 - (b) the conduct, processes and circumstances (including but not limited to the probity thereof) pertaining to the extension of Tattersall's public lotteries licence until 30 June 2008;
 - (c) the conduct, processes and circumstances (including but not limited to the probity thereof) pertaining to post-2012 Electronic Gaming Machine (EGM) operator licensing in Victoria pursuant to the Act, and any related matter;
 - (d) the adequacy or otherwise of the legislative and regulatory framework pertaining to the number, location, distribution and specification of EGMs in Victoria and any related matter;
 - (e) the effectiveness or otherwise of current measures to minimise and address the incidence of problem gambling in Victoria, the merits of alternative measures and any related matter;
 - (f) the financial position of the Community Support Fund (the Fund) described in the Act, including, but not limited to:
 - (i) payments into the Fund under section 10.3.2 of the Act (and its predecessors);

- (ii) payments from the Fund under section 10.3.3 of the Act (and its predecessors); and
 - (iii) the criteria, processes and methodology for the selection of projects funded by payments referred to in sub-paragraph (ii) above; and
 - (iv) the community benefit statements prepared by those venues not required to contribute to the Fund;
- (g) any other associated matters dealing with gaming licensing issues.
- (2) The Committee will consist of 2 Members from the Government Party nominated by the Leader of the Government, 2 Members from the Opposition nominated by the Leader of the Opposition, 1 Member from The Nationals nominated by the Leader of The Nationals, 1 Member from the Australian Greens nominated by the Australian Greens Whip and Mr. Peter Kavanagh, MLC from the Democratic Labor Party.
 - (3) The Members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on Friday, 16 February 2007.
 - (4) The first meeting of the Committee must be held no later than 4.00 p.m. on Monday, 26 February 2007.
 - (5) The Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.
 - (6) 4 Members of the Committee will constitute a quorum of the Committee.
 - (7) The Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member.
 - (8) The Committee will advertise its terms of reference and call for submissions and all such submissions received by the Committee will be treated as public documents unless the Committee otherwise orders.
 - (9) The Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry.
 - (10) The Committee will present its final report to the Council no later than 28 February 2008.
 - (11) The presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions.
 - (12) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

— put and agreed to.

4 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and an answer to a question on notice was circulated pursuant to Standing Order 8.10.

5 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (for address see page 18) —

On the motion of Mrs Coote, the debate was adjourned until the next day of meeting.

6 INTERPRETATION OF LEGISLATION AMENDMENT BILL 2006 — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Lenders moved, That the second reading speech be incorporated into Hansard.

Question — put and agreed to.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Mr Rich-Phillips), the debate was adjourned for one week.

7 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.33 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 6 — Thursday, 15 February 2007

1 The President took the Chair and read the Prayer.

2 MURRAY-DARLING BASIN AMENDMENT BILL 2006 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Murray-Darling Basin Act 1993 to approve an amendment to the Murray-Darling Basin Agreement to facilitate the operation of the Murray-Darling Basin Commission's water business on appropriate commercial principles and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

3 ACTING PRESIDENTS — The President laid on the Table the following Warrant nominating Acting Presidents:

LEGISLATIVE COUNCIL
VICTORIA

Pursuant to the provisions of Standing Order 2.12 of the Legislative Council, I hereby nominate —

Mr Nazih Elasmir
Mr Shaun Leane and
Mr Martin Pakula

to be Acting Presidents whenever requested to do so by the President or Deputy President.

Given under my hand this 15th day of February 2007.

ROBERT F. SMITH
President of the Legislative Council

4 SITTING OF THE COUNCIL — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 27 February 2007.

Question — put and agreed to.

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

Medical Practitioners Board of Victoria — Report for the year ended 30 September 2006 (two papers).

Ombudsman — Own Motion Investigation into the Policies and Procedures of the Planning Department at the City of Greater Geelong, February 2007.

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

Cardinia Planning Scheme — Amendment C93.
Casey Planning Scheme — Amendment C3.
Colac Otway Planning Scheme — Amendment C22.
Darebin Planning Scheme — Amendment C69.
Moirra Planning Scheme — Amendment C20 Part 2.
Mount Alexander Planning Scheme — Amendment C25.

Rural Finance Act 1988 — Treasurer's directive of 31 January 2007 to the Rural Finance Corporation of Victoria.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 7 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 8 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (for address see page 18) —
On the motion of Mr Scheffer, the debate was adjourned until later this day.
- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- SOCCER AND RUGBY STADIUM** — Mr Theophanous having given answers to a question and supplementary question without notice relating to a stadium for the Melbourne Victory Football Club —
Mr Atkinson moved, That the Minister's answers be taken into consideration on the next day of meeting.
Question — put and agreed to.
- QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 10 CONTROL OF WEAPONS AMENDMENT (PENALTIES) BILL 2006** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Control of Weapons Act 1990 to increase the penalties for certain offences relating to prohibited and controlled weapons and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 11 MURRAY-DARLING BASIN AMENDMENT BILL 2006** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
Mr Lenders moved, That the second reading speech be incorporated into Hansard.
Question — put and agreed to.
Mr Lenders moved, That the Bill be now read a second time.
On the motion of Mrs Coote, the debate was adjourned for one week.
- 12 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (for address see page 18) —
On the motion of Mr Somyurek, the debate was adjourned until later this day.
- 13 CONTROL OF WEAPONS AMENDMENT (PENALTIES) BILL 2006** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
Mr Lenders moved, That the second reading speech be incorporated into Hansard.
Question — put and agreed to.
Mr Lenders moved, That the Bill be now read a second time.
On the motion of Mrs Coote, the debate was adjourned for one week.
- 14 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (for address see page 18) —
On the motion of Mr Somyurek, the debate was adjourned until the next day of meeting.
- 15 WATER AMENDMENT (CRITICAL WATER INFRASTRUCTURE PROJECTS) BILL 2006** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Water Act 1989 to facilitate critical water infrastructure projects*,

to amend the Land Acquisition and Compensation Act 1986 and for other purposes and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

16 ADJOURNMENT — Mr Madden moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.54 p.m., adjourned until Tuesday, 27 February 2007.

W.R. TUNNECLIFFE
Clerk of the Legislative Council



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 7, 8 and 9

No. 7 — Tuesday, 27 February 2007

- 1 The President took the Chair and read the Prayer.
- 2 **SELECT COMMITTEE ON GAMING LICENSING** — The President announced that he had received from the Party Leaders and the Australian Greens Whip, within the time set by the Resolution of the Council, advice in which Mr Barber, Mr Drum, Mr Guy, Mr Pakula, Mr Rich-Phillips and Mr Viney were nominated as members of the Select Committee on Gaming Licensing, in addition to Mr Kavanagh who was appointed as a member of the Committee pursuant to the Resolution.
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PAPERS** —
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 2 of 2007 (including Appendices) from the Scrutiny of Acts and Regulations Committee.
Ordered to lie on the Table and to be printed.

* * * * *

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

Altona Memorial Park —

Minister's report of failure to submit report for 2005-06 to the Minister within the prescribed period and the reasons therefor.

Report, 2005-06.

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2006.

Gambling Regulation Act 2003 — Victorian Commission for Gambling Regulation Rules — Casino, 21 February 2007.

Lake Mountain Alpine Resort Management Board — Minister's report of receipt of 2005-06 report.

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns, February 2007 and Summary of Variations notified between 14 September 2006 and 26 February 2007.

Mount Baw Baw Alpine Resort Management Board — Report, for the year ended 31 October 2006.

National Environment Protection Council — Report, 2005-06.

Parliamentary Committees Act 2003 —

Minister's response to recommendations in Road Safety Committee's report on the Inquiry Into Driver Distraction.

Minister's response to recommendations in Rural and Regional Services Development Committee's report on the Inquiry into Regional Telecommunications Infrastructure for Business.

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

Bayside Planning Scheme — Amendment C46.

Casey Planning Scheme — Amendment C46.

Darebin Planning Scheme — Amendment C71.

Greater Bendigo Planning Scheme — Amendment C51.

Greater Dandenong Planning Scheme — Amendment C88.

Maroondah Planning Scheme — Amendment C55.

Mildura Planning Scheme — Amendment C10.

Moonee Valley Planning Scheme — Amendment C74.

Moreland Planning Scheme — Amendments C69 and C70.

Mornington Peninsula Planning Scheme — Amendment C85.

Stonnington Planning Scheme — Amendment C65.

Wodonga Planning Scheme — Amendment C50.

Snowy Hydro Limited — Report for the period 3 July 2005 to 1 July 2006.

Statutory Rule under the Legal Profession Act 2004 — No. 3.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 3.

Water Act 1989 — Minister's Order of 25 January 2007 declaring a water supply protection area for the Barwon River.

* * * * *

PROCLAMATION — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk:

Drugs, Poisons and Controlled Substances (Amendment) Act 2006 — Sections 1, 2, 3, 7, 9(1) and 11 — 19 February 2007 (*Gazette No. G7, 15 February 2007*).

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 BUSINESS POSTPONED — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until later this day.

7 WATER AMENDMENT (CRITICAL WATER INFRASTRUCTURE PROJECTS) BILL 2006 — Mr Theophanous (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Theophanous, the second reading speech was incorporated into Hansard.

Mr Theophanous moved, That the Bill be now read a second time.

On the motion of Ms Lovell, the debate was adjourned for one week.

8 INTERPRETATION OF LEGISLATION AMENDMENT BILL 2006 — Debate resumed on the question, That the Bill be now read a second time.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

9 ADJOURNMENT — Mr Jennings moved, That the House do now adjourn.

Debate ensued.

Question — put and agreed to.

And then the Council, at 4.38 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 8 — Wednesday, 28 February 2007

1 The President took the Chair and read the Prayer.

2 PUBLIC PROSECUTIONS AMENDMENT BILL 2006 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Public Prosecutions Act 1994 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

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 Results of financial statement audits for agencies with 30 June 2006 balance dates.

EastLink Project Act 2004 — Statement of Variation, pursuant to section 21(3) of the Act.

Essential Services Commission — Report on New Year's Eve Surcharge on Non-Metropolitan Taxi-Cabs, December 2006.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2006.

Office of Police Integrity — Report on Past Patterns – Future Directions: Victoria Police and the problem of corruption and serious misconduct, February 2007.

Statutory Rule under the Subordinate Legislation Act 1994 — No. 4.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 SESSIONAL ORDERS — Mr P.R. Davis moved, That, unless otherwise ordered by the Council —

1 Days and hours of meeting

Paragraph 1(c) of Standing Order 4.01 is suspended and the time of meeting on Thursday will be:

“(c) Thursday —

(i) at 9.30 a.m., if no meetings of Select Committees are scheduled to occur;
or

(ii) at 12 noon, if a Select Committee is meeting.”.

2 Interruption of Debate

Paragraph (3) of Standing Order 4.06 is suspended.

3 Daily Adjournment Debate

(1) Until 30 August 2007 paragraphs (2) to (5) inclusive, of Standing Order 4.10 are suspended.

(2) Paragraph (1) of Standing Order 5.02 is suspended and the order of business on Tuesday will be:

“(1) On Tuesday —

Messages

Questions

Answers to Questions on Notice
 Formal Business
 Members' Statements (up to 15 Members)
 Government Business
 At 8.00 p.m. Legislation Committee (if ordered)
 Adjournment".

- (3) Paragraph 1 of Standing Order 5.03 is suspended and the order of business on a Tuesday in the final sitting week of the calendar year will be:

"(1) The order of business on a Tuesday will be —
 Messages
 Formal Business
 Government Business
At 2.00 p.m. Questions
 Answers to Questions on Notice
 Members' Statements (up to 15 Members)
 Government Business (continues)
At 8.00 p.m. Legislation Committee (if ordered)
 Adjournment".

- (4) The paragraph in Standing Order 5.04 relating to the Adjournment Debate is suspended and the following will apply:

"Adjournment debate (Standing Order 4.10)

Total time	No limit
Each Member	3 minutes".

4 Order of Business — Wednesday

Paragraph (2) of Standing Order 5.02 is suspended and the order of business on Wednesday will be:

"(2) On Wednesday —
 Messages
 Formal Business
 Members' Statements (up to 15 Members)
 General Business
At 2.00 p.m. Questions
 Answers to Questions on Notice
 General Business (continues)
 Government Business
At 8.00 p.m. Legislation Committee (if ordered)
 Adjournment".

5 Order of Business — Thursday

Paragraph (3) of Standing Order 5.02 is suspended and the order of business on Thursday will be:

"(3) On Thursday —
 (a) if no meeting of a Select Committee is scheduled to occur —
 Messages
 Formal Business
 Members' Statements (up to 15 Members)
 Statements on reports and papers (60 minutes)
 Government Business
At 2.00 p.m. Questions

Answers to Questions on Notice
 Government Business (continues)
At 8.00 p.m. Legislation Committee (if ordered)
 Adjournment

- (b) if a Select Committee is meeting —
 Messages
 Formal Business
 Members' Statements (up to 15 Members)
 Government Business

At 2.00 p.m. Questions
 Answers to Questions on Notice
 Government Business (continues)
At 8.00 p.m. Legislation Committee (if ordered)
 Adjournment”.

6 Order of Business — Friday

Paragraph (4) of Standing Order 5.02 and the subsequent paragraph are suspended and the order of business on Friday will be:

- “(4) On Friday —
 Formal Business
 Government Business
At 2.00 p.m. Questions
 Government Business (continues)”.

7 Business in final week of year

Paragraph (2) of Standing Order 5.03 is suspended.

8 Business when the Council meets at 12 noon on Thursday

When the Council meets at 12 noon on Thursday:

- (a) Paragraph (3) of Standing Order 5.03 (Business in final week of year) is suspended;
- (b) The time limits relating to Statements on reports and papers in Standing Order 5.04 are suspended;
- (c) Paragraph (3) of Standing Order 8.11 (Procedure when answers to questions on notice not provided) is suspended; and
- (d) Standing Order 9.10 (Statements on reports and papers) is suspended.

9 Time limits

Until 30 August 2007 the time limits relating to the following business before the Council in Standing Order 5.04 are suspended:

Address in Reply
 Government business
 General business
 Condolences
 Ministerial Statements
 Notices of motion
 Urgency motions
 Questions without notice
 Supplementary questions
 Presentation of Committee Reports
 Government Business Program and Amendment to Government Business Program

Government Bills – second reading debate
 Budget debate
 Inaugural speeches

10 General Business

Standing Order 5.08 is suspended and the following arrangements will apply in relation to General Business:

- “(1) General Business is business initiated by Members who are not Members of the Government party or parties.
- (2) General Business will take precedence over all other business on Wednesdays in accordance with the order of business prescribed by the Sessional Orders.
- (3) Until 30 August 2007 Government Business may only be taken on Wednesday when General Business is concluded before 10.00 p.m.”.

11 Condolences

Paragraph (3) of Standing Order 5.12 is suspended.

12 Ministerial statements

Paragraphs (5) and (6) of Standing Order 5.14 are suspended.

13 Government Business Program

Standing Orders 11.01 to 11.10 are suspended.

14 Member may speak in reply

Standing Order 12.07 is suspended and the following arrangements will apply to Members speaking in reply:

“A reply will only be allowed to a Member who has moved a substantive motion, the second reading of a Bill or a procedural motion.”.

15 Circulation of Amendments

Paragraph (4) of Standing Order 14.10 is suspended.

16 Meetings of Legislation Committee

Notwithstanding the provisions of Standing Order 16.07, the following arrangements will apply in relation to meetings of a Legislation Committee:

“If a Legislation Committee intends to meet at 8.00 p.m. on a sitting day —

- (a) the Committee will notify the Council accordingly;
- (b) the Council will not sit; and
- (c) notwithstanding Standing Order 4.06, at 6.00 p.m., the President will interrupt the business before the Council and forthwith propose the question “That the House do now adjourn”. Such question may not be amended.”.

17 Meetings of Select Committees

Paragraph (1) of Standing Order 24.07 is suspended and the following arrangements will apply in relation to meetings of Select Committees:

- “(1) (a) if a Select Committee decides to meet on a day when the Council is scheduled to sit, it may only do so on Thursdays between 9.00 a.m. and 12 noon, unless the Committee determines otherwise;
- (b) a Select Committee may notify the Council on Wednesday of each sitting week of its intention to sit on Thursday. On receipt of such notification, the Council may, on motion without notice, order that the Committee not meet as notified;
- (c) a Select Committee may not meet while the Council is actually sitting, unless specifically empowered to do so by the Council, but may sit during any suspension of a sitting of the Council; and
- (d) a Select Committee may meet on any day when the Council is not sitting at a time determined by the Committee.”.

Debate ensued.

Ms Pennicuik moved, as amendments —

1. After proposed Sessional Order 10, insert the following new Sessional Order:

'11 Special Business

Standing Order 5.09 is suspended and the following will apply in relation to Special Business:

“Precedence will be given to —

- (a) a motion for a vote of thanks of the Council;
- (b) a motion for leave of absence to a Member;
- (c) a motion relating to the qualification of a Member;
- (d) an Order of the Day for the consideration of a report of the Standing Orders Committee or, arising from any such report, a motion to vary or adopt Standing Orders of the Council;
- (e) a motion pursuant to Sessional Order 14; and

Any such business will be taken according to the sequence set out in this Sessional Order.”.

2. After proposed Sessional Order 12, insert the following new Sessional Orders:

'13 Questions to Ministers or other Members

Paragraph (1)(a) of Standing Order 8.01 is suspended and the following will apply:

“(1) Questions may be put to —

- (a) Ministers of the Crown relating to public affairs for which the Minister is directly connected, or has responsibility when representing a Minister from the Assembly, or to any matter of administration for which the Minister is responsible; and”.

14 Procedure when answers to questions on notice not provided

Paragraph (2) of Standing Order 8.11 is suspended and the following will apply:

“(2) In the event that a Minister does not provide an explanation, notice may forthwith be given of a motion regarding the Minister's failure to provide either an answer or an explanation and precedence will be given to such a motion on the next day of meeting in accordance with Sessional Order 11.”.

Debate ensued.

Mr Viney moved, as an amendment —

In proposed Sessional Order 10, omit all words and expressions and insert:

‘Notwithstanding the provisions of Standing Order 5.08, the following arrangements will apply in relation to General Business until 30 August 2007:

- “(1) The time limits in Standing Order 5.04 relating to General Business are suspended.
- (2) The maximum time for General Business will be as prescribed in Standing Orders 5.02(2) and 5.03(2).
- (3) At the expiration of the time for debate prescribed in those Standing Orders, a Member may move without notice that General Business be extended by one hour. The motion will be put without amendment or debate.
- (4) The same motion may again be moved at the expiration of each subsequent hour of debate of General Business.”.

Question — That amendment No. 1 moved by Mr Viney be agreed to — put.

The Council divided — The President in the Chair.

AYES, 20

Ms Broad

Ms Darveniza

Mr Drum

Mr Eideh

NOES, 18

Mr Atkinson

Mr Barber

Mrs Coote

Mr Dalla-Riva

Mr Elasmarr	Mr D.M. Davis
Mr Hall	Mr P.R. Davis
Mr Jennings	Mr Finn (<i>Teller</i>)
Mr Leane	Mr Guy
Mr. Madden (<i>Teller</i>)	Ms Hartland
Ms Mikakos	Mr Kavanagh (<i>Teller</i>)
Mr Pakula (<i>Teller</i>)	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Smith	Mr O'Donohue
Mr Somyurek	Ms Pennicuik
Mr Tee	Mrs Petrovich
Mr Theophanous	Mrs Peulich
Mr Thornley	Mr Rich-Phillips
Ms Tierney	Mr Vogels
Mr Viney	

Amendment agreed to.

Question — That amendment No. 1 moved by Ms Pennicuik be agreed to — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Madden
Mr Guy (<i>Teller</i>)	Ms Mikakos
Mr Hall	Mr Pakula
Ms Hartland	Ms Pulford (<i>Teller</i>)
Mr Kavanagh	Mr Scheffer (<i>Teller</i>)
Mr Koch (<i>Teller</i>)	Mr Smith
Mrs Kronberg	Mr Somyurek
Ms Lovell	Mr Tee
Mr O'Donohue	Mr Theophanous
Ms Pennicuik	Mr Thornley
Mrs Petrovich	Mr Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Amendment agreed to.

Question — That amendment No.2 moved by Ms Pennicuik be agreed to — put and agreed to.

Question — That —

1 Days and hours of meeting

Paragraph 1(c) of Standing Order 4.01 is suspended and the time of meeting on Thursday will be:

“(c) Thursday —

- (i) at 9.30 a.m., if no meetings of Select Committees are scheduled to occur; or
- (ii) at 12 noon, if a Select Committee is meeting.”.

2 Interruption of Debate

Paragraph (3) of Standing Order 4.06 is suspended.

3 Daily Adjournment Debate

(1) Until 30 August 2007 paragraphs (2) to (5) inclusive, of Standing Order 4.10 are suspended.

(2) Paragraph (1) of Standing Order 5.02 is suspended and the order of business on Tuesday will be:

“(1) On Tuesday —

Messages

Questions

Answers to Questions on Notice

Formal Business

Members' Statements (up to 15 Members)

Government Business

At 8.00 p.m. Legislation Committee (if ordered)

Adjournment”.

(3) Paragraph 1 of Standing Order 5.03 is suspended and the order of business on a Tuesday in the final sitting week of the calendar year will be:

“(1) The order of business on a Tuesday will be —

Messages

Formal Business

Government Business

At 2.00 p.m. Questions

Answers to Questions on Notice

Members' Statements (up to 15 Members)

Government Business (continues)

At 8.00 p.m. Legislation Committee (if ordered)

Adjournment”.

(4) The paragraph in Standing Order 5.04 relating to the Adjournment Debate is suspended and the following will apply:

“Adjournment debate (Standing Order 4.10)

Total time

No limit

Each Member

3 minutes”.

4 Order of Business — Wednesday

Paragraph (2) of Standing Order 5.02 is suspended and the order of business on Wednesday will be:

“(2) On Wednesday —

Messages

Formal Business

Members' Statements (up to 15 Members)

General Business

At 2.00 p.m. Questions

Answers to Questions on Notice

General Business (continues)

Government Business

At 8.00 p.m. Legislation Committee (if ordered)

Adjournment”.

5 Order of Business — Thursday

Paragraph (3) of Standing Order 5.02 is suspended and the order of business on Thursday will be:

- “(3) On Thursday —
- (a) if no meeting of a Select Committee is scheduled to occur —
 - Messages
 - Formal Business
 - Members’ Statements (up to 15 Members)
 - Statements on reports and papers (60 minutes)
 - Government Business
 - At 2.00 p.m. Questions
 - Answers to Questions on Notice
 - Government Business (continues)
 - At 8.00 p.m. Legislation Committee (if ordered)
 - Adjournment
 - (b) if a Select Committee is meeting —
 - Messages
 - Formal Business
 - Members’ Statements (up to 15 Members)
 - Government Business
 - At 2.00 p.m.** Questions
 - Answers to Questions on Notice
 - Government Business (continues)
 - At 8.00 p.m.** Legislation Committee (if ordered)
 - Adjournment”.

6 Order of Business — Friday

Paragraph (4) of Standing Order 5.02 and the subsequent paragraph are suspended and the order of business on Friday will be:

- “(4) On Friday —
- Formal Business
 - Government Business
 - At 2.00 p.m.** Questions
 - Government Business (continues)”.

7 Business in final week of year

Paragraph (2) of Standing Order 5.03 is suspended.

8 Business when the Council meets at 12 noon on Thursday

When the Council meets at 12 noon on Thursday:

- (a) Paragraph (3) of Standing Order 5.03 (Business in final week of year) is suspended;
- (b) The time limits relating to Statements on reports and papers in Standing Order 5.04 are suspended;
- (c) Paragraph (3) of Standing Order 8.11 (Procedure when answers to questions on notice not provided) is suspended; and
- (d) Standing Order 9.10 (Statements on reports and papers) is suspended.

9 Time limits

Until 30 August 2007 the time limits relating to the following business before the Council in Standing Order 5.04 are suspended:

- Address in Reply

Government business
General business
Condolences
Ministerial Statements
Notices of motion
Urgency motions
Questions without notice
Supplementary questions
Presentation of Committee Reports
Government Business Program and Amendment to Government Business Program
Government Bills – second reading debate
Budget debate
Inaugural speeches

10 General Business

In proposed Sessional Order 10, omit all words and expressions and insert:

‘Notwithstanding the provisions of Standing Order 5.08, the following arrangements will apply in relation to General Business until 30 August 2007:

- “(1) The time limits in Standing Order 5.04 relating to General Business are suspended.
- (2) The maximum time for General Business will be as prescribed in Standing Orders 5.02(2) and 5.03(2).
- (3) At the expiration of the time for debate prescribed in those Standing Orders, a Member may move without notice that General Business be extended by one hour. The motion will be put without amendment or debate.
- (4) The same motion may again be moved at the expiration of each subsequent hour of debate of General Business.”.

11 Special Business

Standing Order 5.09 is suspended and the following will apply in relation to Special Business:

“Precedence will be given to —

- (a) a motion for a vote of thanks of the Council;
- (b) a motion for leave of absence to a Member;
- (c) a motion relating to the qualification of a Member;
- (d) an Order of the Day for the consideration of a report of the Standing Orders Committee or, arising from any such report, a motion to vary or adopt Standing Orders of the Council;
- (e) a motion pursuant to Sessional Order 15; and

Any such business will be taken according to the sequence set out in this Sessional Order.”.

12 Condolences

Paragraph (3) of Standing Order 5.12 is suspended.

13 Ministerial Statements

Paragraphs (5) and (6) of Standing Order 5.14 are suspended.

14 Questions to Ministers or other Members

Paragraph (1)(a) of Standing Order 8.01 is suspended and the following will apply:

“(1) Questions may be put to —

- (a) Ministers of the Crown relating to public affairs for which the Minister is directly connected, or has responsibility when representing a Minister

from the Assembly, or to any matter of administration for which the Minister is responsible; and”.

15 Procedure when answers to questions on notice not provided

Paragraph (2) of Standing Order 8.11 is suspended and the following will apply:

- “(2) In the event that a Minister does not provide an explanation, notice may forthwith be given of a motion regarding the Minister's failure to provide either an answer or an explanation and precedence will be given to such a motion on the next day of meeting in accordance with Sessional Order 11.”.

16 Government Business Program

Standing Orders 11.01 to 11.10 are suspended.

17 Member may speak in reply

Standing Order 12.07 is suspended and the following arrangements will apply to Members speaking in reply:

- “A reply will only be allowed to a Member who has moved a substantive motion, the second reading of a Bill or a procedural motion.”.

18 Circulation of Amendments

Paragraph (4) of Standing Order 14.10 is suspended.

19 Meetings of Legislation Committee

Notwithstanding the provisions of Standing Order 16.07, the following arrangements will apply in relation to meetings of a Legislation Committee:

“If a Legislation Committee intends to meet at 8.00 p.m. on a sitting day —

- (a) the Committee will notify the Council accordingly;
- (b) the Council will not sit; and
- (c) notwithstanding Standing Order 4.06, at 6.00 p.m., the President will interrupt the business before the Council and forthwith propose the question “That the House do now adjourn”. Such question may not be amended.”.

20 Meetings of Select Committees

Paragraph (1) of Standing Order 24.07 is suspended and the following arrangements will apply in relation to meetings of Select Committees:

- “(1) (a) if a Select Committee decides to meet on a day when the Council is scheduled to sit, it may only do so on Thursdays between 9.00 a.m. and 12 noon, unless the Committee determines otherwise;
- (b) a Select Committee may notify the Council on Wednesday of each sitting week of its intention to sit on Thursday. On receipt of such notification, the Council may, on motion without notice, order that the Committee not meet as notified;
- (c) a Select Committee may not meet while the Council is actually sitting, unless specifically empowered to do so by the Council, but may sit during any suspension of a sitting of the Council; and
- (d) a Select Committee may meet on any day when the Council is not sitting at a time determined by the Committee.”.

— put and agreed to.

6 BUSINESS POSTPONED —

Ordered — That the consideration of the remaining Notices of Motion, General Business, and Order of the Day, General Business, No. 1, be postponed until the next day of meeting.

Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until the next day of meeting.

7 CONTROL OF WEAPONS AMENDMENT (PENALTIES) BILL 2006 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 2.03 p.m. —

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 9 CONTROL OF WEAPONS AMENDMENT (PENALTIES) BILL 2006** — Debate continued on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 10 ADJOURNMENT** — Mr Madden moved, That the House do now adjourn.
Debate ensued.
And then the Council, at 4.32 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 9 — Thursday, 1 March 2007

- 1** The President took the Chair and read the Prayer.
- 2 PARLIAMENTARY LEGISLATION AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Parliamentary Committees Act 2003 and the Parliamentary Salaries and Superannuation Act 1968 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Lenders, the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 3 PETITION — SPRINGVALE ROAD PARKING CHANGES** — Mr Atkinson presented a Petition bearing 528 signatures from certain citizens of Victoria requesting that the Minister for Roads and Ports intervene in the plan of VicRoads to close thirteen parking bays along the eastern side of Springvale Road between Whitehorse Road and Market Street during the hours of 6.30 a.m. to 9.30 a.m. and 3.30 p.m. to 7.00 p.m. in order to create an additional traffic lane.
Ordered to lie on the Table.
- 4 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2006.
Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
Campaspe Planning Scheme — Amendments C45 and C53.
Glenelg Planning Scheme — Amendment C33.
Greater Bendigo Planning Scheme — Amendment C80.
Manningham Planning Scheme — Amendment C46.
Latrobe Planning Scheme — Amendment C44.
- 5 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 13 March 2007.
Question — put and agreed to.
- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 7 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until later this day.
- 9 PARLIAMENTARY COMMITTEES** — Mr Lenders moved —
- 1 (a) **DRUGS AND CRIME PREVENTION COMMITTEE** — That Mr Leane and Ms Mikakos be members of the Drugs and Crime Prevention Committee.
 - (b) **EDUCATION AND TRAINING COMMITTEE** — That Mr Elasmr, Mr Finn and Mr Hall be members of the Education and Training Committee.
 - (c) **ELECTORAL MATTERS COMMITTEE** — That Ms Broad, Mr Hall and Mr Somyurek be members of the Electoral Matters Committee.
 - (d) **ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — That Mrs Petrovich and Mr Viney be members of the Environment and Natural Resources Committee.
 - (e) **FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — That Mr Scheffer and Mr Somyurek be members of the Family and Community Development Committee.
 - (f) **LAW REFORM COMMITTEE** — That Mrs Kronberg, Mr O'Donohue and Mr Tee be members of the Law Reform Committee.
 - (g) **OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE** — That Mr Elasmr, Mr Guy and Ms Hartland be members of the Outer Suburban/Interface Services and Development Committee.
 - (h) **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — That Mr Barber, Mr Dalla-Riva and Mr Pakula be members of the Public Accounts and Estimates Committee.
 - (i) **ROAD SAFETY COMMITTEE** — That Mr Koch and Mr Leane be members of the Road Safety Committee.
 - (j) **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — That Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford be members of the Scrutiny of Acts and Regulations Committee.
- 2 That contingent upon the Royal Assent being given to the Parliamentary Legislation Amendment Bill 2007 —
- (a) **ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE** — That Mr Atkinson, Mr D.M. Davis, Mr Tee and Mr Thornley be members of the Economic Development and Infrastructure Committee.
 - (b) **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — That Mr Rich-Phillips be a member of the Public Accounts and Estimates Committee.
 - (c) **RURAL AND REGIONAL COMMITTEE** — That Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels be members of the Rural and Regional Committee.

Debate ensued.

Mr P.R. Davis moved, That the debate be adjourned for two weeks.

Debate ensued.

Question — That the debate be adjourned for two weeks — put.

The Council divided — The President in the Chair.

AYES, 19
Mr Atkinson
Mr Barber
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis

NOES, 21
Ms Broad
Ms Darveniza
Mr Drum
Mr Eideh
Mr Elasmr

Mr P.R. Davis	Mr Hall
Mr Finn	Mr Jennings
Mr Guy	Mr Leane
Ms Hartland	Mr Lenders
Mr Kavanagh	Mr Madden
Mr Koch	Ms Mikakos
Mrs Kronberg (<i>Teller</i>)	Mr Pakula
Ms Lovell (<i>Teller</i>)	Ms Pulford
Mr O'Donohue	Mr Scheffer
Ms Pennicuik	Mr Smith
Mrs Petrovich	Mr Somyurek (<i>Teller</i>)
Mrs Peulich	Mr Tee (<i>Teller</i>)
Mr Rich-Phillips	Mr Theophanous
Mr Vogels	Mr Thornley
	Ms Tierney
	Mr Viney

Question negatived.

Question — That the motion proposed by Mr Lenders be agreed to — put and agreed to.

- 10 PUBLIC PROSECUTIONS AMENDMENT BILL 2006** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 11 PARLIAMENTARY LEGISLATION AMENDMENT BILL 2007** — Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 12 MURRAY-DARLING BASIN AMENDMENT BILL 2006** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 2.03 p.m. —

- 13 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 14 MURRAY-DARLING BASIN AMENDMENT BILL 2006** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 15 PAY-ROLL TAX AMENDMENT (BUSHFIRE AND EMERGENCY SERVICE) BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Pay-roll Tax Act 1971 to provide an exemption for wages paid or payable to employees who are absent from work on volunteer firefighter or emergency service duty and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Theophanous (for Mr Lenders), the Bill was read a first time and, by leave, was read a second reading forthwith.

Mr Theophanous laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Theophanous, the second reading speech was incorporated into Hansard.

Mr Theophanous moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Mr Rich-Phillips), the debate was adjourned for one week.

16 ADJOURNMENT — Mr Theophanous moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.31 p.m., adjourned until Tuesday, 13 March 2007.

W.R. TUNNECLIFFE
Clerk of the Legislative Council



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 10, 11 and 12

No. 10 — Tuesday, 13 March 2007

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE JAMES LIONEL SIMMONDS** — Mr Lenders moved, That this House expresses its sincere sorrow at the death, on 3 March 2007, of the Honourable James Lionel Simmonds, 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 Reservoir from 1969 to 1992, as Minister of Employment and Training from 1982 to 1985 and as Minister for Local Government from 1985 to 1988.
And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
[Sitting suspended from 2.39 p.m. until 3.41 p.m.]
- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 6 March 2007, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
Control of Weapons Amendment (Penalties) Act 2007
Interpretation of Legislation Amendment Act 2007
Murray-Darling Basin Amendment Act 2007.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 5 **SOCCER AND RUGBY STADIUM** — Mr Theophanous having given an answer to a question without notice relating to the rectangular soccer and rugby stadium —
On the motion of Mr D.M. Davis, the Minister's answer was ordered to be taken into consideration on the next day of meeting.
- 6 **QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 7 **PAPERS** —
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 3 of 2007 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

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

Conservation, Forests and Lands Act 1987 — Code of Practice for Timber Production.

Emergency Services Superannuation Board — Report on the Actuarial Investigation of the Emergency Services Superannuation Scheme as at 30 June 2006 (two papers).

Essential Services Commission Act 2001 — Review of the Act and Minister's Response to the Review of the Act pursuant to section 66(3) (two papers).

Keilor Cemetery Trust —

Minister's report of failure to submit report for 2005-06 to the Minister within the prescribed period and the reasons therefor.

Minister's report of receipt of 2005-06 report.

Parliamentary Committees Act 2003 — Minister's response to recommendations in Law Reform Committee's report on the review of the Coroner's Act 1985.

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

Brimbank Planning Scheme — Amendment C88.

Greater Bendigo Planning Scheme — Amendment C95.

Greater Geelong Planning Scheme — Amendment C110.

Swan Hill Planning Scheme — Amendment C24.

West Wimmera Planning Scheme — Amendment C9.

Wyndham Planning Scheme — Amendment C82.

Statutory Rules under the following Acts of Parliament:

Associations Incorporation Act 1981 — No. 8.

Co-operatives Act 1996 — No. 9.

Estate Agents Act 1980 — No. 7.

Fundraising Appeals Act 1998 — No. 10.

Residential Tenancies Act 1997 — No. 11.

Supreme Court Act 1986 — No. 5.

Supreme Court Act 1986 — Serious Sex Offenders Monitoring Act 2005 — No. 6.

Subordinate Legislation Act 1994 —

Ministers' exemption certificates under section 8(4) in respect of Statutory Rule Nos. 5 and 6.

Minister's exemption certificates under section 9(6) in respect of Statutory Rule Nos. 8 to 11.

Premier's exemption certificate under section 9(6) in respect of Statutory Rule No. 7.

8 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

9 BUSINESS POSTPONED — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until later this day.

10 WATER AMENDMENT (CRITICAL WATER INFRASTRUCTURE PROJECTS) BILL 2006 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted by the President at 10.00 p.m., the debate stood adjourned in the name of Ms Pulford.

11 ADJOURNMENT — The President proposed the question, That the House do now adjourn. Debate ensued.

And then the Council, at 10.35 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 11 — Wednesday, 14 March 2007

- 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:
 - Parliamentary Committees Act 2003 — Treasurer's response to recommendations in Public Accounts and Estimates Committee's Report on 2006-07 Budget Estimates.
 - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
 - Cardinia Planning Scheme — Amendment C80.
 - Greater Shepparton Planning Scheme — Amendment C69.
 - Hepburn Planning Scheme — Amendment C36.
 - Manningham Planning Scheme — Amendment C50.
 - Mansfield Planning Scheme — Amendment C7.
 - Moreland Planning Scheme — Amendment C77.
 - Whitehorse Planning Scheme — Amendment C57 Part 1.
- 3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 4 **PRODUCTION OF DOCUMENTS** — Mr P.R. Davis moved, That, unless otherwise ordered by the Council, the following arrangements will apply in relation to the production of documents:
 - (1) The Council may order documents to be tabled in the Council. The Clerk is to communicate to the Secretary, Department of Premier and Cabinet, all orders for documents made by the Council.
 - (2) An order for the production of documents must specify the date for the documents to be provided.
 - (3) When returned, the documents will be laid on the table by the Clerk.
 - (4) A return under this order is to include an indexed list of all documents tabled, showing the date of creation of the document, a description of the document and the author of the document.
 - (5) If at the time the documents are required to be tabled the Council is not sitting, the documents may be lodged with the Clerk, and unless Executive privilege is claimed, are deemed to be have been presented to the Council and published by authority of the Council.
 - (6) Where a document is claimed to be covered by Executive privilege –
 - (a) a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of Executive privilege; and
 - (b) the documents are to be delivered to the Clerk by the date and time required in the resolution of the Council and –
 - (i) made available only to the mover of the motion for the order; and
 - (ii) not published or copied without an order of the Council.
 - (7) The mover may notify the Clerk in writing, disputing the validity of the claim of Executive privilege in relation to a particular document or documents. On receipt of such notification, the Clerk is authorised to release the disputed document or documents to an independent legal arbiter, for evaluation and report within 7 calendar days as to the validity of the claim.
 - (8) The independent legal arbiter is to be appointed by the President and must be a Queen's Counsel, a Senior Counsel or a retired Supreme Court Judge.
 - (9) A report from the independent legal arbiter is to be lodged with the Clerk and –
 - (a) made available only to members of the Council; and
 - (b) not published or copied without an order of the Council.
 - (10) The Clerk will maintain a register showing the name of any person examining documents tabled under this order.”.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson
Mr Barber
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Guy
Mr Hall
Ms Hartland
Mr Kavanagh
Mr Koch
Mrs Kronberg
Ms Lovell
Mr O'Donohue (*Teller*)
Ms Pennicuik
Mrs Petrovich (*Teller*)
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

NOES, 19

Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmar
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Mr Pakula
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous (*Teller*)
Mr Thornley (*Teller*)
Ms Tierney
Mr Viney

Question agreed to.

5 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — Mr Hall moved, That this House requires the Environment and Natural Resources Committee to inquire into and report by 30 June 2008 upon the impact of public land management practices on the frequency, scale and intensity of bushfires in Victoria, and in particular —

- (1) the extent, timing, resourcing and effectiveness of prescribed burning on both crown and freehold land;
- (2) the manner in which prescribed burning is conducted, including how applicable codes of practice are employed;
- (3) the impact of prescribed burning and recent wildfires on Victoria's biodiversity, wildlife and other natural assets including water quality and quantity;
- (4) the reporting process applicable to prescribed burning programs;
- (5) the legislative and regulatory arrangements for prescribed burns and bushfire management;
- (6) the effectiveness of maintaining permanent, strategically placed fire breaks and containment lines throughout public land areas;
- (7) the provision and maintenance of large water points on crown land to assist with bushfire aerial taskforce operations;
- (8) the impact of traditional land uses such as timber harvesting, grazing, four-wheel-driving, hunting, camping, mining and prospecting on the scale and intensity of bushfires and the ability of relevant agencies to respond;
- (9) the provision and maintenance of serviceable access tracks and signage to assist with recreational and emergency requirements;
- (10) the impact of climate change on bushfires and public land management practices;
- (11) whether additional measures are required to provide a mechanism for the skills, knowledge and interests of local communities, and appropriate scientific expertise, to be better represented in the management of bushfire risk on public land;
- (12) the involvement of local communities in the management of fire; and
- (13) any other matter that impacts on the scale and intensity of bushfires in Victoria.

Debate ensued.

Business having been interrupted at 2.08 p.m. —

6 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

PORT CAMPBELL DEVELOPMENT — Mr Madden having given an answer to a question and supplementary question without notice relating to the development of Port Campbell —

On the motion of Mr Atkinson, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

QUESTIONS — Questions without notice continued.

7 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — Debate continued on the question, That there be referred to the Environment and Natural Resources Committee for inquiry and report by 30 June 2008 the impact of public land management practices on the frequency, scale and intensity of bushfires in Victoria.

The time for General Business having expired —

Mr P.R. Davis moved, That General Business be extended by one hour.

Question — put and agreed to.

Debate continued.

The time for General Business having expired —

Mrs Coote moved, That General Business be extended by one hour.

Question — put and agreed to.

Debate continued.

Question —

That this House requires the Environment and Natural Resources Committee to inquire into and report by 30 June 2008 upon the impact of public land management practices on the frequency, scale and intensity of bushfires in Victoria, and in particular —

- (1) the extent, timing, resourcing and effectiveness of prescribed burning on both crown and freehold land;
- (2) the manner in which prescribed burning is conducted, including how applicable codes of practice are employed;
- (3) the impact of prescribed burning and recent wildfires on Victoria's biodiversity, wildlife and other natural assets including water quality and quantity;
- (4) the reporting process applicable to prescribed burning programs;
- (5) the legislative and regulatory arrangements for prescribed burns and bushfire management;
- (6) the effectiveness of maintaining permanent, strategically placed fire breaks and containment lines throughout public land areas;
- (7) the provision and maintenance of large water points on crown land to assist with bushfire aerial taskforce operations;
- (8) the impact of traditional land uses such as timber harvesting, grazing, four-wheel-driving, hunting, camping, mining and prospecting on the scale and intensity of bushfires and the ability of relevant agencies to respond;
- (9) the provision and maintenance of serviceable access tracks and signage to assist with recreational and emergency requirements;
- (10) the impact of climate change on bushfires and public land management practices;
- (11) whether additional measures are required to provide a mechanism for the skills, knowledge and interests of local communities, and appropriate scientific expertise, to be better represented in the management of bushfire risk on public land;
- (12) the involvement of local communities in the management of fire; and
- (13) any other matter that impacts on the scale and intensity of bushfires in Victoria.

— put and agreed to.

8 BUSINESS POSTPONED —

Ordered — That the consideration of the remaining Notices of Motion, General Business, and Orders of the Day, General Business, be postponed until the next day of meeting.

Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until the next day of meeting.

9 WATER AMENDMENT (CRITICAL WATER INFRASTRUCTURE PROJECTS) BILL 2006 —

Debate resumed on the question, That the Bill be now read a second time.

Ms Lovell announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 35

Mr Atkinson
 Ms Broad (*Teller*)
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza (*Teller*)
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Eideh
 Mr Elasmar
 Mr Finn
 Mr Guy
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

NOES, 5

Mr Barber
 Mr Drum (*Teller*)
 Mr Hall
 Ms Hartland
 Ms Pennicuik (*Teller*)

Question agreed to.

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

House in Committee.

The President resumed the Chair; and the Deputy President having reported that the Committee had agreed to the Bill with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

- 10 NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCITE) BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Nuclear Activities (Prohibitions) Act 1983 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Theophanous), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 11 PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Prahran Mechanics' Institute Act 1899 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 12 PARLIAMENTARY LEGISLATION AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Mr P.R. Davis announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Business having been interrupted by the President at 9.58 p.m. —

- 13 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued.

And then the Council, at 10.30 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 12 — Thursday, 15 March 2007

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

- 2 LIVESTOCK DISEASE CONTROL AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Livestock Disease Control Act 1994 to improve the administration and enforcement of that Act and to make changes to the cattle compensation scheme and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Theophanous, the Bill was read a first time and, by leave, ordered 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:

Budget Sector — Mid-year Financial Report, 2006-07, incorporating the Quarterly Financial Report No. 2 for the period ended 31 December 2006.

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems, January 2007.

Drinking Water Quality in Victoria — Report, 2005-06.

Parliamentary Committees Act 2003 — Minister's response to recommendations in Road Safety Committee's in report on the Review of the Inquiry into the Incidence and Prevention of Pedestrian Accidents.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 4.

- 4 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 17 April 2007.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 6 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 7 BUSINESS POSTPONED** —

Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until later this day.

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

- 8 NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCITE) BILL 2007** — Mr Jennings (for Mr Theophanous) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 9 PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL 2007** — Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 10 LIVESTOCK DISEASE CONTROL AMENDMENT BILL 2007** — Mr Jennings (for Mr Theophanous) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Vogels), the debate was adjourned for one week.

- 11 PAY-ROLL TAX AMENDMENT (BUSHFIRE AND EMERGENCY SERVICE) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message 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. 4, be postponed until later this day.

- 13 PUBLIC PROSECUTIONS AMENDMENT BILL 2006** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

14 PARLIAMENTARY LEGISLATION AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Mr Barber announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Business having been interrupted at 2.13 p.m.—

15 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

16 PARLIAMENTARY LEGISLATION AMENDMENT BILL 2007 — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

Ms Broad (*Teller*)

Ms Darveniza (*Teller*)

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Hall

Mr Jennings

Mr Kavanagh

Mr Leane

Mr Lenders

Mr Madden

Ms Mikakos

Mr Pakula

Ms Pulford

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Mr Theophanous

Mr Thornley

Ms Tierney

Mr Viney

NOES, 18

Mr Atkinson

Mr Barber

Mrs Coote (*Teller*)

Mr Dalla-Riva (*Teller*)

Mr D.M. Davis

Mr P.R. Davis

Mr Finn

Mr Guy

Ms Hartland

Mr Koch

Mrs Kronberg

Ms Lovell

Mr O'Donohue

Ms Pennicuik

Mrs Petrovich

Mrs Peulich

Mr Rich-Phillips

Mr Vogels

Question agreed to.

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

House in Committee.

The President resumed the Chair; and the Deputy President having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Mr Lenders moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 21

Ms Broad

Ms Darveniza

Mr Drum

Mr Eideh (*Teller*)

Mr Elasmarr (*Teller*)

Mr Hall

Mr Jennings

NOES, 19

Mr Atkinson

Mr Barber

Mrs Coote

Mr Dalla-Riva

Mr D.M. Davis (*Teller*)

Mr P.R. Davis

Mr Finn (*Teller*)

Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

Mr Guy
 Ms Hartland
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 17 VICTIMS OF CRIME ASSISTANCE AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Victims of Crime Assistance Act 1996 to increase the amounts of special financial assistance that may be awarded under that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 18 GAMBLING REGULATION AMENDMENT (REVIEW PANEL) BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Gambling Regulation Act 2003 to establish a Review Panel to report to the Minister on certain processes and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Guy), the debate was adjourned for one week.

- 19 ORDER OF THE COUNCIL RESCINDED** — Mr Lenders moved, by leave, That the Order of the Council postponing Notice of Motion, Government Business, No. 1 relating to the Rural and Regional Committee until the next day of meeting be read and rescinded and that the Notice of Motion be moved forthwith.

Question — put and agreed to.

- 20 RURAL AND REGIONAL COMMITTEE** — Mr Lenders moved, That contingent on the coming into operation of the *Parliamentary Legislation Amendment Act 2007*, this House requires the Rural and Regional Committee to inquire into, consider and report to Parliament on —
- (1) the economic benefits of tourism in regional areas, including tracking the flow-on benefits through other regional businesses and industry;

- (2) potential impediments to the sustained growth of regional tourism, economic activity and jobs;
- (3) the effectiveness, at a National, State and local level, of current programs to promote and enhance tourism in regional Victoria;
- (4) initiatives to increase both international and domestic visitor nights in regional Victoria;
- (5) the efficacy of existing mechanisms at a National, State and local level to address the impact on regional tourism of natural events such as bushfires, floods and drought, and effective measures to drive long term economic recovery; and
- (6) opportunities to leverage private investment and commercial activity in regional tourism infrastructure, including ecotourism.

Question — put and agreed to.

21 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.20 p.m., adjourned until Tuesday, 17 April 2007.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 10, 11 and 12

Wednesday, 14 March 2007

1 WATER AMENDMENT (CRITICAL WATER INFRASTRUCTURE PROJECTS) BILL 2006

Clause 1 — Question — That clause 1 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 21
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber
Mr Eideh (<i>Teller</i>)	Mrs Coote (<i>Teller</i>)
Mr Elasmarr (<i>Teller</i>)	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Mr Leane	Mr P.R. Davis
Mr Lenders	Mr Drum (<i>Teller</i>)
Mr Madden	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pulford	Ms Hartland
Mr Scheffer	Mr Kavanagh
Mr Smith	Mr Koch
Mr Somyurek	Mrs Kronberg
Mr Tee	Ms Lovell
Mr Theophanous	Mr O'Donohue
Mr Thornley	Ms Pennicuik
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Rich-Phillips
	Mr Vogels

Question negatived.

Clause 1 omitted.

Clause 2 — put and agreed to.

Clause 3 — Ms Lovell moved —

Clause 3, page 5, line 27, omit "project." and insert "project.'".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber (<i>Teller</i>)	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva (<i>Teller</i>)	Mr Elasmarr
Mr D.M. Davis	Mr Jennings (<i>Teller</i>)
Mr P.R. Davis	Mr Leane (<i>Teller</i>)
Mr Drum	Mr Lenders

Mr Finn	Mr Madden
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Ms Hartland	Ms Pulford
Mr Kavanagh	Mr Scheffer
Mr Koch	Mr Smith
Mrs Kronberg	Mr Somyurek
Ms Lovell	Mr Tee
Mr O'Donohue	Mr Theophanous
Ms Pennicuik	Mr Thornley
Mrs Petrovich	Mr Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Amendment agreed to.

Ms Lovell moved —

Clause 3, page 5, lines 28 to 34, and page 6, lines 1 to 19, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put and agreed to.

Clause 3, as amended — put and agreed to.

Clause 4 — put and agreed to.

Clause 5 — Question — That clause 5 stand part of the Bill — put and negatived.

Clause 5 omitted.

Clause 6 — put and agreed to.

New Clause — Ms Lovell moved —

Insert the following New Clause to precede clause 2—

"A. Purpose

The purpose of this Act is to amend the **Water Act 1989** to facilitate critical water infrastructure projects."

Question — That the new clause stand part of the Bill — put and agreed to.

Long Title — Ms Lovell moved —

Long title, omit ", to amend the **Land Acquisition and Compensation Act 1986**".

Question — That the long title, as amended, be the long title of the Bill — put and agreed to.

Bill reported with amendments.

Thursday, 15 March 2007

2 PARLIAMENTARY LEGISLATION AMENDMENT BILL 2007

Clause 1 — Mr P.R. Davis moved —

Clause 1, line 3, omit "is—" and insert "is".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 20
Mr Atkinson	Ms Darveniza
Mr Barber	Mr Drum
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis (<i>Teller</i>)	Mr Hall
Mr P.R. Davis	Mr Jennings
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Ms Hartland (<i>Teller</i>)	Mr Madden (<i>Teller</i>)
Mr Kavanagh	Ms Mikakos (<i>Teller</i>)
Mr Koch	Mr Pakula
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Donohue	Mr Smith
Ms Pennicuik	Mr Somyurek
Mrs Petrovich	Mr Tee
Mrs Peulich	Mr Theophanous
Mr Rich-Phillips	Mr Thornley
Mr Vogels	Ms Tierney
	Mr Viney

Amendment negated.

Ms Pennicuik moved —

Clause 1, line 8, omit "and Infrastructure" and insert ", Infrastructure and Public Works".

Question — That the amendment be agreed to — put and negated.

Mr Barber moved —

Clause 1, page 2, after line 7 insert—

"(iv) require that both the chairperson and a majority of the members of the Public Accounts and Estimates Committee must not be members of the party or parties forming the Government; and".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 21
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Drum
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Hall
Mr Finn (<i>Teller</i>)	Mr Jennings
Mr Guy	Mr Leane
Ms Hartland	Mr Lenders
Mr Kavanagh	Mr Madden
Mr Koch	Ms Mikakos
Mrs Kronberg	Mr Pakula (<i>Teller</i>)
Ms Lovell	Ms Pulford (<i>Teller</i>)
Mr O'Donohue	Mr Scheffer

Ms Pennicuik (*Teller*)
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

Amendment negated.

Mr P.R. Davis moved —

Clause 1, page 2, lines 8 to 23, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Atkinson
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Finn
 Mr Guy (*Teller*)
 Ms Hartland
 Mr Kavanagh (*Teller*)
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

NOES, 21

Ms Broad
 Ms Darveniza
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Hall
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pulford
 Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek (*Teller*)
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

Amendment negated.

Clause 1 — put and agreed to.

Clauses 2 to 8 — put and agreed to.

Clause 9 — Question — That clause 9 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Ms Broad
 Ms Darveniza
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Hall
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula

NOES, 19

Mr Atkinson
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Finn
 Mr Guy
 Ms Hartland
 Mr Kavanagh
 Mr Koch (*Teller*)
 Mrs Kronberg (*Teller*)

Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee (*Teller*)
Mr Theophanous (*Teller*)
Mr Thornley
Ms Tierney
Mr Viney

Ms Lovell
Mr O'Donohue
Ms Pennicuik
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

Question agreed to.

Clause 10 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 13, 14 and 15

No. 13 — Tuesday, 17 April 2007

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor informing the Council that she had, on 20 March 2007, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
Parliamentary Legislation Amendment Act 2007
Pay-roll Tax Amendment (Bushfire and Emergency Service) Act 2007
Public Prosecutions Amendment Act 2007.
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITIONS** —
GLENROY-GOWRIE BUS SERVICE — Ms Mikakos presented a Petition bearing 211 signatures from certain citizens of Victoria requesting that the Route 536 bus service between Glenroy and Gowrie be extended to operate from 6 a.m. to 9 p.m. on weekdays, 8 a.m. to 9 p.m. on Saturdays and public holidays and 9 a.m. to 9 p.m. on Sundays, Christmas Day and Good Friday.
Ordered to lie on the Table.

* * * * *

LEXTON POLICE POSITION — Mr Koch presented a Petition bearing 48 signatures from certain citizens of Victoria requesting that the Government abandons the proposal to relocate the existing Lexton police position to Beaufort thereby only servicing the Lexton community on a needs or availability basis, as it may impact detrimentally on the Lexton community's security.
Ordered to lie on the Table.

- 5 **PAPERS** —
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —
ALERT DIGEST — Mr Eideh presented Alert Digest No. 4 of 2007 (including Appendices), together with Minutes of Evidence from the Scrutiny of Acts and Regulations Committee.
Ordered to lie on the Table and to be printed.
STATUTE LAW REPEALS BILL 2006 — Mr Eideh presented the Report on the Statute Law Repeals Bill 2006 (including Appendices) from the Scrutiny of Acts and Regulations Committee.
Ordered to lie on the Table and to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — PRIVATE INVESTMENT IN PUBLIC INFRASTRUCTURE — Pursuant to the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Minister's response to recommendations in the Public Accounts and Estimates Committee's Report on Private Investment in Public Infrastructure.

* * * * *

EDUCATION AND TRAINING COMMITTEE — EFFECTS OF TELEVISION AND MULTIMEDIA ON EDUCATION IN VICTORIA — Pursuant to the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Minister's response to recommendations in the Education and Training Committee's Report on the Effects of Television and Multimedia on education in Victoria.

* * * * *

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 and District Ambulance Service of Victoria — Minister's report of receipt of 2005-06 report (*in lieu of that tabled on 13 February 2007*).

Municipal Association of Victoria Insurance — Report, 2005-06.

Parliamentary Committees Act 2003 — Whole of Government Response to recommendations in Rural and Regional Services and Development Committee's Inquiry into Retaining Young People in Rural Towns and Communities.

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

Alpine Planning Scheme — Amendment C20.

Bass Coast Planning Scheme — Amendments C35, C52 and C67.

Benalla Planning Scheme — Amendment C20.

Campaspe Planning Scheme — Amendments C36 and C52.

Cardinia Planning Scheme — Amendment C95.

Casey Planning Scheme — Amendment C77 Parts 1 and 2.

Greater Bendigo Planning Scheme — Amendment C82.

Greater Geelong Planning Scheme — Amendment C120.

Greater Shepparton Planning Scheme — Amendment C37.

Hindmarsh Planning Scheme — Amendments C2 and C5.

Horsham Planning Scheme — Amendments C24 and C33.

Kingston Planning Scheme — Amendment C82.

Manningham Planning Scheme — Amendment C62.

Maribyrnong Planning Scheme — Amendment C23.

Melbourne Planning Scheme — Amendments C93 and C117.

Mornington Planning Scheme — Amendments C81, C92 and C93.

Mount Alexander Planning Scheme — Amendment C24.

Murrindindi Planning Scheme — Amendment C13.

Northern Grampians Planning Scheme — Amendment C21.

Port Phillip Planning Scheme — Amendment C54.

Warrnambool Planning Scheme — Amendment C42.

Whittlesea Planning Scheme — Amendment C96.

Wodonga Planning Scheme — Amendment C37 Part 1.

Wyndham Planning Scheme — Amendment C90.

Yarriambiack Planning Scheme — Amendment C9.

Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Husbandry of Captive Emus (Victoria) (Revision No. 1) (two papers).

Statutory Rules under the following Acts of Parliament:

Building and Construction Industry Security of Payment Act 2002 — No. 19.

Electricity Safety Act 1998 — No. 16.

Fisheries Act 1995 — No. 12.

Pipelines Act 2005 — No. 15.

Road Safety Act 1986 — No. 14.

Statutory Rules — *continued*

Sex Offenders Registration Act 2004 — No. 18.

Subordinate Legislation Act 1994 — No. 13.

Tobacco Act 1987 — No. 17.

Transport Act 1983 — No. 20.

Subordinate Legislation Act 1994 —

Minister's consultation certificate under section 6A(3) in respect of Statutory Rule No. 20.

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 13.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 14 and 20.

Victorian Renewable Energy Act 2006 — Victorian Renewable Energy Target Scheme Rules pursuant to section 113(9) of the Act.

Water Act 1989 — Minister's Orders of 13 March 2007 declaring water supply protection areas for the King Parrot Creek Catchment and the Yea River Catchment (three papers).

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

Energy Legislation (Hardship, Metering and Other Matters) Act 2006 — Part 4 — 1 April 2007 (*Gazette No. G13, 29 March 2007*).

Pipelines Act 2005 — 1 April 2007 (*Gazette No. G13, 29 March 2007*).

Transport Legislation (Further Amendment) Act 2006 — sections 18, 19, 20(2)(b), 20(3), 21(2)(b), 22, 23, 24(1), 24(2), 24(3)(b), 24(c), 24(4), 24(5), 25(2)(b), 26(2), 26(3)(b), 28(2), 28(3)(b) and 29 — 30 March 2007 (*Gazette No. G13, 29 March 2007*).

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 7 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until later this day.
- 8 PARLIAMENTARY COMMITTEES** — Mr Lenders moved, That —
- (1) **DISPUTE RESOLUTION COMMITTEE** —
 - (a) 5 Members be appointed to the Dispute Resolution Committee.
 - (b) the Committee will consist of 2 Members from the Government Party nominated by the Leader of the Government, 1 Member from the Opposition nominated by the Leader of the Opposition, 1 Member from The Nationals nominated by the Leader of The Nationals and 1 Member from the Australian Greens nominated by the Australian Greens Whip.
 - (2) Standing Orders be suspended to the extent necessary to enable—
 - (a) **LEGISLATION COMMITTEE** — 7 Members to be appointed to the Legislation Committee.
 - (b) **PRIVILEGES COMMITTEE** — A Select Committee of 7 Members to be appointed to inquire into and report on complaints of breach of privilege referred to it by the Council.
 - (c) **STANDING ORDERS COMMITTEE** — A Select Committee of 7 Members to be appointed on the Standing Orders of the Council.
 - (3) Each Committee referred to in paragraph (2) will consist of 3 Members from the Government Party nominated by the Leader of the Government, 2 Members from the Opposition nominated by the Leader of the Opposition, 1 Member from The Nationals nominated by the Leader of The Nationals and 1 Member from the Australian Greens nominated by the Australian Greens Whip.
 - (4) 4 Members will constitute a quorum of each Committee referred to in paragraph (2).

- (5) Members will be appointed to each Committee by lodgement of the names with the President by the persons referred to in paragraphs (1b) and (3) no later than 4.00 p.m. on Thursday, 19 April 2007.

Question — put and agreed to.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 2, be postponed for one week.

- 10 GAMBLING REGULATION AMENDMENT (REVIEW PANEL) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

Mr Guy announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 34

Mr Atkinson
Mr Barber
Ms Broad
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Ms Hartland
Mr Jennings
Mr Kavanagh
Mrs Kronberg
Mr Leane (*Teller*)
Mr Lenders (*Teller*)
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Ms Pennicuik
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Mr Tierney
Mr Viney
Mr Vogels

NOES, 2

Mr Drum (*Teller*)
Mr Hall (*Teller*)

Question agreed to.

On the motion of Mr Madden, the Bill was ordered to be considered in Committee of the whole on Thursday, 19 April 2007.

- 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 PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
And the Deputy President having ruled the Bill to be a Private Bill —
On the motion of Mr Lenders, the Bill was ordered to be dealt with as a Public Bill.
Debate resumed.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 13 STATUTE LAW REVISION BILL 2006** — Mr Madden (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
Mr Madden moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
Mr Madden moved, by leave, That the proposals contained in the Statute Law Revision Bill 2006 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report.
Question — put and agreed to.
- 14 VICTIMS OF CRIME ASSISTANCE AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
Business having been interrupted by the President at 9.57 p.m. —
- 15 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.
Debate ensued.
And then the Council, at 10.42 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 14 — Wednesday, 18 April 2007

- 1 The President took the Chair and read the Prayer.
- 2 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:
Ombudsman — Investigation into a disclosure about WorkSafe's and Victoria Police's handling of a bullying and harassment complaint, April 2007.
- 3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 4 **SELECT COMMITTEE ON WATER DESALINATION** — Mr P.R. Davis moved, That —
 - (1) A Select Committee of 7 Members be appointed to inquire into and report on desalination as augmentation of Melbourne's water supply.
 - (2) The Committee will consist of 2 Members from the Government Party nominated by the Leader of the Government, 2 Members from the Opposition nominated by the Leader of the Opposition, 1 Member from The Nationals nominated by the Leader of The Nationals, 1 Member from the Australian Greens nominated by the Australian Greens Whip and Mr. Peter Kavanagh, MLC from the Democratic Labor Party.

- (3) The Members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on Friday, 20 April 2007.
- (4) The first meeting of the Committee must be held no later than 4.00 p.m. on Monday, 30 April 2007.
- (5) The Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.
- (6) 4 Members of the Committee will constitute a quorum of the Committee.
- (7) The Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member.
- (8) The Committee will advertise its terms of reference and call for submissions and all such submissions received by the Committee will be treated as public documents unless the Committee otherwise orders.
- (9) The Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry.
- (10) The Committee will present its final report to the Council no later than 31 December 2007.
- (11) The presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions.
- (12) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 21
Mr Atkinson	Mr Barber (<i>Teller</i>)
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum	Ms Hartland
Mr Finn	Mr Jennings
Mr Guy (<i>Teller</i>)	Mr Leane
Mr Hall	Mr Madden (<i>Teller</i>)
Mr Kavanagh	Ms Mikakos
Mrs Kronberg (<i>Teller</i>)	Mr Pakula
Ms Lovell	Ms Pennicuik
Mr O'Donohue	Ms Pulford
Mrs Petrovich	Mr Scheffer
Mrs Peulich	Mr Smith
Mr Rich-Phillips	Mr Somyurek
Mr Vogels	Mr Tee
	Mr Theophanous
	Mr Thornley
	Mr Tierney
	Mr Viney

Question negated.

Business having been interrupted at 2.03 p.m.—

- 5 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until later this day.

- 7 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Lenders moved, That the Public Accounts and Estimates Committee have leave to meet and take evidence for the purposes of the 2007-08 Budget Estimates Inquiry during the sitting of the Council on Thursday, 3 May 2007.
Question — put and agreed to.
- 8 LIVESTOCK DISEASE CONTROL AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Ms Darveniza (on behalf of Mr Theophanous) announced that he proposed to move amendments in Committee and requested that they be circulated.
Accordingly, the amendments were circulated.
Debate continued.
Question — put and agreed to.
Bill read a second time and committed to a Committee of the whole.
House in Committee.
The Acting President resumed the Chair; and the Deputy President having reported that the Committee had agreed to the Bill with amendments, the Report was adopted, and the Bill was read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.
- 9 NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCITE) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Mr Barber announced that he proposed to move amendments in Committee and requested that they be circulated.
Accordingly, the amendments were circulated.
Debate continued.
On the motion of Mr Atkinson, the debate was adjourned until the next day of meeting.
- 10 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.
Debate ensued.
And then the Council, at 6.32 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 15 — Thursday, 19 April 2007

- 1** The President took the Chair and read the Prayer.
- 2 INFERTILITY TREATMENT AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Infertility Treatment Act 1995 to allow human cloning under licence for research purposes while retaining the existing prohibition on human cloning for reproduction and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 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:
Victims of Crime Assistance Tribunal — Report, 2005-06.
- 4 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 1 May 2007.
Question — put and agreed to.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

7 BUSINESS POSTPONED —

Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until later this day.

Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

8 NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCITE) BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Ms Mikakos, the debate was adjourned until later this day.

Business having been interrupted at 2.03 p.m. —

9 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

10 LIVESTOCK DISEASE CONTROL AMENDMENT BILL 2007 — 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 the Bill.

11 GAMBLING REGULATION AMENDMENT (REVIEW PANEL) BILL 2007 — The Bill was committed to a Committee of the whole.

House in Committee.

The Acting President resumed the Chair; and the Deputy President having reported that the Committee had agreed to the Bill with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

12 NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCITE) BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Barber

Ms Broad

Ms Darveniza

Mr Eideh

Mr Elasmr

Ms Hartland

Mr Leane

Mr Lenders

Mr Madden

Ms Mikakos (*Teller*)

Mr Pakula (*Teller*)

Ms Pennicuik

Ms Pulford

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Mr Theophanous

Mr Thornley

Mr Tierney

NOES, 17

Mr Atkinson

Mrs Coote

Mr Dalla-Riva

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Finn

Mr Guy

Mr Hall

Mr Kavanagh

Mrs Kronberg

Ms Lovell (*Teller*)

Mr O'Donohue (*Teller*)

Mrs Petrovich

Mrs Peulich

Mr Rich-Phillips

Mr Vogels

Mr Viney

Question agreed to.

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

House in Committee.

The President resumed the Chair; and the Deputy President having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Mr Theophanous moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 18

Ms Broad

Ms Darveniza

Mr Eideh

Mr Elasmarr

Mr Jennings

Mr Leane

Mr Madden

Ms Mikakos

Mr Pakula

Ms Pulford (*Teller*)

Mr Scheffer (*Teller*)

Mr Smith

Mr Somyurek

Mr Tee

Mr Theophanous

Mr Thornley

Mr Tierney

Mr Viney

NOES, 20

Mr Atkinson

Mr Barber

Mrs Coote

Mr Dalla-Riva

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Finn

Mr Guy

Mr Hall

Ms Hartland (*Teller*)

Mr Kavanagh

Mrs Kronberg

Ms Lovell

Mr O'Donohue

Ms Pennicuik (*Teller*)

Mrs Petrovich

Mrs Peulich

Mr Rich-Phillips

Mr Vogels

Question negatived.

Bill returned to the Assembly with a Message acquainting them that the Council have rejected the Bill.

- 13 LEGAL PROFESSION AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Legal Profession Act 2004 as a result of amendments to the national model provisions for the regulation of the legal profession and generally to improve the regulation of the profession and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, to be read a second time later this day.

- 14 MAJOR EVENTS (AERIAL ADVERTISING) BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to provide for the regulation, management and control of aerial advertising at major events in Victoria, to consequentially amend other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Theophanous), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 15 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REPEAL OF PART X) BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to repeal Part X of the Drugs, Poisons and Controlled Substances Act 1981, to amend that Act to close the Drug Rehabilitation and Research Fund established under Part X of that Act, to provide for the transfer of all money standing to the credit of that Fund to the Consolidated Fund, to repeal a spent transitional provision in*

the Confiscation Act 1997 relating to that Fund and to make a statute law revision amendment to the Drugs, Poisons and Controlled Substances (Amendment) Act 2006 and for other purposes and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 16 ROAD LEGISLATION AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986, the Melbourne City Link Act 1995, the EastLink Project Act 2004 and the Road Legislation (Projects and Road Safety) Act 2006 and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Lenders (for Mr Theophanous), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 17 INFERTILITY TREATMENT AMENDMENT BILL 2007** — Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr D.M. Davis, the debate was adjourned for one week.

- 18 MAJOR EVENTS (AERIAL ADVERTISING) BILL 2007** — Mr Lenders (for Mr Theophanous) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Dalla-Riva (for Ms Lovell), the debate was adjourned for one week.

- 19 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REPEAL OF PART X) BILL 2007** — Mr Lenders (for Mr Jennings) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr D.M. Davis, the debate was adjourned for one week

- 20 LEGAL PROFESSION AMENDMENT BILL 2007** — Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 21 ROAD LEGISLATION AMENDMENT BILL 2007** — Mr Lenders (for Mr Theophanous) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Dalla-Riva (for Mr Koch), the debate was adjourned for one week.

- 22 ADJOURNMENT** — Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.21 p.m., adjourned until Tuesday, 1 May 2007.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 13, 14 and 15

Wednesday, 18 April 2007

1 LIVESTOCK DISEASE CONTROL AMENDMENT BILL 2007

Clause 1 — put and agreed to.

Clauses 2 and 3 — put and agreed to.

Clause 4 — Mr Lenders (for Mr Theophanous) moved —

1 Clause 4, lines 25 to 27, omit all words and expressions on these lines and insert—

'() For section 15(1)(b) of the **Livestock Disease Control Act 1994** substitute—

"(b) any livestock, livestock product, fodder, fitting or any other article has been in contact with diseased livestock or a diseased livestock product—".'

2 Clause 4, line 31, omit "fitting or fodder" and insert "fodder, fitting or article".

3 Clause 4, page 3, line 6, omit "fitting or fodder" and insert "fodder, fitting or any other article".

4 Clause 4, page 3, line 7, after "livestock" insert "or a diseased livestock product".

5 Clause 4, page 3, line 9, omit "fitting or fodder" and insert "fodder, fitting or article".

6 Clause 4, page 3, line 12, omit "fitting or fodder" and insert "fodder, fitting or article".

7 Clause 4, page 3, lines 15 and 16, omit "fitting or fodder" and insert "fodder, fitting or article".

Question — That the amendments be agreed to — put and agreed to.

Clause 4, as amended — put and agreed to.

Clauses 5 to 8 — put and agreed to.

Clause 9 — Mr Lenders (for Mr Theophanous) moved —

8 Clause 9, line 15, before "After" insert "(1)".

9 Clause 9, after line 18 insert—

'(2) In section 113(1)(e) of the **Livestock Disease Control Act 1994**, for "or fitting" substitute ", fitting or any other article".'.

Question — That the amendments be agreed to — put and agreed to.

Clause 9, as amended — put and agreed to.

Clause 10 — put and agreed to.

Bill reported with amendments.

Thursday, 19 April 2007

2 GAMBLING REGULATION AMENDMENT (REVIEW PANEL) BILL 2007

Clause 1 — put and agreed to.

Clause 2 — put and agreed to.

Clause 3 — Mr Guy moved —

1 Clause 3, page 6, after line 30 insert—

"(c) to consider, and report to the Minister on, the conduct of any of the following in relation to the regulatory review or the authorisation and licensing process—

- (i) a Minister of the Crown;
- (ii) a person employed under Division 1 of Part 6 of the **Public Administration Act 2004**;
- (iii) a registrant or an applicant for an authorisation or a licence;
- (iv) a person engaged to provide services to a registrant or an applicant for an authorisation or a licence;".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 21
Mr Atkinson	Mr Barber
Mrs Coote	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Ms Hartland
Mr Drum	Mr Jennings
Mr Finn	Mr Kavanagh
Mr Guy	Mr Leane
Mr Hall	Mr Lenders
Mrs Kronberg	Mr Madden
Ms Lovell (<i>Teller</i>)	Ms Mikakos
Mr O'Donohue (<i>Teller</i>)	Mr Pakula
Mrs Petrovich	Ms Pennicuik
Mrs Peulich	Ms Pulford
Mr Rich-Phillips	Mr Scheffer
Mr Vogels	Mr Somyurek
	Mr Tee
	Mr Theophanous
	Mr Thornley (<i>Teller</i>)
	Ms Tierney (<i>Teller</i>)
	Mr Viney

Amendment negatived.

Mr Madden moved —

1 Clause 3, page 7, line 8, omit "Nothing" and insert "Subject to subsection (5), nothing".

Question — That the amendment be agreed to — put and agreed to.

Mr Madden moved —

2 Clause 3, page 7, after line 15 insert—

"(5) Subsection (4) does not prevent the Review Panel performing its functions under section 10.2A.3(1)(b) to the extent that those functions include considering and reporting on the process that led to the decision to extend the current public lottery licence until 30 June 2008 (the **extension process**), if the Review Panel considers that considering and reporting on the extension process is relevant to considering and reporting on the authorisation and licensing process.".

Question — That the amendment be agreed to — put and agreed to.

Mr Madden moved —

- 3 Clause 3, page 7, line 20, omit "2 or".
- 4 Clause 3, page 8, line 21, omit "2 or".

Question — That the amendments be agreed to — put and agreed to.

Mr Guy moved —

- 7 Clause 3, page 11, after line 9 insert—

- "(5) A meeting of the Review Panel must be held in public unless the Review Panel determines that there are special circumstances requiring that the meeting or part of it should be held in private.
- (6) Sections 14, 15 and 16 of the **Evidence Act 1958** apply to and in relation to any proceeding of the Review Panel as if the Review Panel were a board appointed by the Governor in Council."

Question — That the amendment be agreed to — put and negatived.

Mr Madden moved —

- 5 Clause 3, page 11, lines 27 to 29, omit all words and expressions on these lines and insert—

"(1) Subject to subsection (3), the Minister must—

- (a) give a copy of each report of the Review Panel to the Secretary as soon as practicable after receiving it; and
- (b) cause a copy of each report to be presented to each House of Parliament—
 - (i) in the case of a report with respect to the regulatory review, within 7 sitting days of the House after the Minister publicly announces the government's decision on the regulatory review;
 - (ii) in the case of a report with respect to the authorisation and licensing process, within 7 sitting days of the House after the Minister publicly announces the grant or issue of an authorisation or licence that is the subject of a report;
 - (iii) in any other case, at the time determined by the Minister."

Question — That the amendment be agreed to — put and agreed to.

Mr Madden moved —

- 6 Clause 3, page 11, lines 30 to 32 and page 12, lines 1 to 13, omit all words and expressions on these lines and insert—

"(2) The Secretary must cause a copy of each report received under subsection (1)(a) to be published on an appropriate Internet site as soon as practicable after a copy of the report has been presented to each House of Parliament under subsection (1)(b)."

Question — That the amendment be agreed to — put and agreed to.

Mr Madden moved —

- 7 Clause 3, page 12, lines 14 to 20, omit all words and expressions on these lines and insert—

"(3) Before complying with subsection (1), the Minister may exclude information from the report if the Minister has received advice from the Victorian Government Solicitor that the information is—

- (a) protected information; or
- (b) information that is or could be the subject of legal professional privilege."

Question — That the amendment be agreed to — put and agreed to.

Clause 3, as amended — put and agreed to.

Clauses 4 and 5 — put and agreed to.

Bill reported with amendments

3 NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCITE) BILL 2007

Clause 1 — put and agreed to.

Clause 2 — put and agreed to.

Clause 3 — Mr Barber moved —

- 1 Clause 3, page 2, lines 15 to 24 omit all words and expressions on these lines and insert "Commonwealth Government has taken, or is likely to take, steps to make or amend a Commonwealth law or to exercise any power under a Commonwealth law to facilitate the construction of a prohibited nuclear facility in Victoria."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Atkinson	Ms Broad (<i>Teller</i>)
Mr Barber	Ms Darveniza
Mrs Coote	Mr Drum
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Hall
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Ms Hartland (<i>Teller</i>)	Mr Madden
Mr Kavanagh	Ms Mikakos
Mrs Kronberg	Mr Pakula
Ms Lovell	Ms Pulford
Mr O'Donohue	Mr Scheffer
Ms Pennicuik	Mr Smith
Mrs Petrovich	Mr Somyurek
Mrs Peulich	Mr Tee
Mr Rich-Phillips (<i>Teller</i>)	Mr Theophanous
Mr Vogels	Mr Thornley
	Ms Tierney
	Mr Viney (<i>Teller</i>)

Amendment negated.

Mr Barber moved —

- 2 Clause 3, page 3, lines 6 and 7, omit "determined by the Minister" and insert ", stated in a resolution approved by the Legislative Assembly and the Legislative Council,".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza (<i>Teller</i>)
Mrs Coote	Mr Drum
Mr Dalla-Riva	Mr Eideh (<i>Teller</i>)
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Hall
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Ms Hartland	Mr Madden
Mr Kavanagh (<i>Teller</i>)	Ms Mikakos
Mrs Kronberg	Mr Pakula
Ms Lovell	Ms Pulford
Mr O'Donohue	Mr Scheffer

Ms Pennicuik
Mrs Petrovich (*Teller*)
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney

Amendment negatived.

Clause 3 — put and agreed to.

Clause 4 — put and agreed to.

Bill reported without amendment



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 16, 17 and 18

No. 16 — Tuesday, 1 May 2007

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 23 April 2007, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
Livestock Disease Control Amendment Act 2007
Prahran Mechanics' Institute Amendment Act 2007
Victims of Crime Assistance Amendment Act 2007.
- 3 **APPOINTMENT TO COMMITTEES** — The President announced that he had received from the Party Leaders and the Australian Greens Whip, within the time set by the Resolution of the Council, advice of appointments to the following committees:
Dispute Resolution Committee – Mr P.R. Davis, Mr Hall, Mr. Jennings, Mr Lenders and Ms Pennicuik.
Legislation Committee – Mr Atkinson, Ms Broad, Mrs Coote, Mr Drum, Ms Mikakos, Ms Pennicuik and Ms Pulford.
Privileges Committee – Ms Darveniza, Mr D.M. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.
Standing Orders Committee – The President, Mr Dalla-Riva, Mr P.R. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 5 **PETITIONS** —
SHARED SUPPORT ACCOMMODATION — Ms Lovell presented a Petition bearing 11 signatures from certain citizens of Victoria requesting that the State Government act immediately to resolve the shortage of shared supported accommodation facilities for disabled adults in the Goulburn Valley and north east Victoria
Ordered to lie on the Table.

* * * * *

NUCLEAR INDUSTRY IN VICTORIA — Ms Mikakos presented a Petition bearing 17 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria reaffirms the opposition of the Victorian Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant.
Ordered to lie on the Table.

6 PAPERS —

AUSTRALIAN CATHOLIC UNIVERSITY AND MELBOURNE COLLEGE OF DIVINITY — Mr Lenders moved, by leave, That there be laid before this House a copy of the Australian Catholic University Report, 2006 and Melbourne College of Divinity Report, 2006.

Question — put and agreed to.

The said reports were presented by Mr Lenders and ordered to lie on the Table.

* * * * *

VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS — Mr Jennings moved, by leave, that there be laid before this House a copy of the Victorian Government Indigenous Affairs Report for 2005-06.

Question — put and agreed to.

The said Report was presented by Mr Jennings and ordered to lie on the Table.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

ALERT DIGEST — Mr Eideh presented Alert Digest No. 5 of 2007 (including Appendices), from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

STATUTE LAW REVISION BILL 2006 — Mr Eideh presented the Report on the Statute Law Revision Bill 2006 (including Appendices), from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

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

Bendigo Regional Institute of TAFE — Report, 2006.

Box Hill Institute of TAFE — Report, 2006.

Central Gippsland Institute of TAFE — Report, 2006 (three papers).

Centre for Adult Education — Report, 2006.

Chisholm Institute of TAFE — Report, 2006.

Deakin University — Report, 2006.

Driver Education Centre of Australia Ltd — Report, 2006.

East Gippsland Institute of TAFE — Report, 2006.

Gordon Institute of TAFE — Report, 2006.

Goulburn Ovens Institute of TAFE — Report, 2006 (two papers).

Holmesglen Institute of TAFE — Report, 2006.

Kangan Batman Institute of TAFE — Report, 2006.

La Trobe University — Report, 2006.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 24 April 2007 pursuant to section 7(4) of the Act.

Major Events (Crowd Management) Act 2003 — Minister's order of 19 April 2007 declaring a Managed Access Area pursuant to section 7 of the Act.

Monash University — Report, 2006.

Northern Melbourne Institute of TAFE — Report, 2006.

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

Cardinia Planning Scheme — Amendment C79.

Casey Planning Scheme — Amendments C90 and C92.

Glenelg Planning Scheme — Amendment C36.

Latrobe Planning Scheme — Amendment C16.

Maroondah Planning Scheme — Amendment C59.

Melton Planning Scheme — Amendment C58.

Moreland Planning Scheme — Amendment C57.

Moonee Valley Planning Scheme — Amendment C76.

Stonnington Planning Scheme — Amendment C69.
 Yarra Planning Scheme — Amendment C59.
 Royal Melbourne Institute of Technology — Report, 2006.
 South West Institute of TAFE — Report, 2006.
 Statutory Rules under the following Acts of Parliament:
 Audit Act 1994 — No. 22.
 Catchment and Land Protection Act 1994 — No. 23.
 Children, Youth and Families Act 2005 — Nos. 21 and 24.
 Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 17 and 23.
 Sunraysia Institute of TAFE — Report, 2006.
 Swinburne University of Technology — Report, 2006.
 University of Ballarat — Report, 2006 (two papers).
 University of Melbourne — Report, 2006.
 Victoria University — Report, 2006 (two papers).
 William Angliss Institute of TAFE — Report, 2006.
 Wodonga Institute of TAFE — Report, 2006.
 Youth Parole Board and Youth Residential Board —
 Minister's report of Board's failure to submit 2005-06 report within the prescribed period and the reasons therefor.
 Report, 2005-06.

* * * * *

PROCLAMATION — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk:

Children, Youth and Families Act 2005 — remaining provisions (except sections 18, 185, 190(1)(b), 191(3), Division 2 of Part 4.6, Division 2 of Part 4.7, Division 3 of Part 4.8, Part 4.13, sections 349(2), 350(2)(b)(ii) and (iii), 352-4, 547(d) and (e), Divisions 4 and 5 of Part 7.8 and section 605) — 23 April 2007 — (*Gazette No. G16, 19 April 2007*).

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

8 BUSINESS POSTPONED —

Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until the next day of meeting.

Ordered — That the consideration of the Notice of Motion, Government Business, be postponed for one week.

9 LEGAL PROFESSION AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

10 MAJOR EVENTS (AERIAL ADVERTISING) BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Mr Barber announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

The Acting President resumed the Chair; and the Deputy President 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

11 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REPEAL OF PART X) BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 23	NOES, 16
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza (<i>Teller</i>)	Mr Dalla-Riva
Mr Eideh	Mr D.M. Davis
Mr Elasmarr	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Jennings	Mr Finn
Mr Kavanagh	Mr Guy (<i>Teller</i>)
Mr Leane	Mr Hall
Mr Lenders	Mrs Kronberg
Mr Madden	Ms Lovell
Ms Mikakos	Mr O'Donohue
Mr Pakula	Mrs Petrovich
Ms Pennicuik	Mrs Peulich (<i>Teller</i>)
Ms Pulford	Mr Rich-Phillips
Mr Scheffer	Mr Vogels
Mr Smith	
Mr Somyurek	
Mr Tee	
Mr Theophanous	
Mr Thornley (<i>Teller</i>)	
Ms Tierney	
Mr Viney	

Question agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

12 STATUTE LAW REPEALS BILL 2006 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to revise the statute law of Victoria by repealing spent Acts* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Lenders), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

13 ROAD LEGISLATION AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 24	NOES, 14
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Mr Dalla-Riva
Mr Drum	Mr D.M. Davis
Mr Eideh	Mr P.R. Davis
Mr Elasmarr	Mr Finn
Mr Hall	Mr Guy

Ms Hartland
 Mr Jennings
 Mr Kavanagh
 Mr Leane
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pennicuik
 Ms Pulford (*Teller*)
 Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Mrs Petrovich (*Teller*)
 Mrs Peulich (*Teller*)
 Mr Rich-Phillips
 Mr Vogels

Question agreed to.

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

House in Committee.

The Deputy President reported that the Committee had made progress in the Bill and asked leave to sit again.

Bill to be again considered in Committee of the whole on the next day of meeting.

Business having been interrupted by the President at 10.00 p.m. pursuant to Standing Orders —

- 14 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.
 Debate ensued.

And then the Council, at 10.35 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 17 — Wednesday, 2 May 2007

- 1 The President took the Chair and read the Prayer.
- 2 **HOWARD FLOREY INSTITUTE OF EXPERIMENTAL PHYSIOLOGY AND MEDICINE (REPEAL) BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to repeal the Howard Florey Institute of Experimental Physiology and Medicine Act 1971 and for other purposes* and requesting the agreement of the Council.
 On the motion of Mr Lenders (for Mr Theophanous), the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 3 **PETITION — URBAN ZONING OF LAND IN DIAMOND CREEK AND YARRAMBAT** — Mr Barber presented a Petition bearing 6 signatures from certain citizens of Victoria requesting that the Legislative Council urges the Premier, Deputy Premier, Minister for Water, Environment and Climate Change, Minister for Victorian Communities, Minister for Planning and the Victorian Government to defer passage of the Statute Law Revision Bill, Statute Law Repeals Bill and Water Amendment (Critical Infrastructure Projects) Bill to enable the equitable resolution of planning and infrastructure irregularities and discussion of other contentious issues with the petitioners in relation to land at Ironbark and Pioneer Roads in Diamond Creek and Yarrambat.

Ordered to lie on the Table.

4 PAPERS —

BUDGET PAPERS, 2007-08 — Mr Lenders moved, by leave, That there be laid before this House a copy of the following 2007-08 Budget Papers:

- (a) Treasurer's Speech (Budget Paper No. 1);
- (b) Strategy and Outlook (Budget Paper No. 2);
- (c) Service Delivery (Budget Paper No. 3);
- (d) Statement of Finances (incorporating Quarterly Financial Report No. 3) (Budget Paper No. 4); and
- (e) Budget Overview.

Question — put and agreed to.

The said papers were presented by Mr Lenders and ordered to lie on the Table.

On the motion of Mr Lenders, the Budget Papers 2007-08 were ordered to be taken into consideration on the next day of meeting.

* * * * *

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 Giving Victorian children the best start in life, May 2007.

Statutory Rules under the following Acts of Parliament:

Domestic Building Contracts Act 1995 — No. 25.

Health Services Act 1988 — No. 26.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT — Mr Guy moved, That —

- (1) A Select Committee of 7 Members be appointed to inquire into —
 - (a) the sale or alienation of public land for development;
 - (b) the sale or alienation of public open space for the purposes of private use or development; and
 - (c) the sale and development of public land and the relationship to the Melbourne 2030 policy and Green Wedges.
- (2) The Committee will consist of 2 Members from the Government Party nominated by the Leader of the Government, 2 Members from the Opposition nominated by the Leader of the Opposition, 1 Member from The Nationals nominated by the Leader of The Nationals, 1 Member from the Australian Greens nominated by the Australian Greens Whip and Mr Peter Kavanagh, MLC from the Democratic Labor Party.
- (3) The Members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on Friday, 4 May 2007.
- (4) The first meeting of the Committee must be held no later than 4.00 p.m. on Monday, 21 May 2007.
- (5) The Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.
- (6) 4 Members of the Committee will constitute a quorum of the Committee.
- (7) The Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member.
- (8) The Committee will advertise its terms of reference and call for submissions and all such submissions received by the Committee will be treated as public documents unless the Committee otherwise orders.
- (9) The Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry.
- (10) The Committee will present its final report to the Council no later than 30 June 2008.

- (11) The presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions.
- (12) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

Debate ensued.

Mr Viney moved, as an amendment –

That all the words after "That" be omitted with the view of inserting in their place "this House requires the Outer Suburban/Interface Services and Development Committee to inquire into and report by 30 June 2008 on —

- (a) the sale or alienation of public land for development;
- (b) the sale or alienation of public open space for the purposes of private use or development; and
- (c) the sale and development of public land and the relationship to the Melbourne 2030 policy and Green Wedges.

Debate ensued.

Mr Tee moved, as amendments –

- 1 In paragraph 1, omit "7" and insert "9".
- 2 In paragraph 2, omit "2" (where first occurring) and insert "4".

Debate ensued.

Question — That the amendment moved by Mr Viney be agreed to — put and negatived.

Question — That amendment No. 1 moved by Mr Tee be agreed to — put and negatived.

Question — That —

- (1) A Select Committee of 7 Members be appointed to inquire into —
 - (a) the sale or alienation of public land for development;
 - (b) the sale or alienation of public open space for the purposes of private use or development; and
 - (c) the sale and development of public land and the relationship to the Melbourne 2030 policy and Green Wedges.
- (2) The Committee will consist of 2 Members from the Government Party nominated by the Leader of the Government, 2 Members from the Opposition nominated by the Leader of the Opposition, 1 Member from The Nationals nominated by the Leader of The Nationals, 1 Member from the Australian Greens nominated by the Australian Greens Whip and Mr Peter Kavanagh, MLC from the Democratic Labor Party.
- (3) The Members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on Friday, 4 May 2007.
- (4) The first meeting of the Committee must be held no later than 4.00 p.m. on Monday, 21 May 2007.
- (5) The Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.
- (6) 4 Members of the Committee will constitute a quorum of the Committee.
- (7) The Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member.
- (8) The Committee will advertise its terms of reference and call for submissions and all such submissions received by the Committee will be treated as public documents unless the Committee otherwise orders.
- (9) The Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry.
- (10) The Committee will present its final report to the Council no later than 30 June 2008.

- (11) The presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions.
- (12) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

— put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmar
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Leane
Mr Drum	Mr Lenders
Mr Finn	Mr Madden
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Ms Hartland	Mr Scheffer
Mr Kavanagh	Mr Smith
Mrs Kronberg	Mr Somyurek (<i>Teller</i>)
Ms Lovell	Mr Tee (<i>Teller</i>)
Mr O'Donohue	Mr Theophanous
Ms Pennicuik	Mr Thornley
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips (<i>Teller</i>)	
Mr Vogels (<i>Teller</i>)	

Question agreed to.

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and an answer to a question on notice was circulated pursuant to Standing Order 8.10.
- 8 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until the next day of meeting.
- 9 HOUSE COMMITTEE** — Mr Lenders moved, That —
- (1) (a) 5 Members be appointed to the House Committee.
 - (b) the Committee will consist of 2 Members from the Government Party nominated by the Leader of the Government, 1 Member from the Opposition nominated by the Leader of the Opposition, 1 Member from The Nationals nominated by the Leader of The Nationals and 1 Member from the Australian Greens nominated by the Australian Greens Whip.
 - (2) Members will be appointed to the Committee by lodgement of the names with the President by the persons referred to in paragraph (1)(b) no later than 4.00 p.m. on Friday, 4 May 2007.

Question — put and agreed to.

- 10 STATUTE LAW REPEALS BILL 2006** — Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.
Mr Lenders moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 11 ROAD LEGISLATION AMENDMENT BILL 2007** — The President left the Chair and the Bill was further considered in Committee of the whole.

The Acting President resumed the Chair; and the Deputy President having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Mr Theophanous moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 24

Mr Barber
 Ms Broad
 Ms Darveniza
 Mr Drum
 Mr Elasmarr
 Mr Hall
 Ms Hartland
 Mr Jennings
 Mr Kavanagh
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous (*Teller*)
 Mr Thornley (*Teller*)
 Ms Tierney
 Mr Viney

NOES, 14

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Finn
 Mr Guy
 Mrs Kronberg
 Ms Lovell (*Teller*)
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels (*Teller*)

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

12 INFERTILITY TREATMENT AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Ms Hartland announced that she proposed to move an amendment in Committee and requested that it be circulated.

Accordingly, the amendment was circulated.

Debate continued.

Mr Finn moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this Bill be withdrawn and redrafted to provide for a separate principal act dealing with research involving embryos, rather than including those matters in the *Infertility Treatment Act 1995*".

Debate ensued.

On the motion of Mrs Kronberg, the debate was adjourned until the next day of meeting.

13 GAMBLING AND RACING LEGISLATION AMENDMENT (SPORTS BETTING) BILL 2007 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Gambling Regulation Act 2003 and the Racing Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 14 GAMBLING REGULATION AMENDMENT (REVIEW PANEL) BILL 2007** — 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.

Business having been interrupted by the President at 10.00 p.m. —

- 15 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued.

And then the Council, at 10.23 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 18 — Thursday, 3 May 2007

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

- 2 PETITION — RE-CONFIGURATION OF 254 MANCHESTER ROAD, MOOROOLBARK** — Mrs Coote presented a Petition bearing 239 signatures from certain citizens of Victoria requesting that the Minister for Community Services instruct the Department of Human Services to reconsider the proposed re-configuration of 254 Manchester Road, Mooroolbark and provide a promised new facility to enable residents and staff to maintain existing relationships and provide residents with continued access to services currently used by them.

Ordered to lie on the Table.

- 3 PAPERS** —

CHILDREN'S COURT OF VICTORIA — Mr Lenders (for Mr Madden) presented by command of the Governor, the Report of the Children's Court of Victoria for the year 2005-06.

Ordered to lie on the Table.

* * * * *

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

Adult Multicultural Education Services — Report, 2006 (two papers).

Rural Finance Act 1988 — Treasurer's directive of 2 May 2007 to the Rural Finance Corporation.

Subordinate Legislation Act 1994 — Minister's exemption certificates under section 9(6) in respect of Statutory Rule Nos. 25 and 26.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 5 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 6 BUSINESS POSTPONED** —

Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until later this day.

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

Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

- 7 INFERTILITY TREATMENT AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time, and on the amendment that all the words after "That" be omitted with the view of inserting in their place "this Bill be withdrawn and redrafted

to provide for a separate principal act dealing with research involving embryos, rather than including those matters in the *Infertility Treatment Act 1995*.”.

Business having been interrupted at 2.03 p.m. pursuant to Standing Orders —

8 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

9 INFERTILITY TREATMENT AMENDMENT BILL 2007 — Debate continued on the question, That the Bill be now read a second time and on the amendment that all the words after “That” be omitted with the view of inserting in their place “this Bill be withdrawn and redrafted to provide for a separate principal act dealing with research involving embryos, rather than including those matters in the *Infertility Treatment Act 1995*.”

Mrs Peulich announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — That the amendment be agreed to — put.

The Council divided — The President in the Chair.

AYES, 12

Mr Atkinson
Mr Dalla-Riva
Mr Drum (*Teller*)
Mr Finn
Mr Guy
Mr Hall
Mr Kavanagh (*Teller*)
Mrs Kronberg
Mr O’Donohue
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

NOES, 27

Mr Barber
Ms Broad
Mrs Coote
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Eideh
Mr Elasmarr
Ms Hartland
Mr Jennings
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr Pakula
Ms Pennicuik
Mrs Petrovich
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney (*Teller*)
Mr Viney (*Teller*)

Amendment negatived.

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

The Council divided — The President in the Chair.

AYES, 23

Mr Barber
Ms Broad (*Teller*)
Mrs Coote
Ms Darveniza (*Teller*)
Mr D.M. Davis
Mr P.R. Davis
Mr Eideh

NOES, 16

Mr Atkinson
Mr Dalla-Riva
Mr Drum
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall

Ms Hartland
 Mr Jennings
 Mr Leane
 Ms Lovell
 Mr Madden
 Mr Pakula
 Ms Pennicuik
 Mrs Petrovich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

Mr Kavanagh
 Mrs Kronberg (*Teller*)
 Mr Lenders
 Ms Mikakos
 Mr O'Donohue
 Mrs Peulich
 Mr Smith
 Mr Somyurek (*Teller*)
 Mr Vogels

Question agreed to.

Bill read a second time.

Mr Kavanagh moved, That the Bill be referred to the Legislation Committee.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 10

Mr Atkinson (*Teller*)
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy (*Teller*)
 Mr Kavanagh
 Mrs Kronberg
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

NOES, 29

Mr Barber
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr Eideh
 Mr Elasmarr
 Mr Hall
 Ms Hartland
 Mr Jennings
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Ms Pennicuik
 Mrs Petrovich
 Ms Pulford
 Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous (*Teller*)
 Mr Thornley
 Ms Tierney
 Mr Viney

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Deputy President having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Mr Jennings moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 23

Mr Barber
 Ms Broad
 Mrs Coote
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Eideh (*Teller*)
 Ms Hartland
 Mr Jennings
 Mr Leane (*Teller*)
 Ms Lovell
 Mr Madden
 Mr Pakula
 Ms Pennicuik
 Mrs Petrovich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

NOES, 16

Mr Atkinson
 Mr Dalla-Riva
 Mr Drum
 Mr Elasmar
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Kavanagh
 Mrs Kronberg
 Mr Lenders
 Ms Mikakos (*Teller*)
 Mr O'Donohue
 Mrs Peulich (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Vogels

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 10 FAIR TRADING AND CONSUMER ACTS AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Fair Trading Act 1999, the Conveyancers Act 2006, the Motor Car Traders Act 1986, the Consumer Credit (Victoria) Act 1995 and several other Consumer Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 11 EQUAL OPPORTUNITY AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Equal Opportunity Act 1995 to include a new attribute of employment activity on the basis of which discrimination is prohibited and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 12 HOWARD FLOREY INSTITUTE OF EXPERIMENTAL PHYSIOLOGY AND MEDICINE (REPEAL) BILL 2007** — Mr Theophanous laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Theophanous, the second reading speech was incorporated into Hansard.

Mr Theophanous moved, That the Bill be now read a second time.

On the motion of Mr D.M. Davis, the debate was adjourned for one week.

- 13 GAMBLING AND RACING LEGISLATION AMENDMENT (SPORTS BETTING) BILL 2007** — Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Guy, the debate was adjourned for one week.

- 14 FAIR TRADING AND CONSUMER ACTS AMENDMENT BILL 2007**— Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Ms Lovell), the debate was adjourned for one week.

- 15 EQUAL OPPORTUNITY AMENDMENT BILL 2007** — Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 16 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 22 May 2007.

Question — put and agreed to.

- 17 ADJOURNMENT** — Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.33 p.m., adjourned until Tuesday, 22 May 2007.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 16, 17 and 18

Tuesday, 1 May 2007

1 MAJOR EVENTS (AERIAL ADVERTISING) BILL 2007

Clause 1 — put and agreed to.

Clause 2 — put and agreed to.

Clause 3 — Mr Barber moved —

1 Clause 3, line 9, omit paragraph (c) and insert—

"() person who provides goods or services—

but does not include advertising by a not-for-profit organisation or an organisation established for a public purpose;"

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber
Ms Hartland (*Teller*)
Mr Kavanagh
Ms Pennicuik (*Teller*)

NOES, 34

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmar
Mr Finn (*Teller*)
Mr Guy
Mr Hall
Mr Jennings
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Somyurek (*Teller*)
Mr Tee
Mr Theophanous
Mr Thornley

Ms Tierney
Mr Viney
Mr Vogels

Amendment negatived.

Mr Barber moved —

2 Clause 3, lines 29 and 30, omit paragraph (f).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4	NOES, 34
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland	Ms Broad
Mr Kavanagh (<i>Teller</i>)	Mrs Coote
Ms Pennicuik	Mr Dalla-Riva
	Ms Darveniza
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum (<i>Teller</i>)
	Mr Eideh
	Mr Elasmarr
	Mr Finn
	Mr Guy
	Mr Hall
	Mr Jennings
	Mrs Kronberg
	Mr Leane
	Mr Lenders
	Ms Lovell
	Mr Madden
	Ms Mikakos
	Mr O'Donohue
	Mr Pakula
	Mrs Petrovich
	Mrs Peulich
	Ms Pulford (<i>Teller</i>)
	Mr Rich-Phillips
	Mr Scheffer
	Mr Somyurek
	Mr Tee
	Mr Theophanous
	Mr Thornley
	Ms Tierney
	Mr Viney
	Mr Vogels

Amendment negatived.

Clause 3 — put and agreed to.

Clause 4 — Mr Barber moved —

3 Clause 4, after line 17 insert—

"(iv) the event organiser consents to the making of the event Order; and".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4	NOES, 34
Mr Barber	Mr Atkinson
Ms Hartland (<i>Teller</i>)	Ms Broad (<i>Teller</i>)

Mr Kavanagh
Ms Pennicuik (*Teller*)

Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmr
Mr Finn
Mr Guy
Mr Hall
Mr Jennings
Mrs Kronberg (*Teller*)
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney
Mr Vogels

Amendment negatived.

Clause 4 — put and agreed to.

Clauses 5 to 49 — put and agreed to.

Bill reported without amendment.

2 ROAD LEGISLATION AMENDMENT BILL 2007

Clause 1 — Mr Dalla-Riva moved —

- 1 Clause 1, page 2, lines 11 to 15, omit all words and expressions on these lines and insert—
"(d) to amend the **EastLink Project Act 2004** to redefine the meaning of trip;".

Progress reported.

Wednesday, 2 May 2007

3 ROAD LEGISLATION AMENDMENT BILL 2007

Clause 1 — Debate continued on amendment No. 1 moved by Mr Dalla-Riva —

1 Clause 1, page 2, lines 11 to 15, omit all words and expressions on these lines and insert—

"(d) to amend the **EastLink Project Act 2004** to redefine the meaning of trip;".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 22
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum	Ms Hartland
Mr Finn	Mr Jennings
Mr Guy	Mr Kavanagh
Mr Hall	Mr Leane
Mrs Kronberg	Mr Lenders
Ms Lovell (<i>Teller</i>)	Mr Madden
Mr O'Donohue (<i>Teller</i>)	Ms Mikakos
Mrs Petrovich	Mr Pakula (<i>Teller</i>)
Mrs Peulich	Ms Pennicuik
Mr Rich-Phillips	Ms Pulford
Mr Vogels	Mr Scheffer
	Mr Somyurek
	Mr Tee
	Mr Theophanous
	Mr Thornley
	Ms Tierney (<i>Teller</i>)
	Mr Viney

Amendment negatived.

Clause 1 — put and agreed to.

Clauses 2 to 20 — put and agreed to.

Bill reported without amendment.

Thursday, 3 May 2007

4 INFERTILITY TREATMENT AMENDMENT BILL 2007

Clauses 1 to 3 — put and agreed to.

Clause 4 — Mrs Peulich moved —

1 Clause 4, lines 9 to 11, omit all words and expressions on these lines and insert the following—

"(a) the creation of a single cell containing 2 pro-nuclei following the fertilisation of a human oocyte by a human sperm; or".

2 Clause 4, lines 17 and 18, omit "the primitive streak appears" and insert "it forms a blastocyst".

Question — That amendment No. 1 moved by Mrs Peulich be agreed to — put and negatived.

Question — That amendment No. 2 moved by Mrs Peulich be agreed to — put and negatived.

Question — That clause 4 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 31

Mr Atkinson
Mr Barber
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Eideh
Mr Elasmarr
Mr Hall
Ms Hartland
Mr Jennings
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden (*Teller*)
Ms Mikakos
Mr Pakula
Ms Pennicuik
Mrs Petrovich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer (*Teller*)
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney

NOES, 8

Mr Drum
Mr Finn (*Teller*)
Mr Guy
Mr Kavanagh
Mrs Kronberg
Mr O'Donohue
Mrs Peulich
Mr Vogels (*Teller*)

Question agreed to.

Clauses 5 and 6 — put and agreed to.

Clause 7 — Mrs Peulich moved —

3 Clause 7, line 34, omit "or" and insert "and".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7	NOES, 32
Mr Drum	Mr Atkinson
Mr Finn	Mr Barber
Mr Guy	Ms Broad
Mr Kavanagh (<i>Teller</i>)	Mrs Coote
Mrs Kronberg (<i>Teller</i>)	Mr Dalla-Riva
Mrs Peulich	Ms Darveniza
Mr Vogels	Mr D.M. Davis
	Mr P.R. Davis
	Mr Eideh
	Mr Elasmar
	Mr Hall
	Ms Hartland
	Mr Jennings
	Mr Leane
	Mr Lenders
	Ms Lovell (<i>Teller</i>)
	Mr Madden
	Ms Mikakos
	Mr O'Donohue
	Mr Pakula
	Ms Pennicuik
	Mrs Petrovich
	Ms Pulford
	Mr Rich-Phillips
	Mr Scheffer
	Mr Smith
	Mr Somyurek
	Mr Tee
	Mr Theophanous
	Mr Thornley
	Ms Tierney (<i>Teller</i>)
	Mr Viney

Amendment negatived.

Clause 7 — put and agreed to.

Clauses 8 to 11 — put and agreed to.

Clause 12 — Mrs Peulich moved —

9 Clause 12, page 10, lines 15 to 33, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put and negatived.

Clause 12 — put and agreed to.

Clauses 13 to 41 — put and agreed to.

New Clauses — Mrs Peulich moved —

17 Insert the following New Clauses to follow clause 20—

'A Research

- (1) In section 22(1)(f) of the Principal Act for "Division 2" **substitute** "Divisions 2 and 4A".
- (2) In section 22(3) of the Principal Act after "sperm" **insert** "or the use of another cell for the creation of a human embryo".
- (3) In section 22(3) of the Principal Act for "Division 4" **substitute** "Divisions 4 and 4A".

B Division 4 of Part 3 heading

In the heading to Division 4 of Part 3 of the Principal Act after "gametes" insert "or other cells".

C Consent to research

- (1) In the heading to section 34 of the Principal Act after "gametes" insert "or other cells".
- (2) In section 34 of the Principal Act after "use of a gamete" insert ", or another cell for the creation of a human embryo,".
- (3) In section 34(a) of the Principal Act after "gamete" (wherever occurring) insert "or other cell".

D Requirements as to consent

In section 35(1)(b) and (c) of the Principal Act after "gamete" (wherever occurring) insert "or other cell".

E Additional requirements for certain research

After Division 4 of Part 3 of the Principal Act insert the following—

"Division 4A—Additional requirements for research involving gametes and other cells

35AA Definitions

In this Division—

dependent relationship means a relationship where unequal power exists between the persons in the relationship including a relationship between—

- (a) students and teachers; and
- (b) employees and their employers or supervisors; and
- (c) persons with chronic conditions or disabilities and their carers; and
- (d) patients and health care professionals;

National Statement means the NHMRC National Statement on Ethical Conduct in Research Involving Humans, as in force from time to time.

35AB Obtaining a gamete for research

- (1) A gamete may be obtained for research only in accordance with the National Statement.
- (2) If the obtaining of a gamete for research requires the person donating the gamete to undergo a medical procedure, the person carrying out the medical procedure must not be a person involved in conducting the research.
- (3) Donation of a gamete for research must be voluntary and free from exploitation and coercion.
- (4) If the donation by a person of a gamete for research involves more than low risk from non-therapeutic procedures, the person donating the gamete must not be in a dependent relationship with the person or other body conducting the research.
- (5) For the purposes of subsection (4), research involves low risk only if the only foreseeable risk is one of discomfort.

35AC Information to be given to person donating a gamete or other cell

A person must be given the following information before consenting, or being asked to consent, to the obtaining or use of a gamete, or the obtaining or use of any other cell for the creation of a human embryo, for research—

- (a) a statement that consent to the obtaining or use of the gamete or other cell for research is voluntary;
- (b) a description of the research for which the gamete or other cell and any products derived from it will be used and any likely benefits from the research, including an estimate of when the benefits might be realised;
- (c) a statement of the potential risks of obtaining and donating the gamete or other cell, including details of any risks to the future fertility of the person;
- (d) a description of the procedures for obtaining the gamete or other cell from the person;
- (e) a statement about how the person may withdraw from the obtaining or the use of the gamete or other cell, including details of any risks that may arise or additional procedures that may be required as a result of the withdrawal;

- (f) information about counselling services available to the person;
- (g) a statement about how the person's privacy will be protected;
- (h) a statement about the potential financial interests of researchers in the outcome of the research program, including any future financial gains the researchers may receive if the research gives rise to a commercial product;
- (i) any other information the National Statement requires the person to be given."

Question — That the new clauses stand part of the Bill — put and negatived.

New Clause — Mrs Peulich moved —

18 Insert the following New Clause to follow clause 38—

'F Adverse events register

After section 62 of the Principal Act insert the following—

"62A Adverse Events Register

- (1) The designated officer of a licensed centre must keep an Adverse Events Register for that centre at the centre or at another place that is specified in the licence for the centre.
Penalty: 50 penalty units.
- (2) The designated officer must ensure that there is recorded in the Adverse Events Register information, as required by subsection (3), about adverse events arising from the donation of gametes and embryos for research including data about, and a description of the outcomes of, the donation of gametes and embryos and the procedures involved in the donation.
Penalty: 50 penalty units.
- (3) The information must be recorded in the Adverse Events Register in a way that will allow it to be used—
 - (a) by the licensed centre to provide information to persons who are donors or prospective donors of gametes and embryos to assist the persons in making decisions about consenting to donations and inform the persons about the possible side-effects of making donations; and
 - (b) to facilitate long term studies by the licensed centre of donors of gametes or embryos, including long term adverse outcomes and subsequent effects on fertility; and
 - (c) to facilitate long term studies by the Authority and the NHMRC of the health of donors and persons who have undergone treatment procedures.
- (4) The designated officer must, by 31 July in each year, forward a copy of the Adverse Events Register for the previous year to the Authority for inclusion in the Authority's report to the Minister under section 137."

Question — That the new clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 10	NOES, 29
Mr Atkinson	Mr Barber
Mr Dalla-Riva	Ms Broad
Mr Drum (<i>Teller</i>)	Mrs Coote
Mr Finn	Ms Darveniza
Mr Guy	Mr D.M. Davis (<i>Teller</i>)
Mr Hall	Mr P.R. Davis
Mr Kavanagh	Mr Eideh
Mrs Peulich	Mr Elasmarr
Mr Rich-Phillips (<i>Teller</i>)	Ms Hartland
Mr Vogels	Mr Jennings
	Mrs Kronberg
	Mr Leane
	Mr Lenders
	Ms Lovell
	Mr Madden
	Ms Mikakos

Mr O'Donohue
Mr Pakula
Ms Pennicuik
Mrs Petrovich
Ms Pulford
Mr Scheffer (*Teller*)
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney

Proposed new clause negatived.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 19, 20 and 21

No. 19 — Tuesday, 22 May 2007

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from —
The Governor informing the Council that he had, on 8 May 2007, given the Royal Assent to the following Acts presented to him by the Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments:
Drugs, Poisons and Controlled Substances Amendment (Repeal of Part X) Act 2007
Gambling Regulation Amendment (Review Panel) Act 2007
Legal Profession Amendment Act 2007
Major Events (Aerial Advertising) Act 2007
Road Legislation Amendment Act 2007.
The Lieutenant-Governor informing the Council that she had, on 15 May 2007, given the Royal Assent to the undermentioned Act presented to her by the Clerk of the Parliaments:
Infertility Treatment Amendment Act 2007.
- 3 **APPOINTMENT TO COMMITTEES** — The President announced that he had received from the Party Leaders and the Australian Greens Whip, within the time set by the Resolutions of the Council, advice of appointments to the following committees:
Select Committee on Public Land Development — Mr D.M. Davis, Mr Hall, Mr O'Donohue, Ms Pennicuik, Mr Tee and Mr Viney, in addition to Mr Kavanagh who was appointed as a Member pursuant to the Resolution appointing the Select Committee.
House Committee — Mr Atkinson and Ms Hartland.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
OFFICE OF HOUSING CONTRACTS — Mr Theophanous having given answers to a question without notice and a supplementary question relating to Office of Housing cleaning contracts —
On the motion of Mr Atkinson, the Minister's answers were ordered to be taken into consideration on the next day of meeting.
QUESTIONS — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

5 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 6 of 2007 (including Appendices), from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

LAW REFORM COMMITTEE — DE NOVO APPEALS TO COUNTY COURT — Pursuant to the *Parliamentary Committees Act 2003*, the Clerk presented a copy of the Minister's response to recommendations in the Law Reform Committee's Report on De Novo Appeals to the County Court.

* * * * *

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

Crown Land (Reserves) Act 1978 —

Minister's order of 8 October 2006 giving approval to the granting of a lease at Bridgewater Public Park and Public Recreation Reserve and part of the Loddon River Public Purposes Reserve (three papers).

Minister's orders of 4 April and 9 May 2007 giving approval to the granting of leases at Albert Park Reserve (nine papers).

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

Ballarat Planning Scheme — Amendment C96.

Baw Baw Planning Scheme — Amendment C41 Part 1.

Golden Plains Planning Scheme — Amendment C27.

Greater Bendigo Planning Scheme — Amendments C81 and C86.

Greater Geelong Planning Scheme — Amendment C132.

Hepburn Planning Scheme — Amendment C28.

Moreland Planning Scheme — Amendment C30.

Mornington Peninsula Planning Scheme — Amendment C73 Part 2.

Surf Coast Planning Scheme — Amendment C36.

Victoria Planning Provisions — Amendment VC30.

Whittlesea Planning Scheme — Amendment C100.

Psychologists Registration Board of Victoria —

Minister's report of failure to submit report for the year ended 31 December 2006 within the prescribed period and the reasons therefor.

Minister's report of receipt of report for the year ended 31 December 2006.

Statutory Rules under the following Acts of Parliament:

Borrowing and Investment Powers Act 1987 — No. 29.

Coroners Act 1985 — No. 28.

Legal Profession Act 2004 — No. 31.

Magistrates' Court Act 1989 — No. 30.

Subordinate Legislation Act 1994 — No. 32.

Supreme Court Act 1986 — No. 27.

Subordinate Legislation Act 1994 —

Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 24, 27, 30 and 33.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 21 and 31.

Victorian Renewable Energy Act 2006 — Victorian Renewable Energy Target Scheme Rules pursuant to section 113(9) of the Act (*in lieu of that tabled on 17 April 2007*).

* * * * *

PROCLAMATION — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk:

Gambling Regulation Amendment (Review Panel) Act 2007 — 10 May 2007 (*Gazette No. G19, 10 May 2007*).

- 6 HOUSE COMMITTEE** — Mr Lenders moved, by leave, That Ms Darveniza, Mr Drum and Mr Eideh be members of the House Committee in addition to those Members already appointed pursuant to the Resolution of the Council of 2 May 2007.

Question — put and agreed to.

- 7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 8 BUSINESS POSTPONED** —

Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until later this day.

Ordered — That the consideration of the Notice of Motion, Government Business, be postponed for one week.

- 9 STATUTE LAW REVISION BILL 2006** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill transmitted to the Assembly with a Message requesting their agreement.

- 10 JOINT SITTING — VICTORIAN HEALTH PROMOTION FOUNDATION** — The President announced the receipt of —

(a) a letter from the Minister for Health requesting that arrangements be made for a Joint Sitting of the Council and the Assembly to elect three Members for appointment to the Victorian Health Promotion Foundation; and

(b) a Message from the Assembly acquainting the Council that they had agreed to meet the Council for that purpose and proposing that the place and time of the Joint Sitting be the Assembly Chamber on Wednesday, 23 May 2007 at 6.15 p.m., and requesting the agreement of the Council.

Ordered — That the Assembly's Message be considered forthwith.

Mr Lenders moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting and voting together to elect three Members to the Victorian Health Promotion Foundation and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Wednesday, 23 May 2007 at 6.15 p.m.

Question — put and agreed to.

Message sent to the Assembly acquainting them therewith.

- 11 HOWARD FLOREY INSTITUTE OF EXPERIMENTAL PHYSIOLOGY AND MEDICINE (REPEAL) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

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

On the motion of Mr Lenders, the Bill was ordered to be dealt with as a Public Bill.

Debate resumed.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 12 GAMBLING AND RACING LEGISLATION AMENDMENT (SPORTS BETTING) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

13 FAIR TRADING AND CONSUMER ACTS AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

14 STATE TAXATION AND GAMBLING LEGISLATION AMENDMENT (BUDGET MEASURES) BILL 2007 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Congestion Levy Act 2005, the Duties Act 2000, the Land Tax Act 2005, the Gambling Regulation Act 2003 and the Casino Control Act 1991 to implement measures in the 2007–08 State budget and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Theophanous (for Mr Lenders), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

15 ADJOURNMENT — Mr Theophanous moved, That the House do now adjourn.

Debate ensued.

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

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 20 — Wednesday, 23 May 2007

1 The President took the Chair and read the Prayer.

2 APPROPRIATION (PARLIAMENT 2007/2008) BILL 2007 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2007/2008 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

3 PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Auditor-General —

Report on Maintaining Victoria's Rail Infrastructure Assets, May 2007.

Report on State Investment in Major Events, May 2007.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 OFFICE OF HOUSING CONTRACTS — Ms Lovell moved, That this House expresses its concern at —

- (1) the continued failure of the Office of Housing to correctly follow the Victorian Government Purchasing Board's guidelines on procurement;
- (2) reports that improper political pressure was brought to bear on the Minister for Housing to award contracts for maintenance work to companies that have made substantial donations to the Australian Labor Party; and
- (3) the Office of Housing's reluctance to release data and information in a timely, open and transparent manner.

Debate ensued.

Mrs Coote moved, That the debate be adjourned until the next day of meeting.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson
 Mrs Coote (*Teller*)
 Mr Dalla-Riva (*Teller*)
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Finn
 Mr Guy
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

NOES, 25

Mr Barber
 Ms Broad
 Ms Darveniza
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Hall
 Ms Hartland
 Mr Kavanagh
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula (*Teller*)
 Ms Pennicuik
 Ms Pulford (*Teller*)
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Mr Tierney
 Mr Viney

Question negatived.

Debate continued on the main question.

The time for General Business having expired —

Mr Viney moved, That General Business be extended by one hour.

Question — put and agreed to.

Business having been interrupted at 2.03 p.m. —

6 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and an answer to a question on notice was circulated pursuant to Standing Order 8.10.

7 OFFICE OF HOUSING CONTRACTS — Debate continued on the question, That this House expresses its concern at —

- (1) the continued failure of the Office of Housing to correctly follow the Victorian Government Purchasing Board's guidelines on procurement;
- (2) reports that improper political pressure was brought to bear on the Minister for Housing to award contracts for maintenance work to companies that have made substantial donations to the Australian Labor Party; and
- (3) the Office of Housing's reluctance to release data and information in a timely, open and transparent manner.

Mr P.R. Davis moved, That the debate be adjourned until the next day of meeting.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis (*Teller*)
 Mr P.R. Davis
 Mr Finn (*Teller*)

NOES, 25

Mr Barber
 Ms Broad
 Ms Darveniza
 Mr Drum
 Mr Eideh
 Mr Elasmarr

Mr Guy
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

Mr Hall
 Ms Hartland
 Mr Kavanagh
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek (*Teller*)
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Mr Tierney
 Mr Viney

Question negatived.

Debate continued on the main question.

Question — That this House expresses its concern at —

- (1) the continued failure of the Office of Housing to correctly follow the Victorian Government Purchasing Board's guidelines on procurement;
- (2) reports that improper political pressure was brought to bear on the Minister for Housing to award contracts for maintenance work to companies that have made substantial donations to the Australian Labor Party; and
- (3) the Office of Housing's reluctance to release data and information in a timely, open and transparent manner.

— put.

The Council divided — The President in the Chair.

AYES, 15
 Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Finn
 Mr Guy (*Teller*)
 Mr Koch (*Teller*)
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

NOES, 25
 Mr Barber
 Ms Broad
 Ms Darveniza
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Hall
 Ms Hartland
 Mr Kavanagh
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee (*Teller*)
 Mr Theophanous (*Teller*)
 Mr Thornley

Mr Tierney
Mr Viney

Question negatived.

8 BUSINESS POSTPONED —

Ordered — That the consideration of the remaining Notices of Motion, General Business, and Orders of the Day, General Business, be postponed until the next day of meeting.

Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until the next day of meeting.

9 STATE TAXATION AND GAMBLING LEGISLATION AMENDMENT (BUDGET MEASURES) BILL 2007 — Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

10 BUDGET PAPERS, 2007-08 — Mr Lenders moved, That the Council take note of the Budget Papers, 2007-08.

Debate ensued.

Interruption —

11 JOINT SITTING — VICTORIAN HEALTH PROMOTION FOUNDATION — The President announced that the time had arrived for the Council to meet the Assembly in the Assembly Chamber to elect three Members for appointment to the Victorian Health Promotion Foundation.

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

The President reported that at the Joint Sitting, Mr Richard Dalla-Riva, MLC, Mr Hugh Delahunty, MP and Ms Kirsty Marshall, MP, were elected to the Victorian Health Promotion Foundation for a three year term commencing immediately.

12 BUDGET PAPERS, 2007-08 — Debate continued on the question, That the Council take note of the Budget Papers, 2007-08.

Business having been interrupted by the President at 10.00 p.m. —

13 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.29 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 21 — Thursday, 24 May 2007

1 The President took the Chair and read the Prayer.

2 PETITION — NUNAWADING SHOPPING STRIP PARKING CHANGES — Mr Atkinson presented a Petition bearing 25 signatures from certain citizens of Victoria requesting that the Minister for Roads and Ports intervene in the plan of VicRoads to close thirteen parking bays along the eastern side of Springvale Road between Whitehorse Road and Market Street during the hours of 6.30 a.m. to 9.30 a.m. and 3.30 p.m. to 7.00 p.m. in order to create an additional traffic lane.

Ordered to lie on the Table.

3 PAPERS —

VICTORIAN CHILD DEATH REVIEW COMMITTEE — Mr Jennings moved, by leave, That the Victorian Child Death Review Committee Annual Report of Inquiries into the deaths of children known to Child Protection 2007 be presented.

Question — put and agreed to.

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

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — BUDGET ESTIMATES 2007/08 (PART ONE) — Mr Pakula presented the report from the Public Accounts and Estimates Committee on the 2007/08 Budget Estimates — Part One, (including Appendices, a Minority Report, Extracts from the Proceedings of the Committee and Minutes of Evidence).

Ordered to lie on the Table and to be printed.

Mr Pakula moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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 of Victoria — Report for the year ended 31 December 2006.

Statutory Rules under the following Acts of Parliament:

Accident Compensation Act 1985 — No. 35.

Magistrates' Court Act 1989 — No. 33.

Subordinate Legislation Act 1994 — No. 34.

4 SITTING OF THE COUNCIL — Mr Madden moved, That the Council, at its rising, adjourn until Tuesday, 5 June 2007.

Question — put and agreed to.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

7 BUSINESS POSTPONED — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until the next day of meeting.

8 APPROPRIATION (PARLIAMENT 2007/2008) BILL 2007 — Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

9 EQUAL OPPORTUNITY AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Business having been interrupted at 2.03 p.m. pursuant to Standing Orders —

10 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

11 EQUAL OPPORTUNITY AMENDMENT BILL 2007 — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 22	NOES, 16
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Mr Dalla-Riva
Mr Eideh	Mr D.M. Davis
Mr Elasmarr	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Jennings	Mr Finn
Mr Kavanagh	Mr Guy
Mr Leane	Mr Hall
Mr Lenders (<i>Teller</i>)	Mrs Kronberg
Mr Madden	Ms Lovell
Ms Mikakos	Mr O'Donohue
Mr Pakula	Mrs Petrovich
Ms Pennicuik	Mrs Peulich
Ms Pulford	Mr Rich-Phillips (<i>Teller</i>)
Mr Scheffer	Mr Vogels (<i>Teller</i>)
Mr Smith	
Mr Somyurek	
Mr Tee	
Mr Thornley	
Mr Tierney (<i>Teller</i>)	
Mr Viney	

Question agreed to.

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

Ms Pennicuik moved, That it be an instruction to the Committee that they have power to consider amendments and new clauses to —

- (a) repeal the exception for small businesses from the prohibition of discrimination relating to employment; and
- (b) ensure that the exception for religious schools from the prohibition of discrimination does not extend to anything done in the course of the employment of people in religious schools.

Question — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 17
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Mr Dalla-Riva
Mr Eideh (<i>Teller</i>)	Mr D.M. Davis
Mr Elasmarr	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Jennings	Mr Finn (<i>Teller</i>)
Mr Leane (<i>Teller</i>)	Mr Guy
Mr Lenders	Mr Hall
Mr Madden	Mr Kavanagh
Ms Mikakos	Mrs Kronberg (<i>Teller</i>)
Mr Pakula	Ms Lovell
Ms Pennicuik	Mr O'Donohue
Ms Pulford	Mrs Petrovich
Mr Scheffer	Mrs Peulich
Mr Smith	Mr Rich-Phillips

Mr Somyurek
 Mr Tee
 Mr Thornley
 Mr Tierney
 Mr Viney

Mr Vogels

Question agreed to.

House in Committee.

The President resumed the Chair; and the Deputy President having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

Mr Madden moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Barber (*Teller*)
 Ms Broad
 Ms Darveniza (*Teller*)
 Mr Eideh
 Mr Elasmarr
 Ms Hartland
 Mr Jennings
 Mr Kavanagh
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Thornley
 Mr Tierney
 Mr Viney

NOES, 16

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy (*Teller*)
 Mr Hall (*Teller*)
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

12 APPROPRIATION (2007/2008) BILL 2007 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2007/2008 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

13 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.00 p.m., adjourned until Tuesday, 5 June 2007.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 19, 20 and 21

Thursday, 24 May 2007

1 EQUAL OPPORTUNITY AMENDMENT BILL 2007

Clause 1 — Ms Pennicuik moved —

1 Clause 1, lines 2 to 5, omit all words and expressions on these lines and insert—

"The purpose of this Act is to amend the **Equal Opportunity Act 1995**—

- (a) to include a new attribute of employment activity on the basis of which discrimination is prohibited;
- (b) to repeal the exception for small businesses from the prohibition of discrimination relating to employment;
- (c) to ensure that the exception for religious schools from the prohibition of discrimination does not extend to anything done in the course of the employment of people in religious schools."

Mr P.R. Davis moved, That the Chair report progress and ask leave to sit again.

Question — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17	NOES, 21
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum	Ms Hartland (<i>Teller</i>)
Mr Finn (<i>Teller</i>)	Mr Jennings
Mr Guy	Mr Leane
Mr Hall	Mr Lenders
Mr Kavanagh	Mr Madden
Mrs Kronberg	Ms Mikakos
Ms Lovell	Mr Pakula
Mr O'Donohue (<i>Teller</i>)	Ms Pennicuik
Mrs Petrovich	Ms Pulford
Mrs Peulich	Mr Scheffer (<i>Teller</i>)
Mr Rich-Phillips	Mr Smith
Mr Vogels	Mr Somyurek
	Mr Tee
	Mr Thornley
	Ms Tierney
	Mr Viney

Question negatived.

Consideration of Ms Pennicuik's amendment to Clause 1 continued.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3	NOES, 36
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland	Ms Broad

Ms Pennicuik (*Teller*)

Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell (*Teller*)
 Mr Madden
 Ms Mikakos (*Teller*)
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negatived.

Clause 1 — put and agreed to.

Clause 2 — put and agreed to.

Clause 3 — Ms Pennicuik moved —

2 Clause 3, line 15, omit "entitlements;" and insert "entitlements; or".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Mr Kavanagh
 Ms Pennicuik

NOES, 35

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr

Mr Finn
Mr Guy
Mr Hall
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford (*Teller*)
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Thornley (*Teller*)
Ms Tierney
Mr Viney
Mr Vogels

Amendment negatived.

Clause 3 — put and agreed to.

Clauses 4 and 5 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 22, 23 and 24

No. 22 — Tuesday, 5 June 2007

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE SIDNEY JAMES PLOWMAN** — Mr Lenders moved, That this House expresses its sincere sorrow at the death, on 3 May 2007, of the Honourable Sidney James Plowman, 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 Evelyn from 1973 to 1982 and 1985 to 1999 and as Speaker of the Legislative Assembly from 1979 to 1982 and 1996 to 1999.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

[Sitting suspended from 2.32 p.m. until 3.34 p.m.]

- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 29 May 2007, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

Equal Opportunity Amendment Act 2007

Fair Trading and Consumer Acts Amendment Act 2007

Gambling and Racing Legislation Amendment (Sports Betting) Act 2007

Howard Florey Institute of Experimental Physiology and Medicine (Repeal) Act 2007.

- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 5 **PAPERS** —

MINISTERIAL INTERVENTION IN PLANNING MATTERS — Mr Madden moved, by leave, That the Statement on Ministerial Interventions in Planning Matters for the period May 2006 to April 2007 be presented.

Question — put and agreed to.

The said Statement was presented by Mr Madden and ordered to lie on the Table.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 7 of 2007 (including Appendices and Extracts from the Proceedings), from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

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

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

- Bass Coast Planning Scheme — Amendment C60.
- Campaspe Planning Scheme — Amendment C51.
- Corangamite Planning Scheme — Amendment C3.
- East Gippsland Planning Scheme — Amendment C39.
- Frankston Planning Scheme — Amendment C39.
- Greater Bendigo Planning Scheme — Amendment C85.
- Greater Dandenong Planning Scheme — Amendment C79.
- Hume Planning Scheme — Amendment C94.
- Melton Planning Scheme — Amendment C53 Part 1.
- Mildura Planning Scheme — Amendment C35.
- Port Phillip Planning Scheme — Amendment C60.
- Southern Grampians Planning Scheme — Amendment C11.
- Wellington Planning Scheme — Amendment C38.
- Whittlesea Planning Scheme — Amendment C94.
- Yarra Planning Scheme — Amendment C65.
- Yarra Ranges Planning Scheme — Amendment C66.

Statutory Rules under the following Acts of Parliament:

- Aboriginal Heritage Act 2006 — No. 41.
- Architects Act 1991 — No. 40.
- Extractive Industries Development Act 1995 — No. 37.
- Guardianship and Administration Act 1986 — No. 36.
- Road Safety Act 1986 — Nos. 38 and 39.

Subordinate Legislation Act 1994 —

- Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 38 and 39.
- Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 39.

* * * * *

PROCLAMATION — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk:

Aboriginal Heritage Act 2006 — 28 May 2007 (*Gazette No. G21, 24 May 2007*).

- 6 COGNATE DEBATE** — Mr Lenders moved, by leave, That this House authorizes and requires the President to permit the second reading debate on the Appropriation (2007/2008) Bill 2007 to be taken concurrently with further debate on the motion to take note of the Budget Papers, 2007-08.

Question — put and agreed to.

- 7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

8 BUSINESS POSTPONED —

Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until Thursday next.

Ordered — That the consideration of the Notice of Motion, Government Business, be postponed for one week.

- 9 STATUTE LAW REPEALS BILL 2006** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

10 STATE TAXATION AND GAMBLING LEGISLATION AMENDMENT (BUDGET MEASURES)

BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Mr Barber announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

On the motion of Mr D.M. Davis, the debate was adjourned until the next day of meeting.

11 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

And then the Council, at 8.04 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 23 — Wednesday, 6 June 2007

1 The President took the Chair and read the Prayer.

2 **PETITION — MOORABBIN CHILDREN'S TRAFFIC SCHOOL** — Mr D.M. Davis presented a Petition bearing 354 signatures from certain citizens of Victoria requesting that the Moorabbin Children's Traffic School be re-opened at East Boundary Road, Bentleigh East and that the Victorian Government restore funding for its continued operation.

Ordered to lie on the Table.

3 PAPERS —

ORDERS FOR PRODUCTION OF DOCUMENTS — Mr Atkinson (on behalf of the President), moved, by leave, That a copy of an opinion from Mr Bret Walker, SC to the Clerk of the Legislative Council relating to the power of the Legislative Council to order the production of documents, and other matters relating to the powers of Legislative Council Select Committees be presented.

Question — put and agreed to.

The said Paper was presented by Mr Atkinson 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:

Asset Confiscation Operations — Activities Summary and Report to Attorney-General, 2005-06.

Auditor-General —

Follow-up of Selected Performance Audits Tabled in 2003 and 2004, June 2007.

Results of Financial Statement Audits for Agencies with other than 30 June 2006 Balance Dates, June 2007.

5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

6 **PUBLIC INFRASTRUCTURE INVESTMENT** — Mr Rich-Phillips moved, That this House notes the failure of the State Government, over seven years, to facilitate the required investment in public infrastructure to ensure the security of supply and reliability of water, electricity, public transport and the road network.

Debate ensued.

On the motion of Mr Drum, the debate was adjourned for one week.

7 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

8 **STATE TAXATION AND GAMBLING LEGISLATION AMENDMENT (BUDGET MEASURES)**
BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

The Acting President resumed the Chair; and the Deputy President 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

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

- 10 APPROPRIATION (PARLIAMENT 2007/2008) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 11 PROFESSIONAL STANDARDS AMENDMENT BILL 2007** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Professional Standards Act 2003 to provide for the establishment of a new Professional Standards Council Fund and the closure of the existing fund, to provide for delegation powers and further regulation-making powers and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 12 APPROPRIATION (2007/2008) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers 2007/08** having been authorized to be debated concurrently pursuant to an Order of the Council on 5 June 2007].

On the motion of Mr Pakula, the debate was adjourned until the next day of meeting.

- 13 HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Health Professions Registration Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

Business having been interrupted by the President at 10.00 p.m. —

- 14 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued.

And then the Council, at 10.36 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 24 — Thursday, 7 June 2007

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

- 2 PAYROLL TAX BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to re-enact and modernise the law relating to payroll tax, to harmonise payroll tax law with New South Wales, to repeal the Pay-roll Tax Act 1971,*

to amend the *Taxation Administration Act 1997 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 3 PETITION — NUCLEAR INDUSTRY IN VICTORIA** — Mr Scheffer presented a Petition bearing 564 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria reaffirms the opposition of the Victorian Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant.

Ordered to lie on the Table.

4 PAPERS —

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE —

BUDGET ESTIMATES 2007-08 (PART TWO) — Mr Pakula presented the report from the Public Accounts and Estimates Committee on the 2007-08 Budget Estimates — Part Two, (including Appendices and Minutes of Evidence).

Ordered to lie on the Table and to be printed.

Mr Pakula moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

AUDITOR-GENERAL'S OFFICE FINANCIAL AUDIT — Mr Dalla-Riva presented the report from the Public Accounts and Estimates Committee on the Appointment of a Person to Conduct the Financial Audit of the Victorian Auditor-General's Office (including Appendices).

Ordered to lie on the Table and to be printed.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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

Judicial Remuneration Tribunal Act 1995 —

Report No. 1 on Judicial Allowances and Conditions of Service, May 2007.

Statement of Reasons in relation to Report No. 1 of the Judicial Remuneration Tribunal pursuant to section 14(2) of the Act.

Multicultural Affairs — Whole of Government Report, 2005-06.

A Statutory Rule under the Evidence Act 1958 — No. 42.

Victorian Law Reform Commission — Final Report on Assisted Reproductive Technology and Adoption.

- 5 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 19 June 2007.

Question — put and agreed to.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 7 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until later this day.

- 9 PROFESSIONAL STANDARDS AMENDMENT BILL 2007** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Mr Rich-Phillips), the debate was adjourned for one week.

- 10 HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL 2007** — Mr Lenders (for Mr Jennings) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Mr D.M. Davis), the debate was adjourned for one week.

- 11 PAYROLL TAX BILL 2007** — Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Mr Rich-Phillips), the debate was adjourned for one week.

- 12 APROPRIATION (2007/2008) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2007-08** having been authorized to be debated concurrently pursuant to an Order of the Council on 5 June 2007].

On the motion of Mrs Petrovich, the debate was adjourned until later this day.

- 13 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 following Resolution:

That pursuant to section 17 of the *Audit Act 1994* —

- (1) Mr Terry Benfold of Pitcher Partners be appointed to conduct the financial audit of the Victorian Auditor-General's Office for the 2006–07 financial year in accordance with the conditions of appointment and remuneration contained in the Report of the Public Accounts and Estimates Committee on the Appointment of an Independent Auditor to Conduct the Financial Audit of the Victorian Auditor-General's Office (Parliamentary Paper No 21, Session 2006–07);
- (2) The level of remuneration for the financial audit be \$27,500 exclusive of GST; and
- (3) Mr Benfold be appointed for three years, subject to negotiation with the Public Accounts and Estimates Committee, of a suitable level of remuneration for future financial audits and approval by the Treasurer.

and requesting the agreement of the Council.

Ordered — That the Assembly's Message be considered forthwith.

Mr Lenders moved, by leave —

1. That the Council concurs with parts (1) and (3) of the Assembly's Resolution and resolves that, pursuant to section 17 of the *Audit Act 1994*:
 - (a) Mr Terry Benfold of Pitcher Partners be appointed to conduct the financial audit of the Victorian Auditor-General's Office for the 2006-07 financial year in accordance with the conditions of appointment and remuneration contained in the Report of the Public Accounts and Estimates Committee on the Appointment of an Independent Auditor to Conduct the Financial Audit of the Victorian Auditor-General's Office (Parliamentary Paper No. 21, Session 2006-07); and
 - (b) Mr Benfold be appointed for three years, subject to negotiation with the Public Accounts and Estimates Committee, of a suitable level of remuneration for future financial audits and approval by the Treasurer.
2. That the Council concurs with part (2) of the Assembly's Resolution that "the level of remuneration for the financial audit be \$27,500 exclusive of GST; and", — with the following amendment —

After "GST" insert "and disbursements".

Question — put and agreed to.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Resolution, with an amendment and requesting their agreement.

- 14 APPROPRIATION (2007/2008) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2007-08** having been authorized to be debated concurrently pursuant to an Order of the Council on 5 June 2007].

Business having been interrupted at 2.03 p.m. pursuant to Standing Orders —

- 15 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 16 APPROPRIATION (2007/2008) BILL 2007** — Debate continued on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2007-08** having been authorized to be debated concurrently pursuant to an Order of the Council on 5 June 2007].

On the motion of Ms Pulford, the debate was adjourned until the next day of meeting.

- 17 COURTS LEGISLATION AMENDMENT (JUDICIAL EDUCATION AND OTHER MATTERS) BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Constitution Act 1975, the County Court Act 1958, the Supreme Court Act 1986, the Magistrates' Court Act 1989, the Victorian Civil and Administrative Tribunal Act 1998 and the Children, Youth and Families Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 18 WATER ACTS AMENDMENT (ENFORCEMENT AND OTHER MATTERS) BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Water Act 1989 and the Water Industry Act 1994 to make further provision for enforcement, to amend the Infringements Act 2006 to extend the operation of that Act with respect to infringement offences under by-laws and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Ms Lovell), the debate was adjourned for one week.

- 19 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 amendment made by the Council in the Resolution appointing Mr Terry Benfold of Pitcher Partners to conduct the financial audit of the Victorian Auditor-General's Office for 2006-07.

20 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.58 p.m., adjourned until Tuesday, 19 June 2007.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 22, 23 and 24

Wednesday, 6 June 2007

1 STATE TAXATION AND GAMBLING LEGISLATION AMENDMENT (BUDGET MEASURES) BILL 2007

Clause 1 — put and agreed to.

Clauses 2 and 3 — put and agreed to.

Clause 4 — Mr Barber moved —

1 Clause 4, line 3, before "For" insert "(1)".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber
Mr Drum (*Teller*)
Mr Hall
Ms Hartland (*Teller*)
Mr Kavanagh
Ms Pennicuik

NOES, 33

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Eideh (*Teller*)
Mr Elasmarr
Mr Finn
Mr Guy
Mr Jennings
Mr Koch (*Teller*)
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Thornley
Ms Tierney

Mr Viney
Mr Vogels

Amendment negatived.

Question — That clause 4 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 36

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Mr Jennings
Mr Kavanagh
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue (*Teller*)
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Thornley
Ms Tierney
Mr Viney (*Teller*)
Mr Vogels

NOES, 3

Mr Barber (*Teller*)
Ms Hartland
Ms Pennicuik (*Teller*)

Question agreed to.

Clauses 5 to 15 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 25, 26 and 27

No. 25 — Tuesday, 19 June 2007

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council —
That he had, on 12 June 2007, given the Royal Assent to the following Act presented to him by the Speaker of the Legislative Assembly:
Appropriation (Parliament 2007/2008) Act 2007.
That he had, on 12 June 2007, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
Statute Law Repeals Act 2007
State Taxation and Gambling Legislation Amendment (Budget Measures) Act 2007.
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PAPERS** —
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 8 of 2007 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

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

Auditor-General —

Report on Public Hospital Financial Performance and Sustainability, June 2007.

Report on Results of Audits: Purchase of contaminated land by the Melbourne Port Corporation and Raising and collection of fees and charges by departments, June 2007.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4)(a)(iii) in relation to the Building Code of Australia 2007.

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

Boroondara Planning Scheme — Amendment C55.

Darebin Planning Scheme — Amendment C67.

Greater Geelong Planning Scheme — Amendment C149.

Hepburn Planning Scheme — Amendment C39.

Planning and Environment Act 1987 — *continued*

Hume Planning Scheme — Amendment C81.

Moonee Valley Planning Scheme — Amendment C67.

Rural Finance Act 1988 — Treasurer's directive of 5 June 2007 to the Rural Finance Corporation of Victoria.

Statutory Rules under the following Acts of Parliament:

Magistrates' Court Act 1989 — No. 43.

Subdivision Act 1988 — Transfer of Land Act 1958 — No. 45.

Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 44.

Subordinate Legislation Act 1994 —

Ministers' exemption certificates under section 8(4) in respect of Statutory Rule Nos. 34, 43 and 44.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 177/2006 and 32.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 BUSINESS POSTPONED —

Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed for one week.

Ordered — That the consideration of Notice of Motion, Government Business, No. 1, be postponed for one week.

Ordered — That the consideration of Notice of Motion, Government Business, No. 2, be postponed until the next day of meeting.

7 HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Mr D.M. Davis announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

The Acting President resumed the Chair; and the Deputy President 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

8 PROFESSIONAL STANDARDS AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

9 STATE TAXATION ACTS AMENDMENT BILL 2007 — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000 and the Taxation Administration Act 1997 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 10 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.
- 11 COURTS LEGISLATION AMENDMENT (JUDICIAL EDUCATION AND OTHER MATTERS) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 12 STATE TAXATION ACTS AMENDMENT BILL 2007** — Mr Madden (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Madden, the second reading speech was incorporated into Hansard.
Mr Madden moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 13 PAYROLL TAX BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 14 COURTS LEGISLATION AMENDMENT (JUDICIAL EDUCATION AND OTHER MATTERS) BILL 2007** — The President having ruled that the third reading of this Bill had not been passed with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council as required by the *Constitution Act 1975*, the question for the third reading was resubmitted.
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.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 15 WATER ACTS AMENDMENT (ENFORCEMENT AND OTHER MATTERS) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Business having been interrupted by the President at 10.00 p.m., the debate stood adjourned in the name of Mr Drum.
- 16 ACCIDENT TOWING SERVICES BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to make provision for accident towing services and other matters relating to the towing, storage and repair of motor vehicles, to amend the Infringements Act 2006, the Melbourne City Link Act 1995, the Police Regulation Act 1958, the Road Safety Act 1986 and the Transport Act 1983 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Theophanous, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 17 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.
Debate ensued.
And then the Council, at 10.43 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 26 — Wednesday, 20 June 2007

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — MOORABBIN CHILDREN'S TRAFFIC SCHOOL** — Mr D.M. Davis presented a Petition bearing 34 signatures from certain citizens of Victoria requesting that the Moorabbin Children's Traffic School be reopened at East Boundary Road, Bentleigh East, and that the Victorian Government restore funding for its continued operation.
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 Administration of Non-judicial Functions of the Magistrates' Court of Victoria, June 2007.
 - Report on Promoting Better Health Through Healthy Eating and Physical Activity, June 2007.
 - Auditor-General's Office — Annual Plan, 2007-08.
 - Statutory Rules under the following Acts of Parliament:
 - Chattel Securities Act 1987 — No. 51.
 - Fair Trading Act 1999 — No. 46.
 - Gene Technology Act 2001 — No. 50.
 - Subordinate Legislation Act 1994 — No. 47.
 - Trade Measurement Act 1995 — Trade Measurement (Administration) Act 1995 — No. 48.
 - Transport Accident Act 1986 — No. 49.
 - Victorian Civil and Administrative Tribunal Act 1998 — No. 52.
 - Subordinate Legislation Act 1994 —
 - Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 46.
 - Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule No. 48.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 34 inclusive, and Orders of the Day, General Business, Nos. 1 to 4 inclusive, be postponed until later this day.
- 6 **PUBLIC INFRASTRUCTURE INVESTMENT** — Debate resumed on the question, That this House notes the failure of the State Government, over seven years, to facilitate the required investment in public infrastructure to ensure the security of supply and reliability of water, electricity, public transport and the road network.
On the motion of Mr Tee, the debate was adjourned until the next day of meeting.
- 7 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 8 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 1, be postponed until the next day of meeting.
- 9 **ACCIDENT TOWING SERVICES BILL 2007** — Mr Lenders (for Mr Theophanous) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.
Mr Lenders moved, That the Bill be now read a second time.
On the motion of Mr Koch, the debate was adjourned until the next day of meeting.
- 10 **WATER ACTS AMENDMENT (ENFORCEMENT AND OTHER MATTERS) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 11 BUILDING AMENDMENT (PLUMBING) BILL 2007** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Building Act 1993 to make certain amendments relating to plumbing work and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 12 APPROPRIATION (2007/2008) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers 2007/08** having been authorized to be debated concurrently pursuant to an Order of the Council on 5 June 2007].

On the motion of Mr Thornley, the debate was adjourned until the next day of meeting.

- 13 BUILDING AMENDMENT (PLUMBING) BILL 2007** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Mr Guy), the debate was adjourned for one week.

- 14 CRIMES AMENDMENT (DNA DATABASE) BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 in relation to DNA databases and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 15 STATUTE LAW REVISION BILL 2006** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

- 16 ADJOURNMENT** — Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.12 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 27 — Thursday, 21 June 2007

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

- 2 **PAPERS** —

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — AUDITOR GENERAL'S OFFICE PERFORMANCE AUDIT — Mr Dalla-Riva presented the report from the Public Accounts and Estimates Committee on the Appointment of a person to conduct the performance audit of the Victorian Auditor-General's Office (including Appendices).

Ordered to lie on the Table and to be printed.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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 Contracting and Tendering Practices in Selected Agencies, June 2007.

Report on Managing Risk Across the Public Sector: Toward Good Practice, June 2007.

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 27 February 2007 and 20 June 2007.

Parliamentary Committees Act 2003 — Minister's response to recommendations in the Economic Development Committee's Inquiry into the viability of the Victorian Thoroughbred and Standardbred Breeding Industries.

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

Glenelg Planning Scheme — Amendment C30.

Manningham Planning Scheme — Amendment C61.

Melton Planning Scheme — Amendment C54.

Moorabool Planning Scheme — Amendment C30.

Moyne Planning Scheme — Amendment C28.

Pyrenees Planning Scheme — Amendment C10.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 47.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 50.

3 SITTING OF THE COUNCIL — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 17 July 2007.

Question — put and agreed to.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

6 BUSINESS POSTPONED — Ordered — That the consideration of Notice of Motion, Government Business, No. 1, be postponed until the next day of meeting.

7 CRIMES AMENDMENT (DNA DATABASE) BILL 2007 — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Mr Rich-Phillips), the debate was adjourned until the next day of meeting.

8 APPROPRIATION (2007/2008) BILL 2007 — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2007/08** having been authorized to be debated concurrently pursuant to an Order of the Council on 5 June 2007].

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

9 BUDGET PAPERS, 2007/08 — The concurrent debate having concluded —

Question — That the Council take note of the Budget Papers, 2007/08 — put and agreed to.

10 AUDITOR-GENERAL'S OFFICE PERFORMANCE AUDIT — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the appointment of Mr John Phillips to conduct the performance audit of the Auditor-General's Office, and desiring the agreement of the Council.

Ordered — That the Message be taken into consideration forthwith.

Mr Jennings moved, by leave, That the Council concur with the Assembly and resolves That under section 19 of the *Audit Act 1994* —

- (1) Mr John Phillips of Acumen Alliance be appointed to conduct the performance audit of the Victorian Auditor-General's Office;
- (2) The level of remuneration for the performance audit be \$199,500, exclusive of GST, plus a two per cent administration levy; and
- (3) The terms and conditions of the appointment and payment of remuneration will be in accordance with Appendix 2 of the Report of the Public Accounts and Estimates Committee on the Appointment of a Person to Conduct the Performance Audit of the Victorian Auditor-General's Office (Parliamentary Paper No 23, Session 2006–07).

Question — put and agreed to.

Message sent to the Assembly acquainting them accordingly.

11 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and an answer to a certain question on notice was circulated pursuant to Standing Order 8.10.

12 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 3.39 p.m., adjourned until Tuesday, 17 July 2007.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 25, 26 and 27

Tuesday, 19 June 2007

1 HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL 2007

Clause 1 — put and agreed to.

Clause 2 — Mr D.M. Davis moved —

1 Clause 2, line 9, omit all words and expressions on this line and insert the following—

"(2) Section 34 comes into operation on 1 July 2008."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 22
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmar
Mr Drum (<i>Teller</i>)	Ms Hartland
Mr Finn	Mr Jennings
Mr Guy	Mr Leane
Mr Hall	Mr Lenders
Mr Kavanagh	Mr Madden
Mr Koch	Ms Mikakos
Mrs Kronberg	Mr Pakula (<i>Teller</i>)
Ms Lovell	Ms Pennicuik
Mr O'Donohue	Ms Pulford
Mrs Petrovich	Mr Scheffer
Mrs Peulich	Mr Smith
Mr Rich-Phillips	Mr Somyurek
Mr Vogels (<i>Teller</i>)	Mr Tee (<i>Teller</i>)
	Mr Theophanous
	Mr Thornley
	Ms Tierney
	Mr Viney

Amendment negatived.

Clause 2 — put and agreed to.

Clauses 3 to 35 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 28, 29 and 30

No. 28 — Tuesday, 17 July 2007

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council —

That he had, on 26 June 2007, given the Royal Assent to the following Act presented to him by the Speaker of the Legislative Assembly:

Appropriation (2007/2008) Act 2007.

That he had, on 26 June 2007, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

Courts Legislation Amendment (Judicial Education and Other Matters) Act 2007

Health Professions Registration Amendment Act 2007

Payroll Tax Act 2007

Professional Standards Amendment Act 2007

Statute Law Revision Act 2007

Water Acts Amendment (Enforcement and Other Matters) Act 2007.

- 3 **MAGISTRATES' COURT AND CORONERS ACTS AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Magistrates' Court Act 1989, the Magistrates' Court (Family Violence) Act 2004 and the Coroners Act 1985 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 5 **PETITIONS** —

GOULBURN RIVER PIPELINE — Ms Lovell presented a Petition bearing 326 signatures from certain citizens of Victoria requesting that the Government abandons its proposal to pipe water from the Goulburn River to Melbourne and instead addresses Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

Ordered to lie on the Table.

* * * * *

MOORABBIN CHILDREN'S TRAFFIC SCHOOL — Mr D.M. Davis presented a Petition bearing 427 signatures from certain citizens of Victoria requesting that the Moorabbin

Children's Traffic School be re-opened at East Boundary Road, Bentleigh East and that the Victorian Government restore funding for its continued operation.

Ordered to lie on the Table.

6 PAPERS —

GAMING LICENSING SELECT COMMITTEE — Mr Rich-Phillips presented the First Interim Report from the Select Committee on Gaming Licensing (including Appendices, Extracts from the Proceedings and a Minority Report).

Ordered to lie on the Table and to be printed.

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 9 of 2007 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

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

EastLink Project Act 2004 — Order in Council of 12 June 2007 pursuant to section 7(6) of the Act.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 9 July 2007, pursuant to section 7(4).

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Fifteenth Amending Deed, 28 June 2007 and Sixteenth Amending Deed, 30 June 2007, pursuant to section 15B(5) of the Act.

Exhibition Street Extension Eleventh Amending Deed, 28 June 2007, pursuant to section 15D(6) of the Act.

Melbourne City Link Twenty-fourth Amending Deed, 28 June 2007 and Twenty-fifth Amending Deed, 30 June 2007, pursuant to section 15(2) of the Act.

M1 Corridor Redevelopment Deed Amending Deed, 30 June 2007, pursuant to section 15(2) of the Act.

Murray-Darling Basin Commission — Report, 2005-06.

Parliamentary Committees Act 2003 — Minister's response to recommendations in the Environment and Natural Resources Committee's Inquiry into the Production and/or Use of Biofuels in Victoria.

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

Ararat Planning Scheme — Amendment C11.

Ballarat Planning Scheme — Amendment C116.

Bass Coast Planning Scheme — Amendment C70.

Bayside Planning Scheme — Amendment C61

Cardinia Planning Scheme — Amendment C94.

Central Goldfields Planning Scheme — Amendment C10.

East Gippsland Planning Scheme — Amendments C53 and C54.

Frankston Planning Scheme — Amendment C43.

Golden Plains Planning Scheme — Amendment C30 Part 1.

Greater Bendigo Planning Scheme — Amendments C12 and C100.

Greater Geelong Planning Scheme — Amendments C54, C130 and C151.

Greater Shepparton Planning Scheme — Amendments C44 and C64.

Hepburn Planning Scheme — Amendment C41.

Hume Planning Scheme — Amendment C95.

Planning and Environment Act 1987 — *continued*

- Kingston Planning Scheme — Amendments C52 and C90.
- Melbourne Planning Scheme — Amendment C96.
- Moira Planning Scheme — Amendment C27.
- Moorabool Planning Scheme — Amendment C42.
- Mount Alexander Planning Scheme — Amendment C40.
- South Gippsland Planning Scheme — Amendment C36.
- Strathbogie Planning Scheme — Amendment C25.
- Warrnambool Planning Scheme — Amendment C56.
- Wellington Planning Scheme — Amendments C29 and C43.
- West Wimmera Planning Scheme — Amendments C11 and C12.
- Whitehorse Planning Scheme — Amendments C60 and C71.
- Whittlesea Planning Scheme — Amendment C80.
- Yarra Planning Scheme — Amendment C82.

Statutory Rules under the following Acts of Parliament:

- City of Melbourne Act 2001 — No. 64.
- Country Fire Authority Act 1958 — No. 67.
- Disability Act 2006 — No. 60.
- Docklands Act 1991 — No. 65.
- Drugs, Poisons and Controlled Substances Act 1981 — No. 63.
- Education and Training Reform Act 2006 — No. 61.
- Environment Protection Act 1970 — Nos. 76 and 77.
- Equipment (Public Safety) Act 1994 — No. 53.
- Health Professions Registration Act 2005 — No. 62.
- Magistrates' Court Act 1989 — Nos. 56 and 57.
- Occupational Health and Safety Act 2004 — No. 54.
- Road Safety Act 1986 — Nos. 71, 72, 73 and 74.
- Subordinate Legislation Act 1994 — No. 55.
- Transfer of Land Act 1958 — No. 66.
- Transport Act 1983 — Nos. 68, 69 and 70.
- Valuation of Land Act 1960 — No. 78.
- Victorian Civil and Administrative Tribunal Act 1998 — No. 58.
- Water Act 1989 — No. 75.
- Working with Children Act 2005 — No. 59.

Subordinate Legislation Act 1994 —

- Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 51, 52, 56, 57 and 66.
- Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 62, 64, 65, 67, 70, 71, 72, 73, 74 and 76.
- Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule No. 70.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

- City of Melbourne and Docklands Acts (Governance) Act 2006 — 1 July 2007 (*Gazette No. G26, 28 June 2007*).
- Education and Training Reform Act 2006 — remaining provisions — 1 July 2007 (*Gazette No. G26, 28 June 2007*).
- Environment Protection (Amendment) Act 2006 — section 54 — 1 July 2007 (*Gazette No. G26, 28 June 2007*).
- Water (Resource Management) Act 2005 — section 69 — 1 July 2007 (*Gazette No. G26, 28 June 2007*).

7 BUSINESS OF THE COUNCIL — Mr P.R. Davis moved, by leave, That General Business on Wednesday, 18 July 2007 be taken in the following order:

- (1) Notice of Motion No. 32 standing in the name of Mr Drum in relation to the introduction of a Bill to amend the Summary Offences Act 1966;
- (2) Mr Gordon Rich-Phillips' Notice of Motion given this day seeking the Legislative Assembly's leave for certain Members of the Assembly to appear before the Legislative Council Select Committee on Gaming Licensing;
- (3) Notice of Motion No. 24 standing in my name referring a matter to the Road Safety Committee for inquiry and report;
- (4) Notice of Motion No. 25 standing in the name of Mr Hall referring a matter to the Education and Training Committee for inquiry and report; and
- (5) Order of the Day No. 4, resumption of the debate on the motion relating to public infrastructure.

Question — put and agreed to.

8 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

9 BUSINESS POSTPONED —

Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until later this day.

Ordered — That the consideration of Notices of Motion, Government Business, Nos. 1 and 2, be postponed until Thursday next.

10 STATE TAXATION ACTS AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

11 ACCIDENT TOWING SERVICES BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

12 ADJOURNMENT — Mr Madden moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.26 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 29 — Wednesday, 18 July 2007

1 The President took the Chair and read the Prayer.

2 WILLS AMENDMENT BILL 2007 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Wills Act 1997 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

3 PETITION — MORDIALLOC BRIDGE — Mrs Peulich presented a Petition bearing 2,035 signatures from certain citizens of Victoria requesting that the Legislative Council demands

that the Minister for Roads and Ports and VicRoads (1) immediately review the work schedules of the Mordialloc Bridge construction, including the 16 month timeframe given for the project; and (2) conduct a public information session regarding the Mordialloc Bridge construction to allow residents of Mordialloc, Carrum and Bayside to consult with the Minister and VicRoads for a timely resolution to the daily traffic delays.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the Petition was ordered to be taken into consideration on the next day of meeting.

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

Office of Police Integrity — Ceja Task Force Drug Related Corruption: Third and Final Report, July 2007.

Prevention of Cruelty to Animals Act 1986 —

Code of Practice for the Private Keeping of Cats 2007.

Code of Practice for the Private Keeping of Dogs 2007.

Victorian Electoral Commission — Report on the Administration of the Victorian State Election held on 25 November 2006 (two papers).

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 SUMMARY OFFENCES AMENDMENT (BODY PIERCING) BILL 2007 — Mr Drum, pursuant to notice, introduced *A Bill for an Act to amend the Summary Offences Act 1966 to create a new offence dealing with the unauthorised body piercing of a child and for other purposes.*

Bill read a first time and, by leave, ordered to be read a second time forthwith.

Accordingly, Mr Drum laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006.*

Mr Drum moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Ms Mikakos), the debate was adjourned until the next day of meeting.

7 GAMING LICENSING SELECT COMMITTEE — Mr Rich-Phillips moved, That this House requests the Legislative Assembly to grant leave to the Honourable S.P. Bracks MP, Premier of Victoria, the Honourable J.M. Brumby MP, Treasurer, the Honourable D.M. Andrews MP, Minister for Gaming, the Honourable T.H. Pallas MP, Minister for Roads and Ports, and the Honourable John Pandazopoulos MP, Member for Dandenong, to appear before the Legislative Council Select Committee on Gaming Licensing to give evidence and answer questions in relation to the Committee's terms of reference.

Debate ensued.

Question — put and agreed to.

8 ROAD SAFETY COMMITTEE — Mr P.R. Davis moved, That this House requires the Road Safety Committee to inquire into and report by 29 February 2008 on existing, new and developing technologies for implementation to improve safety at level crossings.

Debate ensued.

Question — put and agreed to.

9 EDUCATION AND TRAINING COMMITTEE — Mr Hall moved, That the Education and Training Committee be required to inquire into, consider and report no later than 30 June 2009 on geographical differences in the rate in which Victorian students participate in higher education.

Debate ensued.

The time for General Business having expired —

Mrs Coote moved, That General Business be extended by one hour.

Question — put and agreed to.

Business having been interrupted at 2.03 p.m. pursuant to Standing Orders —

10 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

11 EDUCATION AND TRAINING COMMITTEE — Debate continued on the question, That the Education and Training Committee be required to inquire into, consider and report no later than 30 June 2009 on geographical differences in the rate in which Victorian students participate in higher education.

Question — put and agreed to.

12 BUSINESS POSTPONED — Ordered — That the Order of the Day, General Business To Take Precedence, and Notices of Motion Nos. 1 to 29 inclusive, of remaining General Business be postponed until later this day.

13 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — Mr P.R. Davis moved, That the Resolution of the Council of 14 March 2007 requiring the Environment and Natural Resources Committee to inquire into the impact of public land management practices on the frequency, scale and intensity of bushfires in Victoria be amended by inserting the following paragraph to follow paragraph (13):

“(14) The consequent impact of bushfires on the June/July 2007 Gippsland flood.”.

The time for General Business having expired —

Mr P.R. Davis moved, That General Business be extended by one hour.

Question — put and agreed to.

Debate continued.

Question — put and agreed to.

14 PUBLIC INFRASTRUCTURE INVESTMENT — Debate resumed on the question, That this House notes the failure of the State Government, over seven years, to facilitate the required investment in public infrastructure to ensure the security of supply and reliability of water, electricity, public transport and the road network.

The time for General Business having expired —

Mrs Coote moved, That General Business be extended by one hour.

Question — put and agreed to.

Debate continued.

The time for General Business having expired —

Mrs Coote moved, That General Business be extended by one hour.

Question — put and agreed to.

Debate continued.

The time for General Business having expired —

Mr Koch moved, That General Business be extended by one hour.

Question — put and agreed to.

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Guy
Mr Hall
Mr Koch
Mrs Kronberg
Ms Lovell

NOES, 23

Mr Barber
Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmarr
Ms Hartland (*Teller*)
Mr Kavanagh (*Teller*)
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos

Mr O'Donohue (*Teller*)
Mrs Petrovich (*Teller*)
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

Mr Pakula
Ms Pennicuik
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney

Question negatived.

- 15 ACCIDENT COMPENSATION AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Accident Compensation Act 1985 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 16 GAMING LICENSING SELECT COMMITTEE** — The President announced the receipt of a Message from the Assembly informing the Council that the Legislative Assembly has refused to consent to the request for ministers and a member to appear before the Legislative Council Select Committee on Gaming Licensing and notes that the request represents interference in the operation of the Legislative Assembly and its members and undermines the traditional Westminster principles that underpin our parliamentary democracy.

On the motion of Mr Rich-Phillips, the Message was ordered to be taken into consideration on the next day of meeting.

- 17 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until the next day of meeting.

- 18 CRIMES (DECRIMINALISATION OF ABORTION) BILL 2007** — Ms Broad, pursuant to notice, introduced *A Bill for an Act to amend the Crimes Act 1958 and to ensure the provision of safe and competent health services to women having abortions and for other purposes*.

Bill read a first time and ordered to be read a second time on the next day of meeting.

- 19 ADJOURNMENT** — Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 9.47 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 30 — Thursday, 19 July 2007

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

- 2 SUPERANNUATION LEGISLATION AMENDMENT (CONTRIBUTION SPLITTING AND OTHER MATTERS) BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Emergency Services Superannuation Act 1986, the Government Superannuation Act 1999, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988, the Superannuation (Portability) Act 1989 and the Transport Superannuation Act 1988 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 3 PETITION — NUCLEAR INDUSTRY IN VICTORIA** — Mr Scheffer presented a Petition bearing 103 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria reaffirms the opposition of the Victorian Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant.

Ordered to lie on the Table.

- 4 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 7 August 2007.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 6 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 7 BUSINESS POSTPONED** —

Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until later this day.

Ordered — That the consideration of Notices of Motion, Government Business, Nos. 1 and 2, be postponed for one week.

- 8 MAGISTRATES' COURT AND CORONERS ACTS AMENDMENT BILL 2007** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 9 WILLS AMENDMENT BILL 2007** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 10 ACCIDENT COMPENSATION AMENDMENT BILL 2007** — Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 11 CRIMES (DECRIMINALISATION OF ABORTION) BILL 2007** — Ms Broad laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Broad moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips (for Mr P.R. Davis), the debate was adjourned for one week.

- 12 SUPERANNUATION LEGISLATION AMENDMENT (CONTRIBUTION SPLITTING AND OTHER MATTERS) BILL 2007** — Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 13 BUILDING AMENDMENT (PLUMBING) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 14 CRIMES AMENDMENT (DNA DATABASE) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 15 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 16 ENERGY LEGISLATION AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000, the Gas Industry Act 2001 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Madden (for Mr Theophanous), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Accordingly, Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
Mr Madden moved, That the Bill be now read a second time.
On the motion of Mr P.R. Davis (for Mr Vogels), the debate was adjourned for one week.
- 17 ADJOURNMENT** — Mr Madden moved, That the House do now adjourn.
Debate ensued.
And then the Council, at 3.37 p.m., adjourned until Tuesday, 7 August 2007.

W.R. TUNNECLIFFE
Clerk of the Legislative Council



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 31, 32 and 33

No. 31 — Tuesday, 7 August 2007

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE WALTER JONA, AM** — Mr Lenders moved, That this House expresses its sincere sorrow at the death, on 22 July 2007, of the Honourable Walter Jona, AM, 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 Hawthorn from 1964 to 1985, as Minister of Immigration and Ethnic Affairs from 1976 to 1979 and as Minister of Community Welfare Services from 1979 to 1982.
And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
[Sitting suspended from 2.52 p.m. until 3.56 p.m.]
- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 24 July 2007, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
Accident Towing Services Act 2007
Building Amendment (Plumbing) Act 2007
Crimes Amendment (DNA Database) Act 2007
State Taxation Acts Amendment Act 2007.
- 4 **OUTWORKERS AND CONTRACTORS LEGISLATION AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Outworkers (Improved Protection) Act 2003 and the Owner Drivers and Forestry Contractors Act 2005 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Theophanous, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 5 **GAMBLING REGULATION AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Gambling Regulation Act 2003 to regulate the number of gaming machines in a region or municipal district, to regulate the payment of accumulated credits, to alter the arrangements for community benefit statements, to amend a provision regarding the Community Support Fund and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Madden, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

6 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

7 PETITIONS —

FORMER MONASH PRIMARY AND MONASH SECONDARY SCHOOL SITES — Mr Rich-Phillips presented a Petition bearing 662 signatures from certain citizens of Victoria requesting that the State Government (1) recognises the effect on the Notting Hill community of the loss of open space once the former Monash Primary and Monash Secondary school sites are sold for development; and (2) makes a contribution to the local community of a parcel of land large enough to allow a sports oval or playing field by way of compensation.

Ordered to lie on the Table.

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GOULBURN RIVER PIPELINE — Ms Lovell presented a Petition bearing 150 signatures from certain citizens of Victoria requesting that the Government abandons its proposal to pipe water from the Goulburn River to Melbourne and instead addresses Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

Ordered to lie on the Table.

8 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

ALERT DIGEST — Mr Eideh presented Alert Digest No. 10 of 2007 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

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ANNUAL REVIEW 2006 — Mr Eideh presented the Annual Review 2006 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

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REGULATIONS ANNUAL REVIEW — Mr Eideh presented the Annual Review 2006 (including Appendices), from the Scrutiny of Acts and Regulations Committee on Regulations 2006.

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:

Crown Land (Reserves) Act 1978 —

Minister's orders of 27 June 2007 and 17 July 2007 giving approval to the granting of leases at Howard Glover Reserve (two papers).

Minister's orders of 17 July 2007 and 18 July 2007 giving approval to the granting of leases at Kardinia Park Reserve (three papers).

Minister's order of 17 July 2007 giving approval to the granting of a lease at Kardinia Park Memorial Swimming Pool Reserve.

Minister's order of 19 July 2007 giving approval to the granting of a lease at Sandringham Beach Park.

Minister's order of 19 July 2007 giving approval to the granting of a lease at Seaford Foreshore Reserve.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3)(a)(iii) in relation to Statutory Rule Nos. 46, 53, 54, 76 and 77.

Melbourne Cricket Ground Trust — Report for the year ended 31 March 2007.

Northern Melbourne Institute of TAFE — Report, 2006 (*in lieu of that tabled on 1 May 2007*).

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

Cardinia Planning Scheme — Amendments C110 and C112.

Casey Planning Scheme — Amendment C101.

Colac Otway Planning Scheme — Amendment C56.

Greater Geelong Planning Scheme — Amendment C96.

Horsham Planning Scheme — Amendment C32.

Kingston Planning Scheme — Amendments C68 and C92.

Loddon Planning Scheme — Amendment C20.

Murrindindi Planning Scheme — Amendment C12.

Port Phillip Planning Scheme — Amendment C66.

Towong Planning Scheme — Amendment C22.

Wellington Planning Scheme — Amendment C42.

Whitehorse Planning Scheme — Amendment C57 Part 2.

Special Investigations Monitor's Office — Report for the period ended 30 June 2007, pursuant to section 30Q of the Surveillance Devices Act 1999.

Statutory Rules under the following Acts of Parliament:

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — Nos. 82 and 83.

Building Act 1993 — No. 85.

Drugs, Poisons and Controlled Substances Act 1981 — No. 84.

Estate Agents Act 1980 — No. 79.

Heritage Act 1995 — No. 80.

Magistrates' Court Act 1989 — No. 86.

Terrorism (Community Protection) Act 2003 — No. 81.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 55 and 86.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 61.

* * * * *

PROCLAMATION — A proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk:

Drugs, Poisons and Controlled Substances (Amendment) Act 2006 — sections 9(2), 12 and 15 — 1 August 2007 (*Gazette No. G30, 26 July 2007*).

9 BUSINESS OF THE COUNCIL — Mr P. R. Davis, moved, by leave, That General Business on Wednesday, 8 August 2007 be taken in the following order:

- (1) Order of the Day No. 4, resumption of the debate on the motion for the second reading of the Summary Offences Amendment (Body Piercing) Bill 2007;
- (2) Notice of Motion No. 31 standing in the name of Mr Rich-Phillips in relation to the Legislative Assembly's Message refusing consent for certain Members of the Assembly to appear before the Legislative Council Select Committee on Gaming Licensing, to be taken cognately with Order of the Day No. 5, consideration of the Assembly's Message in relation to the same matter; and
- (3) Notice of Motion No. 24 standing in my name in relation to amending Sessional Orders relating to the Business of the Council.

Question — put and agreed to.

10 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

11 BUSINESS POSTPONED —

Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until the next day of meeting.

Ordered — That the consideration of Notices of Motion, Government Business, Nos. 1 to 3 inclusive, be postponed until Tuesday, 18 September 2007.

12 MAGISTRATES' COURT AND CORONERS ACTS AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Question — put and agreed to.

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

House in Committee.

The Acting President resumed the Chair; and the Deputy President 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

13 WILLS AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

14 ADJOURNMENT — Mr Theophanous moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.18 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 32 — Wednesday, 8 August 2007

1 The President took the Chair and read the Prayer.

2 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

3 **SUMMARY OFFENCES AMENDMENT (BODY PIERCING) BILL 2007** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.

Mr Tee moved, That the debate be adjourned until Wednesday, 19 September 2007.

Debate ensued.

Question — put and agreed to.

4 **GAMING LICENSING SELECT COMMITTEE** — The Order of the Day having been read for the consideration of the Message from the Assembly informing the Council that the Legislative Assembly had refused to consent to the request for Ministers and a Member to appear before the Legislative Council Select Committee on Gaming Licensing and noting that the request represented interference in the operation of the Legislative Assembly and its Members and undermining the traditional Westminster principles that underpin parliamentary democracy—

Mr Rich-Phillips moved, That a Message be sent to the Assembly informing them that the Council, having considered the Message from the Assembly refusing to consent to the request for Ministers and a Member to appear before the Legislative Council Select Committee on Gaming Licensing, regards the intemperate language of the Message as unacceptable and contrary to the long established principles of the Westminster system of responsible Government, reaffirms the right of the Legislative Council to act in accordance

with its Standing Orders and notes that the Legislative Assembly Standing Orders confer similar powers on that House in relation to requests for Members and Officers of the Legislative Council to be examined by the Legislative Assembly or its select committees.

Debate ensued.

Mr Viney moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House requests the Legislative Assembly to agree to a joint meeting of the Standing Orders Committees to report on an agreed set of words to be contained in communications between the Houses.”

Debate ensued.

Question — That the amendment be agreed to — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber
Mr Drum	Mrs Coote
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Hall	Mr P.R. Davis
Mr Jennings	Mr Finn
Mr Leane	Mr Guy
Mr Lenders	Ms Hartland (<i>Teller</i>)
Mr Madden	Mr Kavanagh
Ms Mikakos	Mr Koch
Mr Pakula	Mrs Kronberg
Ms Pulford	Ms Lovell
Mr Scheffer	Mr O’Donohue (<i>Teller</i>)
Mr Smith	Ms Pennicuik
Mr Somyurek	Mrs Petrovich
Mr Tee (<i>Teller</i>)	Mrs Peulich
Mr Theophanous	Mr Rich-Phillips
Mr Thornley (<i>Teller</i>)	Mr Vogels
Ms Tierney	
Mr Viney	

Amendment agreed to.

Question — That this House requests the Legislative Assembly to agree to a joint meeting of the Standing Orders Committees to report on an agreed set of words to be contained in communications between the Houses — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber
Mr Drum	Mrs Coote
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Hall	Mr P.R. Davis
Mr Jennings	Mr Finn
Mr Leane	Mr Guy
Mr Lenders	Ms Hartland
Mr Madden	Mr Kavanagh (<i>Teller</i>)
Ms Mikakos	Mr Koch
Mr Pakula	Mrs Kronberg
Ms Pulford	Ms Lovell
Mr Scheffer	Mr O’Donohue
Mr Smith	Ms Pennicuik

Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney (*Teller*)
 Mr Viney (*Teller*)

Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips (*Teller*)
 Mr Vogels

Question agreed to.

5 SESSIONAL ORDERS — Mr P.R. Davis moved, That the Sessional Orders adopted by the Council on 28 February 2007 relating to the Business of the Council be amended as follows to take effect from 1 September 2007:

1. In Sessional Order 3 (1), omit “Until 30 August 2007”.
2. In Sessional Order 9, omit “30 August 2007”.
3. Omit Sessional Order 10 and insert —
 ‘Standing Order 5.08 is suspended and the following arrangements will apply in relation to General Business:
 - “(1) General Business is business initiated by Members who are not Members of the Government party or parties.
 - (2) General Business will take precedence over all other business on Wednesdays in accordance with the order of business prescribed by the Sessional Orders.
 - (3) Government Business may only be taken on Wednesday when General Business is concluded before 10.00 p.m.”.

Debate ensued.

Mr Viney moved, as amendments —

1. In proposed amendment 1 to Sessional Order 3(1), after “Until 30 August 2007” insert ‘and insert “Until 29 February 2008”.’
2. In proposed amendment 2 to Sessional Order 9, after “30 August 2007” insert ‘and insert “29 February 2008”.’
3. In proposed amendment 3 to Sessional Order 10, omit all words and expressions after “and insert —” and insert —
 ‘Notwithstanding the provisions of Standing Order 5.08, the following arrangements will apply in relation to General Business:
 - (1) The time limits in Standing Order 5.04 relating to General Business are suspended.
 - (2) The maximum time for General Business will be as prescribed in Standing Orders 5.02(2) and 5.03(2).
 - (3) At the expiration of the time for debate prescribed in those Standing Orders, a Member may move without notice that General Business be extended by one hour. The motion will be put without amendment or debate.
 - (4) The same motion may again be moved at the expiration of each subsequent hour of debate of General Business.’.

Debate ensued.

Mr Tee moved, as an amendment —

In proposed amendment 3 to Sessional Order 10, after paragraph (3) insert —

- (4) After the first three hours of the transaction of General Business, any member may move, without leave, that all remaining General Business be postponed until the next day of meeting. This motion will be put without amendment or debate.’.

Debate ensued.

The time for General Business having expired —

Mr P.R. Davis moved, That General Business be extended by one hour.

Question — put and agreed to.

Debate continued.

Business having been interrupted at 2.03 p.m. —

6 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

7 SESSIONAL ORDERS — Debate continued on the motion, That the Sessional Orders adopted by the Council on 28 February 2007 relating to the Business of the Council be amended as follows to take effect from 1 September 2007:

1. In Sessional Order 3 (1), omit “Until 30 August 2007”.
2. In Sessional Order 9, omit “30 August 2007”.
3. Omit Sessional Order 10 and insert —
 - ‘Standing Order 5.08 is suspended and the following arrangements will apply in relation to General Business:
 - “(1) General Business is business initiated by Members who are not Members of the Government party or parties.
 - (2) General Business will take precedence over all other business on Wednesdays in accordance with the order of business prescribed by the Sessional Orders.
 - (3) Government Business may only be taken on Wednesday when General Business is concluded before 10.00 p.m.”.

and on the amendments moved by Mr Viney and Mr Tee.

Question — That amendment No. 1 moved by Mr Viney be agreed to — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 20
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber
Mr Eideh	Mrs Coote
Mr Elasmarr	Mr Dalla-Riva (<i>Teller</i>)
Mr Jennings	Mr D.M. Davis
Mr Kavanagh	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders (<i>Teller</i>)	Mr Finn
Mr Madden	Mr Guy
Ms Mikakos	Mr Hall
Mr Pakula	Ms Hartland
Ms Pulford	Mr Koch
Mr Scheffer	Mrs Kronberg
Mr Smith	Ms Lovell
Mr Somyurek	Mr O’Donohue
Mr Tee	Ms Pennicuik (<i>Teller</i>)
Mr Theophanous	Mrs Petrovich
Mr Thornley	Mrs Peulich
Ms Tierney (<i>Teller</i>)	Mr Rich-Phillips
Mr Viney	Mr Vogels

The Ayes and Noes being equal, the amendment was negatived.

Question — That amendment No. 2 moved by Mr Viney be agreed to — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 20
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber

Mr Eideh	Mrs Coote
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis (<i>Teller</i>)
Mr Kavanagh	Mr P.R. Davis (<i>Teller</i>)
Mr Leane	Mr Drum
Mr Lenders	Mr Finn
Mr Madden (<i>Teller</i>)	Mr Guy
Ms Mikakos (<i>Teller</i>)	Mr Hall
Mr Pakula	Ms Hartland
Ms Pulford	Mr Koch
Mr Scheffer	Mrs Kronberg
Mr Smith	Ms Lovell
Mr Somyurek	Mr O'Donohue
Mr Tee	Ms Pennicuik
Mr Theophanous	Mrs Petrovich
Mr Thornley	Mrs Peulich
Ms Tierney	Mr Rich-Phillips
Mr Viney	Mr Vogels

The Ayes and Noes being equal, the amendment was negatived.

Question — That amendment No. 3 moved by Mr Viney be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber
Mr Eideh	Mrs Coote
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Mr Leane	Mr P.R. Davis
Mr Lenders	Mr Drum
Mr Madden	Mr Finn (<i>Teller</i>)
Ms Mikakos	Mr Guy (<i>Teller</i>)
Mr Pakula (<i>Teller</i>)	Mr Hall
Ms Pulford (<i>Teller</i>)	Ms Hartland
Mr Scheffer	Mr Kavanagh
Mr Smith	Mr Koch
Mr Somyurek	Mrs Kronberg
Mr Tee	Ms Lovell
Mr Theophanous	Mr O'Donohue
Mr Thornley	Ms Pennicuik
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Rich-Phillips
	Mr Vogels

Amendment negatived.

Question — That amendment No. 1 moved by Mr Tee be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber
Mr Eideh	Mrs Coote
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Mr Leane	Mr P.R. Davis
Mr Lenders	Mr Drum

Mr Madden	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pulford	Ms Hartland
Mr Scheffer (<i>Teller</i>)	Mr Kavanagh
Mr Smith	Mr Koch (<i>Teller</i>)
Mr Somyurek (<i>Teller</i>)	Mrs Kronberg (<i>Teller</i>)
Mr Tee	Ms Lovell
Mr Theophanous	Mr O'Donohue
Mr Thornley	Ms Pennicuik
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Rich-Phillips
	Mr Vogels

Amendment negated.

Question — That the Sessional Orders adopted by the Council on 28 February 2007 relating to the Business of the Council be amended as follows to take effect from 1 September 2007:

1. In Sessional Order 3 (1), omit "Until 30 August 2007".
2. In Sessional Order 9, omit "30 August 2007".
3. Omit Sessional Order 10 and insert —
 - 'Standing Order 5.08 is suspended and the following arrangements will apply in relation to General Business:
 - "(1) General Business is business initiated by Members who are not Members of the Government party or parties.
 - (2) General Business will take precedence over all other business on Wednesdays in accordance with the order of business prescribed by the Sessional Orders.
 - (3) Government Business may only be taken on Wednesday when General Business is concluded before 10.00 p.m.". — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Leane
Mr Drum	Mr Lenders
Mr Finn	Mr Madden
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Ms Hartland	Ms Pulford
Mr Kavanagh	Mr Scheffer
Mr Koch	Mr Smith
Mrs Kronberg	Mr Somyurek
Ms Lovell (<i>Teller</i>)	Mr Tee (<i>Teller</i>)
Mr O'Donohue (<i>Teller</i>)	Mr Theophanous (<i>Teller</i>)
Ms Pennicuik	Mr Thornley
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

8 BUSINESS POSTPONED —

Ordered — That the consideration of the remaining Notices of Motion, and Orders of the Day, General Business, be postponed until the next day of meeting.

Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until the next day of meeting.

9 OUTWORKERS AND CONTRACTORS LEGISLATION AMENDMENT BILL 2007 — Mr Lenders (for Mr Theophanous) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

10 GAMBLING REGULATION AMENDMENT BILL 2007 — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Mr Guy), the debate was adjourned for one week.

11 ACCIDENT COMPENSATION AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

12 ADJOURNMENT — Mr Theophanous moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.18 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 33 — Thursday, 9 August 2007

1 The President took the Chair and read the Prayer.

2 SUMMARY OFFENCES AMENDMENT (UPSKIRTING) BILL 2007 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Summary Offences Act 1966 to create new offences dealing with the unauthorised observation or capturing of visual images of the genital or anal region of a person's body and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

3 PETITIONS —

MORDIALLOC BRIDGE — Mrs Peulich presented a Petition bearing 1203 signatures from certain citizens of Victoria requesting that the Legislative Council demands that the Minister for Roads and Ports and VicRoads (1) immediately review the work schedules of the Mordialloc Bridge construction, including the 16 month timeframe given for the project; and (2) conduct a public information session regarding the Mordialloc Bridge construction to allow residents of Mordialloc, Carrum and Bayside to consult with the Minister and VicRoads for a timely resolution to the daily traffic delays.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

GOULBURN RIVER PIPELINE — Ms Lovell presented a Petition bearing 108 signatures from certain citizens of Victoria requesting that the Government abandons its proposal to pipe water from the Goulburn River to Melbourne and instead addresses Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

Ordered to lie on the Table.

* * * * *

GENETICALLY MODIFIED CROPS BAN EXTENSION — Mr Barber presented a Petition bearing 376 signatures from certain citizens of Victoria requesting that the Government, Cabinet and Minister for Health (1) set up independent and participatory processes to review the *Control of Genetically Modified Crops Act 2004*; (2) make a firm commitment to extend the genetically modified crops bans until 2013; (3) urge all state, territory and federal ministers on the Gene Technology Ministerial Council to also extend their genetically modified crops bans; and (4) encourage the Gene Technology Ministerial Council to lower thresholds of genetically modified canola contamination allowed from 0.9% in grain and 0.5% in seed to 0.1 %.

Ordered to lie on the Table.

4 PAPERS —

SUPREME COURT JUDGES — Mr Madden presented, by command of His Excellency the Governor, the Report of the Supreme Court Judges for the year 2005-06.

Ordered to lie on the Table.

* * * * *

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:

Ballarat Planning Scheme — Amendment C125.

Corangamite Planning Scheme — Amendment C20.

East Gippsland Planning Scheme — Amendment C57.

Glenelg Planning Scheme — Amendment C37.

Golden Plains Planning Scheme — Amendment C50.

Greater Dandenong Planning Scheme — Amendment C95.

Horsham Planning Scheme — Amendments C40.

Mitchell Planning Scheme — Amendment C48.

Moorabool Planning Scheme — Amendment C50.

5 **SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 21 August 2007.

Question — put and agreed to.

6 **ORDER OF THE COUNCIL RESCINDED** — Mr Lenders moved, by leave, That the resolution of the Council appointing the next day of meeting for the second reading of the Summary Offences Amendment (Upskirting) Bill 2007 be read and rescinded, and that the second reading of the Bill be made an Order of the Day for later this day.

Question — put and agreed to.

7 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

8 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

9 **BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until later this day.

- 10 LAW REFORM COMMITTEE** — Mr Lenders moved, That Mr Scheffer be a member of the Law Reform Committee.
Question — put and agreed to.
- 11 CRIMES (DECRIMINALISATION OF ABORTION) BILL 2007** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a second time.
Mr P.R. Davis moved, That the debate be adjourned for one week.
Question — put and agreed to.
- 12 SUPERANNUATION LEGISLATION AMENDMENT (CONTRIBUTION SPLITTING AND OTHER MATTERS) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 13 ENERGY LEGISLATION AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Business having been interrupted at 2.02 p.m. —
- 14 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 15 ENERGY LEGISLATION AMENDMENT BILL 2007** — Debate continued on the question, That the Bill be now read a second time.
Mr Barber announced that he proposed to move amendments in Committee and requested that they be circulated.
Accordingly, the amendments were circulated.
Question — put and agreed to.
Bill read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Deputy President 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.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 16 LEGAL PROFESSION AMENDMENT (EDUCATION) BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Legal Profession Act 2004 with respect to the educational and other requirements for admission to the legal profession and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Accordingly, Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Madden, the second reading speech was incorporated into Hansard.
Mr Madden moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 17 GRAIN HANDLING AND STORAGE AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Grain Handling and Storage Act 1995 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Madden (for Mr Theophanous), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Accordingly, Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Vogels, the debate was adjourned for one week.

- 18 PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Parliamentary Salaries and Superannuation Act 1968 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Accordingly, Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 19 SUMMARY OFFENCES AMENDMENT (UPSKIRTING) BILL 2007** — Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 20 ADJOURNMENT** — Mr Madden moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.31 p.m., adjourned until Tuesday, 21 August 2007.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 31, 32 and 33

Tuesday, 7 August 2007

1 MAGISTRATES' COURT AND CORONERS ACTS AMENDMENT BILL 2007

Clause 1 — Ms Pennicuik moved —

1 Clause 1, page 2, line 13, omit "2009;" and insert "2009."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)
Ms Hartland (*Teller*)
Ms Pennicuik

NOES, 37

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmar
Mr Finn
Mr Guy
Mr Hall
Mr Jennings
Mr Kavanagh
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell (*Teller*)
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous (*Teller*)
Mr Thornley
Ms Tierney
Mr Viney
Mr Vogels

Amendment negatived.

Clause 1 — put and agreed to.

Clauses 2 to 10 — put and agreed to.

Bill reported without amendment.

Thursday, 9 August 2007

1 ENERGY LEGISLATION AMENDMENT BILL 2007

Clauses 1 and 2 — put and agreed to.

Clause 3 — Mr Barber moved —

1 Clause 3, line 15, after "biomass" insert "(other than biomass material from a native forest)".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber

Ms Hartland (*Teller*)

Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson

Ms Broad

Mrs Coote

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Eideh

Mr Elasmar

Mr Finn

Mr Guy

Mr Hall

Mr Jennings

Mr Kavanagh

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Mr Madden

Ms Mikakos

Mr O'Donohue

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Rich-Phillips

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee (*Teller*)

Mr Theophanous

Mr Thornley (*Teller*)

Ms Tierney

Mr Viney

Mr Vogels

Amendment negatived.

Mr Barber moved —

3 Clause 3, page 4, line 30, omit "100 kilowatts" and insert "30 megawatts".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber (*Teller*)
 Ms Hartland
 Mr Kavanagh (*Teller*)
 Ms Pennicuik

NOES, 35

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney (*Teller*)
 Mr Viney
 Mr Vogels (*Teller*)

Amendment negatived.

Clause 3 — put and agreed to.

Clauses 4 to 9 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 34, 35 and 36

No. 34 — Tuesday, 21 August 2007

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 14 August 2007, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - Accident Compensation Amendment Act 2007*
 - Energy Legislation Amendment Act 2007*
 - Magistrates' Court and Coroners Acts Amendment Act 2007*
 - Superannuation Legislation Amendment (Contribution Splitting and Other Matters) Act 2007*
 - Wills Amendment Act 2007.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PAPERS** —
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 11 of 2007 from the Scrutiny of Acts and Regulations Committee, (including Appendices).
Ordered to lie on the Table and to be printed.

* * * * *

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

National Environment Protection Council — Report of the Review of the National Environment Protection Council Acts (Commonwealth, State and Territory), June 2007.

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

- Alpine Resorts Planning Scheme — Amendment C19.
- Banyule Planning Scheme — Amendment C51.
- Baw Baw Planning Scheme — Amendment C54.
- Bayside Planning Scheme — Amendment C50.
- Cardinia Planning Scheme — Amendment C87 Part 3.
- Golden Plains Planning Scheme — Amendment C2 and C42.
- Greater Bendigo Planning Scheme — Amendment C105.
- Greater Shepparton Planning Scheme — Amendment C68.
- Hobsons Bay Planning Scheme — Amendment C70.
- Hume Planning Scheme — Amendment C87.

Planning and Environment Act 1987 — *continued*.

Knox Planning Scheme — Amendment C64.

Latrobe Planning Scheme — Amendment C55.

Manningham Planning Scheme — Amendment C58.

Nillumbik Planning Scheme — Amendment C49.

Surf Coast Planning Scheme — Amendment C33.

Warrnambool Planning Scheme — Amendment C54.

Wellington Planning Scheme — Amendment C47.

Whittlesea Planning Scheme — Amendment C74.

Wyndham Planning Scheme — Amendment C94.

Yarra Ranges Planning Scheme — Amendment C57.

Prevention of Cruelty to Animals Act 1986 — Code of Accepted Farming Practice for the Welfare of Pigs 2007 (Revision No. 2).

Statutory Rule under the Court Security Act 1980 — No. 87.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 84.

Terrorism (Community Protection) Act 2003 — Report on powers under the Act 2006-07 pursuant to sections 13ZR and 21M of the Act.

5 BUSINESS OF THE COUNCIL — Mr P.R. Davis moved, by leave, That General Business on Wednesday, 22 August 2007 be taken in the following order:

- (1) Notice of Motion No. 7 standing in the name of Mr Guy in relation to housing affordability;
- (2) Notice of Motion No. 45 standing in the name of Mr Barber in relation to a reference to the Law Reform Commission.

Question — put and agreed to.

6 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

7 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR — Debate resumed on the question, That the Council agree to the following Address to the Governor in reply to the Governor's Opening Speech:

MAY IT PLEASE THE GOVERNOR

We, the Legislative Council of Victoria assembled in Parliament, express our loyalty to Australia and the people of Victoria, and thank you for the speech which you have made to the Parliament.

We declare that we will faithfully carry out the important duties entrusted to us by the people of Victoria, to advance the best interests of all sections of the community.

Question — put and agreed to.

Mr Lenders moved, That the Address be presented to the Governor by the President and such Members of the Council as may wish to accompany him.

Question — put and agreed to.

8 CRIMES (DECRIMINALISATION OF ABORTION) BILL 2007 — ORDER DISCHARGED —

The Order of the Day having been read for the resumption of the debate on the question, That the Bill be now read a second time —

Ms Broad moved, That this Order of the Day be discharged and that the Bill be withdrawn.

Debate ensued.

Question — put and agreed to.

9 PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2007 —

Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

10 OUTWORKERS AND CONTRACTORS LEGISLATION AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

11 ADJOURNMENT — Mr Theophanous moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.36 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 35 — Wednesday, 22 August 2007

1 The President took the Chair and read the Prayer.

2 ROYAL CHILDREN'S HOSPITAL (LAND) BILL 2007 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to provide for the revocation of part of the reservation of Royal Park to provide for a new site for the construction of a new Royal Children's Hospital, to provide for the re-reservation of that and other land, to provide for leasing and licensing arrangements over certain land and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

3 PETITIONS —

MORDIALLOC BRIDGE — Mrs Peulich presented a Petition bearing 124 signatures from certain citizens of Victoria requesting that the Legislative Council demands that the Minister for Roads and Ports and VicRoads (1) immediately review the work schedules of the Mordialloc Bridge construction, including the 16 month timeframe given for the project; and (2) conduct a public information session regarding the Mordialloc Bridge construction to allow residents of Mordialloc, Carrum and Bayside to consult with the Minister and VicRoads for a timely resolution to the daily traffic delays.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

CARRUM DOWNS SCHOOL ZONE SPEED LIMIT — Mrs Peulich presented a Petition bearing 106 signatures from certain citizens of Victoria requesting that the speed limit on Hall Road in Carrum Downs be changed from 70 kilometres per hour to 40 kilometres per hour for the stretch of road immediately before and after the school crossing for a length of two kilometres, between the hours of 8.00 to 9.30 am and 2.30 to 4.00 pm on school days.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 HOUSING AFFORDABILITY — Mr Guy moved, That this House notes the State Labor Government's failure to adequately address the issue of housing affordability, and in particular —

- (1) the lack of any strategic State Government plan to combat housing affordability;
- (2) the lack of any initiatives in the recent budget to assist first home buyers; and

(3) its failure to keep Victorian stamp duty rates competitive with other States.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 23
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum	Ms Hartland
Mr Finn	Mr Jennings
Mr Guy	Mr Kavanagh
Mr Hall	Mr Leane
Mr Koch	Mr Lenders
Mrs Kronberg	Mr Madden
Ms Lovell	Ms Mikakos
Mr O'Donohue	Mr Pakula
Mrs Petrovich (<i>Teller</i>)	Ms Pennicuik
Mrs Peulich (<i>Teller</i>)	Ms Pulford
Mr Rich-Phillips	Mr Scheffer
Mr Vogels	Mr Smith
	Mr Somyurek
	Mr Tee
	Mr Theophanous
	Mr Thornley (<i>Teller</i>)
	Ms Tierney (<i>Teller</i>)
	Mr Viney

Question negatived.

The time for General Business having expired —

Mrs Coote moved, That General Business be extended by one hour.

Question — put and agreed to.

Business having been interrupted at 2.07 p.m. —

6 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

7 LAW REFORM COMMISSION REFERENCE — Mr Barber moved, That this House calls on the Attorney-General to send a reference to the Victorian Law Reform Commission to examine the most appropriate legal model for an anti-corruption commission for Victoria.

Debate ensued.

The time for General Business having expired —

Mr P.R. Davis moved, That General Business be extended by one hour.

Question — put and agreed to.

Debate continued.

The time for General Business having expired —

Mr Koch moved, That General Business be extended by one hour.

Question — put and agreed to.

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Ms Broad (<i>Teller</i>)
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh

Mr Dalla-Riva	Mr Elasmarr (<i>Teller</i>)
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Leane
Mr Drum	Mr Lenders
Mr Finn	Mr Madden
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Ms Hartland	Ms Pulford
Mr Kavanagh	Mr Scheffer
Mr Koch	Mr Smith
Mrs Kronberg	Mr Somyurek
Ms Lovell	Mr Tee
Mr O'Donohue	Mr Theophanous
Ms Pennicuik	Mr Thornley
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips (<i>Teller</i>)	
Mr Vogels (<i>Teller</i>)	

Question agreed to.

- 8 PLANNING AND ENVIRONMENT AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Planning and Environment Act 1987, the Transfer of Land Act 1958 and the Subdivision Act 1988 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 9 ADJOURNMENT** — Mr Madden moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.39 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 36 — Thursday, 23 August 2007

- 1 The President took the Chair and read the Prayer.
- 2 **LAND (REVOCAION OF RESERVATIONS) BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to provide for the revocation of reservations of various parcels of land, revoke related Crown grants in relation to two of those parcels and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 3 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the directions of an Act of Parliament, was laid upon the Table by the Clerk:
Auditor-General's Office — Report, 2006-07.
- 4 **SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 18 September 2007.
Question — put and agreed to.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 6 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to standing Order 9.10.

- 7 ROYAL CHILDREN'S HOSPITAL (LAND) BILL 2007** — Mr Lenders (for Mr Jennings) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Guy, the debate was adjourned for one week.

- 8 LAND (REVOCATION OF RESERVATIONS) BILL 2007**— Mr Lenders (for Mr Jennings) laid on the Table the statement of compatibility as required by the Charter of Human Rights and Responsibilities Act 2006.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Guy, the debate was adjourned for one week.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

- 10 GAMBLING REGULATION AMENDMENT BILL 2007**— Debate resumed on the question, That the Bill be now read a second time.

Mr Guy announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Mr Barber announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Business having been interrupted at 2.03 p.m. —

- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 12 GAMBLING REGULATION AMENDMENT BILL 2007** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

The Acting President resumed the Chair; and the Deputy President 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 13 JUSTICE AND ROAD LEGISLATION AMENDMENT (LAW ENFORCEMENT) BILL 2007** — The Acting President announced the receipt of a Message from the Assembly presenting A Bill for an Act to amend the Magistrates' Court Act 1989, the Police Regulation Act 1958, the Road Safety Act 1986 and the Sex Offenders Registration Act 2004 and for other purposes and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 14 GENE TECHNOLOGY AMENDMENT BILL 2007** — The Acting President announced the receipt of a Message from the Assembly presenting A Bill for an Act to amend the Gene Technology Act 2001 and for other purposes and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

15 CONFISCATION AMENDMENT BILL 2007 — The Acting President announced the receipt of a Message from the Assembly presenting A Bill for an Act to amend the Confiscation Act 1997 to clarify the operation and scope of provisions relating to exclusion orders and related appeal provisions, to make miscellaneous amendments relating to interests in property which may be subject to orders under that Act and for other purposes, and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

16 PLANNING AND ENVIRONMENT AMENDMENT BILL 2007 — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the Charter of Human Rights and Responsibilities Act 2006.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Guy, the debate was adjourned for one week.

17 CONFISCATION AMENDMENT BILL 2007 — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the Charter of Human Rights and Responsibilities Act 2006.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

18 GENE TECHNOLOGY AMENDMENT BILL 2007 — Mr Lenders (for Mr Jennings) laid on the Table the statement of compatibility as required by the Charter of Human Rights and Responsibilities Act 2006.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Mr D.M. Davis), the debate was adjourned for one week.

19 JUSTICE AND ROAD LEGISLATION AMENDMENT (LAW ENFORCEMENT) BILL 2007 — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the Charter of Human Rights and Responsibilities Act 2006.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

20 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.34 p.m., adjourned until Tuesday, 18 September 2007.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 34, 35 and 36

Thursday, 23 August 2007

1 GAMBLING REGULATION AMENDMENT BILL 2007

Clause 1 — Mr Barber moved —

1 Clause 1, after line 3 insert—

"() limit the maximum permissible number of gaming machines available for gaming in the State to 10 000 from 15 April 2012;".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber

Ms Hartland

Mr Kavanagh (*Teller*)

Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson

Ms Broad (*Teller*)

Mrs Coote

Mr Dalla-Riva

Ms Darveniza (*Teller*)

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Finn

Mr Guy

Mr Hall

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Mr Madden

Ms Mikakos

Mr O'Donohue

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Rich-Phillips

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Mr Theophanous

Mr Thornley

Ms Tierney

Mr Viney

Mr Vogels

Amendment negatived.

Mr Guy moved —

1 Clause 1, after line 3 insert—

"() limit the maximum permissible number of gaming machines available for gaming in the State to 22 000 from 15 April 2012;".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 21
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Drum (<i>Teller</i>)
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Hall
Mr Finn (<i>Teller</i>)	Mr Jennings
Mr Guy	Mr Leane
Ms Hartland	Mr Lenders
Mr Kavanagh	Mr Madden
Mr Koch	Ms Mikakos
Mrs Kronberg	Mr Pakula
Ms Lovell	Ms Pulford
Mr O'Donohue (<i>Teller</i>)	Mr Scheffer
Ms Pennicuik	Mr Smith
Mrs Petrovich	Mr Somyurek
Mrs Peulich	Mr Tee
Mr Rich-Phillips	Mr Theophanous
Mr Vogels	Mr Thornley
	Ms Tierney (<i>Teller</i>)
	Mr Viney

Amendment negatived.

Mr Barber moved —

2 Clause 1, page 2, line 2, omit "\$1000" and insert "\$250".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4	NOES, 36
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland	Ms Broad
Mr Kavanagh	Mrs Coote
Ms Pennicuik (<i>Teller</i>)	Mr Dalla-Riva
	Ms Darveniza
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh
	Mr Elasmarr
	Mr Finn
	Mr Guy
	Mr Hall
	Mr Jennings (<i>Teller</i>)
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Mr Lenders
	Ms Lovell

Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous (*Teller*)
Mr Thornley
Ms Tierney
Mr Viney
Mr Vogels

Amendment negatived.

Clause 1 — put and agreed to.

Clauses 2 to 15 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 37, 38 and 39

No. 37 — Tuesday, 18 September 2007

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 28 August 2007, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

Gambling Regulation Amendment Act 2007

Outworkers and Contractors Legislation Amendment Act 2007

Parliamentary Salaries and Superannuation Amendment Act 2007.

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 4 **PETITIONS** —

DECRIMINALISATION OF ABORTION — Mr Rich-Phillips presented a Petition bearing 224 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria oppose the Crimes (Decriminalisation of Abortion) Bill 2007.

Ordered to lie on the Table.

* * * * *

NUCLEAR INDUSTRY IN VICTORIA — Mr Scheffer presented a Petition bearing 23 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria reaffirms the opposition of the Victorian Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant.

Ordered to lie on the Table.

* * * * *

LIQUOR LICENCES WITHIN THE CITY OF STONNINGTON — Mrs Coote presented a Petition bearing 1,354 signatures from certain citizens of Victoria requesting that amending legislation be introduced which will empower the appropriate authorities to reduce and restrict the number of liquor licences and permits within the City of Stonnington, ensure that all licenced premises within the City of Stonnington close at 2 a.m., and that licenced venues within the City of Stonnington be made responsible for the security of its customers and the general public within its vicinity.

Ordered to lie on the Table.

- 5 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 12 of 2007 (including an Extract from the Proceedings and Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

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

Land Acquisition and Compensation Act 1986 — Minister's certificate of 13 September 2007 pursuant to section 7(4) of the Act.

Major Events (Aerial Advertising) Act 2007 — Event Orders of 4 September 2007 and 10 September 2007 in relation to the 2007 AFL Finals Series.

Major Events (Crowd Management) Act 2003 — Minister's order of 4 September 2007 declaring a Managed Access Area pursuant to section 7 of the Act.

National Parks Act 1975 — Minister's notice of 7 September 2007 of consent to allow operation of the Red Robin Mine in the Alpine National Park.

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

Baw Baw Planning Scheme — Amendments C41 Part 2 and C46.

Boroondara Planning Scheme — Amendment C68.

Brimbank Planning Scheme — Amendments C94 and C104.

Casey Planning Scheme — Amendment C68.

Darebin Planning Scheme — Amendment C76.

Greater Bendigo Planning Scheme — Amendment C93.

Greater Shepparton Planning Scheme — Amendment C96.

Indigo Planning Scheme — Amendment C27.

Kingston Planning Scheme — Amendment C62.

Latrobe Planning Scheme — Amendment C50.

Maribyrnong Planning Scheme — Amendment C65.

Melbourne Planning Scheme — Amendment C129.

Melton Planning Scheme — Amendment C59.

Mildura Planning Scheme — Amendment C43.

Moira Planning Scheme — Amendment C31.

Moonee Valley Planning Scheme — Amendments C38 and C79.

Moorabool Planning Scheme — Amendment C31.

Moreland Planning Scheme — Amendment C59.

Mornington Peninsula Planning Scheme — Amendment C58.

Moyne Planning Scheme — Amendment C17.

Stonnington Planning Scheme — Amendments C54 and C61.

Wellington Planning Scheme — Amendment C32 and C34.

Whitehorse Planning Scheme — Amendments C76 and C77.

Wodonga Planning Scheme — Amendment C55.

Yarra Planning Scheme — Amendments C79, C88 and C95.

Yarra Ranges Planning Scheme — Amendment C64.

Statutory Rules under the following Acts of Parliament:

Crimes Act 1958 — No. 88.

Radiation Act 2005 — No. 89.

Road Safety Act 1986 — No. 90.

Supreme Court Act 1986 — Nos. 91, 92, 93 and 94.

Subordinate Legislation Act 1994 —

Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 87, 91, 92, 93 and 94.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 88 and 90.

Surveyor-General — Report on the Administration of the Survey Co-ordination Act 1958, 2006-07.

Victorian Renewable Energy Act 2006 — Victorian Renewable Energy Target Scheme Stage 2 Rules pursuant to section 113(9).

- 6 FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — Mr Lenders moved, by leave, That Mr Finn be a member of the Family and Community Development Committee.
Question — put and agreed to.
- 7 BUSINESS OF THE COUNCIL** — Mr P.R. Davis moved, by leave, That General Business on Wednesday, 19 September 2007 be taken in the following order:
- (1) Notice of Motion No. 50 standing in the name of Mr Rich-Phillips in relation to the production of documents; and
 - (2) Notice of Motion No. 51 standing in the name of Mr Hall in relation to a reference to the Environment and Natural Resources Committee.
- Question — put and agreed to.
- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 9 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.
- 10 GRAIN HANDLING AND STORAGE AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 11 SUMMARY OFFENCES AMENDMENT (UPSKIRTING) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 12 LEGAL PROFESSION AMENDMENT (EDUCATION) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 13 ROYAL CHILDREN'S HOSPITAL (LAND) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 14 PLANNING AND ENVIRONMENT AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Business having been interrupted by the President at 10.00 p.m., the debate stood adjourned in the name of Ms Mikakos.
- 15 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.
Debate ensued.
And then the Council, at 10.46 p.m., adjourned until tomorrow.

No. 38 — Wednesday, 19 September 2007

1 The President took the Chair and read the Prayer.

2 **PETITIONS —**

DECRIMINALISATION OF ABORTION — Mr Kavanagh presented a Petition bearing 368 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria oppose the proposed amendments to the *Crimes Act 1958* that will decriminalise abortion in the State of Victoria.

Ordered to lie on the Table.

* * * * *

CASTLEMAINE AMBULANCE STATION — Mr Drum presented a Petition bearing 1,222 signatures from certain citizens of Victoria requesting that the Government, as a matter of urgency, commit the necessary funding to allow the Castlemaine ambulance station to be staffed on a 24-hour basis.

Ordered to lie on the Table.

* * * * *

MOORABBIN CHILDREN'S TRAFFIC SCHOOL — Mr D.M. Davis presented a Petition bearing 115 signatures from certain citizens of Victoria requesting that the Moorabbin Children's Traffic School be re-opened at East Boundary Road, Bentleigh East and that the Victorian Government restore funding for its continued operation.

Ordered to lie on the Table.

* * * * *

MARYBOROUGH DISTRICT HEALTH SERVICE — Mr Koch presented a Petition bearing 449 signatures from certain citizens of Victoria requesting that the Government ask the Department of Human Services to examine the tendering process used by the Maryborough District Health Service for the supply of food services to the Avoca, Dunnolly and Maryborough health services and again advertise these services to allow each town's local businesses the opportunity to compete for the next contract period.

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 Program for Students with Disabilities: Program Accountability, September 2007.

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

Corangamite Planning Scheme — Amendment C17.

Hume Planning Scheme — Amendment C99.

Moonee Valley Planning Scheme — Amendment C78.

Yarra Planning Scheme — Amendment C96.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

5 **ORDER FOR PAPERS — PUBLIC LOTTERIES LICENCE** — Mr Rich-Phillips moved, That in accordance with Sessional Order 21 "Production of Documents" there be tabled in the Council by 5.00 p.m. on 27 September 2007 the following documents:

(1) any reports prepared by the Victorian Commission for Gambling Regulation in connection with registrations of interest received for a public lotteries licence and presented to the Minister for Gaming in August 2005;

(2) any reports prepared by the Victorian Commission for Gambling Regulation in connection with applications received for a public lotteries licence and presented to the Minister for Gaming in May or June 2006;

- (3) any amended reports prepared by the Victorian Commission for Gambling Regulation in connection with applications received for a public lotteries licence and presented to the Minister for Gaming in November 2006;
- (4) any reports prepared by the Victorian Commission for Gambling Regulation in connection with applications received for a public lotteries licence and presented to the Minister for Gaming in June, July or August 2007; and
- (5) any minutes, file notes or other records of meetings howsoever described relating to consideration of the Victorian Commission for Gambling Regulation reports by the Lotteries Licence Review Steering Committee.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson
 Mr Barber (*Teller*)
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Hartland
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips (*Teller*)
 Mr Vogels

NOES, 19

Ms Broad (*Teller*)
 Ms Darveniza
 Mr Eideh (*Teller*)
 Mr Elasmarr
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

Question agreed to.

Business having been interrupted at 2.22 p.m. pursuant to Standing Orders —

- 6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 7 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — Mr Hall moved, That this House requires the Environment and Natural Resources Committee to inquire, consider and report no later than 31 December 2008 on the relative merits of supplementing Melbourne's water supply by some or all of the following means:
- (1) further water savings that can be achieved by increased conservation and efficiency efforts;
 - (2) the collection of stormwater;
 - (3) the re-use of treated waste water;
 - (4) the use of groundwater;
 - (5) small locally based desalination plants;
 - (6) any other optional water source which appears to the Committee to be appropriate;
- and calls on the Victorian Government to suspend plans to take water from the Goulburn catchment and for the construction of the proposed desalination plant at Wonthaggi until such time as the Committee has reported.

Debate ensued.

Ms Lovell moved, as amendments —

- (1) Omit “no later than 31 December 2008” and insert “as a matter of urgency”.
- (2) After paragraph (5) insert —
“ (6) new water storages and dams;”.
- (3) Omit “(6)” and insert “(7)”.
- (4) Omit all words after “Goulburn catchment and” and insert “to consult with the affected community on the location of the proposed desalination plant at Wonthaggi.”.

Debate ensued.

Ms Pulford moved, as an amendment —

- (1) In paragraph (6), omit all words and expressions after “appropriate;” and insert “and also notes the Victorian Government’s commitment to its \$4.9 billion plan to secure Victoria’s water future as presented in its ‘Our Water Our Future — 2nd phase’ policy document 2007 and calls on the Government to proceed with its plans as a matter of priority.”.

Debate ensued.

Mr Kavanagh moved, as an amendment —

- (1) In paragraph (6), omit all words and expressions after “appropriate;”.

Debate ensued.

Amendments proposed by Ms Lovell and Ms Pulford, by leave, were withdrawn.

Debate ensued.

Question — That amendment No. 1 moved by Mr Kavanagh be agreed to — put and agreed to.

Question — That this House requires the Environment and Natural Resources Committee to inquire, consider and report no later than 31 December 2008 on the relative merits of supplementing Melbourne’s water supply by some or all of the following means:

- (1) further water savings that can be achieved by increased conservation and efficiency efforts;
- (2) the collection of stormwater;
- (3) the re-use of treated waste water;
- (4) the use of groundwater;
- (5) small locally based desalination plants; and
- (6) any other optional water source which appears to the Committee to be appropriate.

— put and agreed to.

8 BUSINESS POSTPONED — Ordered — That the consideration of the remaining Notices of Motion, and Orders of the Day, General Business, be postponed until the next day of meeting.

9 CRIMES AMENDMENT (RAPE) BILL 2007 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 to further provide for the offence of rape and certain other sexual offences and for the use of jury directions in trials for such offences and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

10 JUSTICE LEGISLATION AMENDMENT BILL 2007 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Control of Weapons Act 1990, the Corrections Act 1986, the Legal Aid Act 1978 and the Magistrates’ Court Act 1989 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

11 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

12 PLANNING AND ENVIRONMENT AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

13 LAND (REVOCATION OF RESERVATIONS) BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

14 ADJOURNMENT — Mr Jennings moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.14 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 39 — Thursday, 20 September 2007

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

PUBLIC SECTOR ASSET INVESTMENT PROGRAM, 2007-08 — Mr Lenders moved, by leave, That there be laid before this House a copy of the 2007-08 Public Sector Asset Investment Program (Budget Information Paper No. 1).

Question — put and agreed to.

The said paper was presented by Mr Lenders and ordered to lie on the Table.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2007-08 BUDGET ESTIMATES (PART THREE) — Mr Pakula presented the report from the Public Accounts and Estimates Committee on the 2007-08 Budget Estimates — Part Three (including Appendices and minority reports).

Ordered to lie on the Table and to be printed.

Mr Pakula moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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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:

Ombudsman's Office — Report, 2006-07.

Statutory Rules under the Subordinate Legislation Act 1994 — Nos. 95, 96, 97 and 98.

Subordinate Legislation Act 1994 — Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 95, 97 and 98.

3 **SITTING OF THE COUNCIL** — Mr Madden moved, That the Council, at its rising, adjourn until Tuesday, 9 October 2007.

Question — put and agreed to.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 5 STATEMENTS ON REPORTS AND PAPERS** — Statements were made by Members.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.
- 7 CRIMES AMENDMENT (RAPE) BILL 2007** — Mr Theophanous (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Theophanous, the second reading speech was incorporated into Hansard.
Mr Theophanous moved, That the Bill be now read a second time.
On the motion of Mrs Coote (for Mr Rich-Phillips), the debate was adjourned for one week.
- 8 JUSTICE LEGISLATION AMENDMENT BILL 2007** — Mr Theophanous (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Theophanous, the second reading speech was incorporated into Hansard.
Mr Theophanous moved, That the Bill be now read a second time.
On the motion of Mrs Coote (for Mr Rich-Phillips), the debate was adjourned for one week.
- 9 GENE TECHNOLOGY AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Mr Barber announced that he proposed to move an amendment in Committee and requested that it be circulated.
Accordingly, the amendment was circulated.
Debate continued.
Question — put and agreed to.
Bill read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Deputy President 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.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 11 CONFISCATION AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 12 FISHERIES AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Fisheries Act 1995 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Jennings (for Mr Theophanous), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
Accordingly, Mr Jennings moved, That the Bill be now read a second time.
On the motion of Mrs Coote (for Mr Vogels), the debate was adjourned for one week.
- 13 FIREARMS AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Firearms Act 1996 to make*

further provision for the regulation of firearms in Victoria, to amend the Crimes Act 1958 to make further provision regarding the use of firearms in the commission of offences and to amend the Magistrates' Court Act 1989 to enable certain indictable offences under the Firearms Act 1996 to be heard and determined summarily and for other purposes and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Accordingly, Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Dalla-Riva, the debate was adjourned for one week.

- 14 WORKING WITH CHILDREN AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Working with Children Act 2005, the Children, Youth and Families Act 2005 and the Sentencing Act 1991 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Accordingly, Mr Madden moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Mr Rich-Phillips), the debate was adjourned for one week.

- 15 ADJOURNMENT** — Mr Madden moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.00 p.m., adjourned until Tuesday, 9 October 2007.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 37, 38 and 39

Thursday, 20 September 2007

1 GENE TECHNOLOGY AMENDMENT BILL 2007

Clauses 1 to 12 — put and agreed to.

Clause 13 — Mr Barber moved —

1. Clause 13, page 9, lines 9 to 15, omit all words and expressions on these lines and insert—

"(2) The Minister may make an emergency dealing determination only if—

- (a) the Minister is satisfied that there is a medical emergency and that the dealings proposed to be specified in the emergency dealing determination would, or would be likely to, adequately address the medical emergency; and
- (b) the Minister administering section 72B of the Commonwealth Act has made, or is proposing to make, a corresponding Commonwealth emergency dealing determination."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber
Ms Hartland (*Teller*)
Mr Kavanagh
Ms Pennicuik (*Teller*)

NOES, 33

Mr Atkinson
Ms Broad
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall (*Teller*)
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee

Mr Theophanous
Mr Thornley
Ms Tierney (*Teller*)
Mr Viney
Mr Vogels

Amendment negatived.

Clause 13 — put and agreed to.

Clauses 14 to 60 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 40, 41 and 42

No. 40 — Tuesday, 9 October 2007

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 25 September 2007, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

Confiscation Amendment Act 2007
Gene Technology Amendment Act 2007
Grain Handling and Storage Amendment Act 2007
Land (Revocation of Reservations) Act 2007
Legal Profession Amendment (Education) Act 2007
Planning and Environment Amendment Act 2007
Royal Children's Hospital (Land) Act 2007
Summary Offences Amendment (Upskirting) Act 2007.

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITIONS** —

GOULBURN RIVER PIPELINE — Ms Lovell and Mr Drum each presented Petitions bearing 10 and 90 signatures, respectively, from certain citizens of Victoria requesting that the Government abandons its proposal to pipe water from the Goulburn River to Melbourne and instead addresses Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

Ordered to lie on the Table.

* * * * *

SEVERE LANGUAGE DISORDER FUNDING — Ms Lovell presented a Petition bearing 78 signatures from certain citizens of Victoria requesting that the State Government immediately reinstate the Severe Language Disorder Funding Program thereby improving the access of Victorian children with Autism, Asperger's Syndrome or other language disorders to quality speech pathology.

Ordered to lie on the Table.

* * * * *

COMPULSORY CULTURAL HERITAGE MANAGEMENT PLANS — Mr Drum presented a Petition bearing 11 signatures from certain citizens of Victoria requesting that the Legislative Council support a motion to postpone the introduction of compulsory Cultural Heritage Management Plans until such time as a Regional Impact Study has been prepared.

Ordered to lie on the Table.

5 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 13 of 2007 from the Scrutiny of Acts and Regulations Committee, (including Appendices).

Ordered to lie on the Table and to be printed.

* * * * *

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

Agriculture Victoria Services Pty Ltd — Report, 2006-07.

Crown Land (Reserves) Act 1978 — Minister's Order of 14 September 2007 giving approval to the granting of leases at Dunkeld Memorial Park Reserve.

Duties Act 2000 — Treasurer's reports of exemptions and refunds arising out of corporate consolidations and reconstructions for 2006-07 (two papers).

Fisheries Co-Management Council — Report, 2006-07.

Freedom of Information Act 1982 — Statement of reasons for seeking leave to appeal pursuant to section 65AB(2) of the Act.

Major Events (Aerial Advertising) Act 2007 — Event Order of 18 September 2007 in relation to the 2007 AFL Finals Series.

Melbourne 2006 Commonwealth Games Corporation — Report for the period 1 July 2006 to 30 November 2006.

Phytogene Pty Ltd — Minister's report of receipt of 2006-07 report.

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

Ballarat Planning Scheme — Amendment C81.

Bass Coast Planning Scheme — Amendments C25 and C71.

Boroondara Planning Scheme — Amendment C59.

Golden Plains Planning Scheme — Amendment C31.

Greater Geelong Planning Scheme — Amendments C124 and C131.

Knox Planning Scheme — Amendment C72.

Manningham Planning Scheme — Amendments C53 and C64.

Melbourne Planning Scheme — Amendment C109.

Moreland Planning Scheme — Amendment C80.

Nillumbik Planning Scheme — Amendments C13 Part 1 and C52.

Shepparton Planning Scheme — Amendment C50.

Victoria Planning Provisions — Amendment VC45.

Warrnambool Planning Scheme — Amendment C47.

PrimeSafe — Minister's report of receipt of 2006-07 report.

Radiation Act 2005 — Declaration of 29 August 2007 under section 4 of the Act.

Statutory Rules under the following Acts of Parliament:

Borrowing and Investment Powers Act 1987 — No. 101.

Child Wellbeing and Safety Act 2005 — No. 102.

Confiscation Act 1997 — No. 99.

Gambling Regulation Act 2003 — No. 100.

Infringements Act 2006 — No. 105.

Magistrates' Court Act 1989 — No. 103.

Metropolitan Fire Brigades Act 1958 — No. 111.

Motor Car Traders Act 1986 — No. 106.

Planning and Environment Act 1987 — No. 110.

Second-Hand Dealers and Pawnbrokers Act 1989 — No. 107.

Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 104.

Tobacco Act 1987 — No. 109.

Transfer of Land Act 1958 — No. 108.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 96, 103 and 104.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 99, 102 and 105.

Victorian Broiler Industry Negotiation Committee — Minister's report of receipt of 2006-07 report.

Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2006-07 report.

* * * * *

PROCLAMATION — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Gambling and Racing Legislation Amendment (Sports Betting) Act 2007 — 1 October 2007 (*Gazette No. G38, 20 September 2007*).

6 PRODUCTION OF DOCUMENTS — The Clerk laid on the Table a letter from the Attorney-General on behalf of the Executive Government dated 27 September 2007, advising the Council that the Executive Government makes a claim of Executive privilege in relation to each document that falls within the terms of the resolution of the Council of 19 September 2007. The Attorney-General further advised that as the claim of Executive privilege on behalf of the Crown had been made, the documents would not be produced to the Legislative Council.

7 SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT — Mr Lenders moved, by leave, That Mr Viney be discharged from the Select Committee on Public Land Development and that Mr Thornley be a member of that Committee in his place.

Question — put and agreed to.

8 BUSINESS OF THE COUNCIL — Mr P.R. Davis moved, by leave, That General Business on Wednesday, 10 October 2007 be taken in the following order:

- (1) the Notice of intention relating to the introduction of the Health (Fluoridation) Amendment Bill 2007 standing in the name of Mr Kavanagh; and
- (2) the Notice of Motion standing in my name relating to the Production of Documents by the Leader of the Government, to be taken cognately with the Notice of Motion to take note of the Attorney-General's letter of 27 September 2007 in relation to the same matter.

Question — put and agreed to.

9 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

10 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

11 JUSTICE AND ROAD LEGISLATION AMENDMENT (LAW ENFORCEMENT) BILL — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

The President resumed the Chair; and the Deputy President 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

12 ADJOURNMENT — Mr Madden moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.05 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 41 — Wednesday, 10 October 2007

1 The President took the Chair and read the Prayer.

2 **BUILDING AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Building Act 1993 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

3 **ENERGY LEGISLATION FURTHER AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000, the Gas Industry Act 2001, the Gas Pipelines Access (Victoria) Act 1998, the Gas and Fuel Corporation (Heatane Gas) Act 1993 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Theophanous, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

4 **PETITIONS** —

UPGRADE OF CLYDE ROAD, BERWICK — Mrs Peulich presented a Petition bearing 124 signatures from certain citizens of Victoria requesting that the Legislative Council demands that the Minister for Roads and Ports and VicRoads commence scoping works to upgrade Clyde Road Berwick, between Kangan Drive and High Street.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

MORDIALLOC BRIDGE — Mrs Peulich presented a Petition bearing 36 signatures from certain citizens of Victoria requesting that the Legislative Council demands that the Minister for Roads and Ports and VicRoads (1) immediately review the work schedules of the Mordialloc Bridge construction, including the 16 month timeframe given for the project; and (2) conduct a public information session regarding the Mordialloc Bridge construction to allow residents of Mordialloc, Carrum and Bayside to consult with the Minister and VicRoads for a timely resolution to the daily traffic delays.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

CARRUM DOWNS SCHOOL ZONE SPEED LIMIT — Mrs Peulich presented a Petition bearing 8 signatures from certain citizens of Victoria requesting that the speed limit on Hall Road in Carrum Downs be changed from 70 kilometres per hour to 40 kilometres per hour for the stretch of road immediately before and after the school crossing for a length of two kilometres, between the hours of 8.00 to 9.30 a.m. and 2.30 to 4.00 p.m. on school days.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

DECRIMINALISATION OF ABORTION — Mrs Peulich presented a Petition bearing 259 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria oppose the Crimes (Decriminalisation of Abortion) Bill 2007.

Ordered to lie on the Table.

5 PAPERS —

GAMING LICENSING SELECT COMMITTEE — Mr Rich-Phillips presented the Second Interim Report from the Select Committee on Gaming Licensing (including an Appendix).

Ordered to lie on the Table and to be printed.

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

On the motion of Mr P.R. Davis, the debate was adjourned until later this day.

* * * * *

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 Improving Our Schools: Monitoring and Support, October 2007.

Report on Management of Specific Purpose Funds by Public Health Services, October 2007.

Budget Sector — Financial Report, 2006-07, incorporating the Quarterly Financial Report for the period ended 30 June 2007.

Office of Police Integrity — Report, 2006-07.

Subordinate Legislation Act 1994 — Minister's exception certificate under section 9(6) in respect of Statutory Rule No. 111.

Victorian Law Reform Commission — Final Report on the Review of the Bail Act 1977.

- 6 COGNATE SUBJECTS** — Mr P.R. Davis moved, by leave, That this House authorises and requires the President to permit the Notices of Motion standing in my name relating to the Production of Documents by the Leader of the Government, the Attorney-General's letter of 27 September 2007 in relation to the same matter and further debate on the motion to take note of the Second Interim Report of the Gaming Licensing Select Committee, to be moved and debated concurrently.

Question — put and agreed to.

- 7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 8 HEALTH (FLUORIDATION) AMENDMENT BILL 2007** — Mr Kavanagh, pursuant to notice, introduced *A Bill for an Act relating to the addition of fluoride to a public water supply, to amend the Health (Fluoridation) Act 1973* and for other purposes.

Bill read a first time and ordered to be read a second time on the next day of meeting.

9 PRODUCTION OF DOCUMENTS —

Pursuant to Orders of the Council on 9 and 10 October 2007 —

1. Mr P.R. Davis, moved —

That this House —

- (1) notes that the documents ordered by the Resolution of the Council on 19 September 2007 to be tabled in the Council by 5.00 pm on 27 September 2007, have not been received by the Council;
- (2) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the Constitution Act 1975, the power to make Standing Orders under section 43 of that Act and the power to adopt Sessional Orders pursuant to Standing Order 25.02;
- (3) affirms the right of the Council to adopt Sessional Order 21 and call for the production of documents which are necessary for the proper exercise of its functions;

- (4) affirms the need to protect the high standing of Parliament and to ensure that the Council may properly discharge its duties and responsibilities; and
- (5) requires the Leader of the Government representing the Premier to table by 5.00 pm on Monday, 15 October 2007 the following documents referred to in the Resolution of the Council of 19 September 2007:
 - (a) any reports prepared by the Victorian Commission for Gambling Regulation in connection with registrations of interest received for a public lotteries licence and presented to the Minister for Gaming in August 2005;
 - (b) any reports prepared by the Victorian Commission for Gambling Regulation in connection with applications received for a public lotteries licence and presented to the Minister for Gaming in May or June 2006;
 - (c) any amended reports prepared by the Victorian Commission for Gambling Regulation in connection with applications received for a public lotteries licence and presented to the Minister for Gaming in November 2006;
 - (d) any reports prepared by the Victorian Commission for Gambling Regulation in connection with applications received for a public lotteries licence and presented to the Minister for Gaming in June, July or August 2007; and
 - (e) any minutes, file notes or other records of meetings howsoever described relating to consideration of the Victorian Commission for Gambling Regulation reports by the Lotteries Licence Review Steering Committee.

2. Mr P.R. Davis moved —

That the Council take note of the Attorney-General's letter relating to the production of documents.

3. The Order of the Day was read for the resumption of the debate on the question, That the Council take note of the Second Interim Report of the Select Committee on Gaming Licensing.

Debate ensued.

Mr Lenders moved, as amendments to motion No. 1 —

1. Paragraph (2), omit this paragraph.
2. Paragraph (3), omit this paragraph.
3. Paragraph (5), omit this paragraph.

Debate ensued.

Question — That Amendment No. 1 moved by Mr Lenders be agreed to — put.

The Council divided — The Deputy President in the Chair.

AYES, 17

Ms Broad
 Ms Darveniza
 Mr Eideh (*Teller*)
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos (*Teller*)
 Mr Pakula
 Ms Pulford
 Mr Scheffer
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

NOES, 20

Mr Atkinson
 Mr Barber
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum (*Teller*)
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Hartland
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Ms Lovell (*Teller*)
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich

Mr Rich-Phillips
Mr Vogels

Amendment negatived.

Question — That Amendment No. 2 moved by Mr Lenders be agreed to — put.

The Council divided — The Deputy President in the Chair.

AYES, 18

Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmarr (*Teller*)
Mr Jennings
Mr Leane (*Teller*)
Mr Lenders
Mr Madden
Ms Mikakos
Mr Pakula
Ms Pulford
Mr Scheffer
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney

NOES, 20

Mr Atkinson
Mr Barber
Mr Dalla-Riva (*Teller*)
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Guy
Mr Hall
Ms Hartland
Mr Kavanagh (*Teller*)
Mr Koch
Mrs Kronberg
Ms Lovell
Mr O'Donohue
Ms Pennicuik
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

Amendment negatived.

Question — That Amendment No.3 moved by Mr Lenders be agreed to — put.

The Council divided — The Deputy President in the Chair.

AYES, 18

Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmarr
Mr Jennings
Mr Leane
Mr Lenders (*Teller*)
Mr Madden
Ms Mikakos
Mr Pakula (*Teller*)
Ms Pulford
Mr Scheffer
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney

NOES, 20

Mr Atkinson
Mr Barber
Mr Dalla-Riva
Mr D.M. Davis (*Teller*)
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Guy
Mr Hall
Ms Hartland
Mr Kavanagh
Mr Koch
Mrs Kronberg
Ms Lovell
Mr O'Donohue
Ms Pennicuik (*Teller*)
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

Amendment negatived.

Question — That this House —

- (1) notes that the documents ordered by the Resolution of the Council on 19 September 2007 to be tabled in the Council by 5.00 pm on 27 September 2007, have not been received by the Council;
- (2) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the Constitution Act 1975, the power to make Standing Orders under section 43 of that Act and the power to adopt Sessional Orders pursuant to Standing Order 25.02;
- (3) affirms the right of the Council to adopt Sessional Order 21 and call for the production of documents which are necessary for the proper exercise of its functions;
- (4) affirms the need to protect the high standing of Parliament and to ensure that the Council may properly discharge its duties and responsibilities; and
- (5) requires the Leader of the Government representing the Premier to table by 5.00 pm on Monday, 15 October 2007 the following documents referred to in the Resolution of the Council of 19 September 2007:
 - (a) any reports prepared by the Victorian Commission for Gambling Regulation in connection with registrations of interest received for a public lotteries licence and presented to the Minister for Gaming in August 2005;
 - (b) any reports prepared by the Victorian Commission for Gambling Regulation in connection with applications received for a public lotteries licence and presented to the Minister for Gaming in May or June 2006;
 - (c) any amended reports prepared by the Victorian Commission for Gambling Regulation in connection with applications received for a public lotteries licence and presented to the Minister for Gaming in November 2006;
 - (d) any reports prepared by the Victorian Commission for Gambling Regulation in connection with applications received for a public lotteries licence and presented to the Minister for Gaming in June, July or August 2007; and
 - (e) any minutes, file notes or other records of meetings howsoever described relating to consideration of the Victorian Commission for Gambling Regulation reports by the Lotteries Licence Review Steering Committee.

— put.

The Council divided — The Deputy President in the Chair.

AYES, 20

Mr Atkinson
 Mr Barber
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn (*Teller*)
 Mr Guy
 Mr Hall
 Ms Hartland (*Teller*)
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

NOES, 18

Ms Broad
 Ms Darveniza
 Mr Eideh
 Mr Elasmarr
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pulford (*Teller*)
 Mr Scheffer (*Teller*)
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

Question agreed to.

Question — That the Council take note of the Attorney-General's letter relating to the production of documents — put and agreed to.

Question — That the Council take note of the Second Interim Report of the Select Committee on Gaming Licensing — put and agreed to.

10 BUSINESS POSTPONED —

Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

11 JUSTICE LEGISLATION AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 2.03 p.m. pursuant to Standing Orders —

12 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

13 JUSTICE LEGISLATION AMENDMENT BILL 2007 — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

14 FISHERIES AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Mr Hall announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

The President resumed the Chair; and the Deputy President 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

15 ADJOURNMENT — Mr Theophanous moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.43 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 42 — Thursday, 11 October 2007

1 The President took the Chair and read the Prayer.

2 **PETITION — PARLIAMENTARY OFFICERS' SALARIES —** Ms Broad presented a Petition bearing 101 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria take all necessary steps to apply to the salaries and remuneration of parliamentary officers the Victorian Government wages policy and public sector standard announced by the former Premier in the Legislative Assembly on 19 July 2007, restated by the new Premier in the Legislative Assembly on 8 August 2007 and the Treasurer in the

Legislative Council on 18 September 2007, and subsequently reiterated on many occasions.

Ordered to lie on the Table.

3 PAPERS —

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — PARLIAMENTARY CONTRIBUTORY SUPERANNUATION FUND — Mr Rich-Phillips presented the report from the Public Accounts and Estimates Committee upon the Trustee arrangements for governing the Parliamentary Contributory Superannuation Fund (including Appendices).

Ordered to lie on the Table and to be printed.

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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

Gambling and Lotteries Licence Review Panel — Report to the Minister for Gaming in relation to the current public lottery licensing process.

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns, June 2007 and Summary of Variations notified between 21 June 2007 and 8 October 2007.

National Parks Act 1975 — Report on working of the Act, 2006-07.

National Parks Advisory Council — Report, 2006-07.

Ombudsman — Investigation into the Office of Housing's tender process for the Cleaning and Gardening Maintenance Contract — CNG 2007, October 2007.

Police Appeals Board — Report, 2006-07.

Public Record Office Victoria — Report, 2006-07.

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 114.

Victorian Energy Networks Corporation — Report, 2006-07.

4 SITTING OF THE COUNCIL

— Mr Madden moved, That the Council, at its rising, adjourn until Tuesday, 30 October 2007.

Question — put and agreed to.

5 MEMBERS' STATEMENTS

— Statements were made by Members pursuant to Standing Order 5.13.

6 STATEMENTS ON REPORTS AND PAPERS

— Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

7 BUSINESS POSTPONED

— Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

8 BUILDING AMENDMENT BILL 2007

— Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Mr Guy), the debate was adjourned until later this day.

9 ENERGY LEGISLATION FURTHER AMENDMENT BILL 2007

— Mr Lenders (for Mr Theophanous) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Mr Rich-Phillips), the debate was adjourned for one week.

10 FIREARMS AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Mr Hall moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this Bill be withdrawn and redrafted to provide for the automatic renewal of firearm licences under Part 2, except in specific circumstances”.

Debate ensued.

Business having been interrupted at 2.03 p.m. pursuant to Standing Orders —

11 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

12 FIREARMS AMENDMENT BILL 2007 — Debate continued on the question, That the Bill be now read a second time, and on the reasoned amendment, That all the words after “That” be omitted with the view of inserting in their place “this Bill be withdrawn and redrafted to provide for the automatic renewal of firearm licences under Part 2, except in specific circumstances”.

Question — That the amendment be agreed to — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Drum (*Teller*)
Mr Hall
Mr Kavanagh (*Teller*)

NOES, 37

Mr Atkinson
Mr Barber
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Eideh
Mr Elasmar
Mr Finn
Mr Guy
Ms Hartland
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell (*Teller*)
Mr Madden
Ms Mikakos (*Teller*)
Mr O'Donohue
Mr Pakula
Ms Pennicuik
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney
Mr Vogels

Amendment negatived.

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

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 13 WORKING WITH CHILDREN AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Eideh, the debate was adjourned until the next day of meeting.

- 14 EDUCATION AND TRAINING REFORM MISCELLANEOUS AMENDMENTS BILL 2007** — The Deputy President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 in relation to overseas student exchange program providers, home schooling, compensation for personal injury and registration of teachers and other matters, to amend the Children's Services Act 1996 and the Public Administration Act 2004 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Mr P.R. Davis), the debate was adjourned for one week.

- 15 EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2007** — The Deputy President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Country Fire Authority Act 1958, the Emergency Management Act 1986, the Metropolitan Fire Brigades Act 1958, the Victoria State Emergency Service Act 2005, the Building Act 1993, the Juries Act 2000, the Summary Offences Act 1966 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Dalla-Riva), the debate was adjourned for one week.

- 16 GRAFFITI PREVENTION BILL 2007** — The Deputy President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to provide measures for the minimisation of graffiti, to create graffiti-related offences, to provide for the removal of graffiti and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Mr Dalla-Riva), the debate was adjourned for one week.

- 17 TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL 2007** — The Deputy President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Transport Accident Act 1986 and the Accident Compensation Act 1985, to consequentially amend the Accident Compensation (WorkCover Insurance) Act 1993 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 18 TRANSPORT LEGISLATION AMENDMENT BILL 2007** — The Deputy President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Transport Act 1983, the Public Transport Competition Act 1995, the Rail Safety Act 2006 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Theophanous), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Koch, the debate was adjourned for one week.

- 19 ADJOURNMENT** — Mr Madden moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.18 p.m., adjourned until Tuesday, 30 October 2007.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 40, 41 and 42

Tuesday, 9 October 2007

1 JUSTICE AND ROAD LEGISLATION AMENDMENT (LAW ENFORCEMENT) BILL 2007

Clauses 1 to 6 — put and agreed to.

Clause 7 — Ms Pennicuik moved —

1. Clause 7, page 9, after line 10 insert—

"(3) The Chief Commissioner must not make an authorisation under subsection (1) unless the person photographed was, at the time at which the photograph was taken, notified in writing—

- (a) that the photograph may be the subject of an authorisation under this Part; and
- (b) of the Chief Commissioner's duties under this Part; and
- (c) of the person's rights under this Part."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber
Mr Kavanagh (*Teller*)
Ms Hartland (*Teller*)
Ms Pennicuik

NOES, 36

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr (*Teller*)
Mr Finn
Mr Guy
Mr Hall
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips (*Teller*)
Mr Scheffer
Mr Smith
Mr Somyurek

Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negated.
 Clause 7 — put and agreed to.

Clauses 8 to 22 — put and agreed to.

Bill reported without amendment.

Wednesday, 10 October 2007

1 FISHERIES AMENDMENT BILL 2007

Clauses 1 to 12 — put and agreed to.

Clause 13 — Mr Hall moved —

1. Clause 13, after line 31 insert—

"(2) Subsection (1) does not apply to the holder of a Westernport/Port Phillip Bay Fishery Access Licence who—

(a) holds that licence immediately before 1 December 2007; and

(b) on and from 1 December 2007 uses a fishing net in Western Port to take fish for sale exclusively for local consumption during the period that he or she continues to hold that licence."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

<p>AYES, 3</p> <p>Mr Drum (<i>Teller</i>)</p> <p>Mr Hall</p> <p>Mr Kavanagh (<i>Teller</i>)</p>	<p>NOES, 37</p> <p>Mr Atkinson</p> <p>Mr Barber</p> <p>Ms Broad</p> <p>Mrs Coote</p> <p>Mr Dalla-Riva</p> <p>Ms Darveniza</p> <p>Mr D.M. Davis</p> <p>Mr P.R. Davis</p> <p>Mr Eideh</p> <p>Mr Elasmarr</p> <p>Mr Finn</p> <p>Mr Guy</p> <p>Ms Hartland</p> <p>Mr Jennings</p> <p>Mr Koch (<i>Teller</i>)</p> <p>Mrs Kronberg</p> <p>Mr Leane</p> <p>Mr Lenders</p> <p>Ms Lovell</p> <p>Mr Madden (<i>Teller</i>)</p> <p>Ms Mikakos</p> <p>Mr O'Donohue</p> <p>Mr Pakula</p>
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Ms Pennicuik
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney
Mr Vogels

Amendment negatived.

Clause 13 — put and agreed to.

Clause 14 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 43, 44 and 45

No. 43 — Tuesday, 30 October 2007

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 17 October 2007, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - Firearms Amendment Act 2007*
 - Fisheries Amendment Act 2007*
 - Justice and Road Legislation Amendment (Law Enforcement) Act 2007*
 - Justice Legislation Amendment Act 2007.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITIONS** —
 - GOULBURN RIVER PIPELINE** — Mr Drum presented a Petition bearing 68 signatures from certain citizens of Victoria requesting that the Government abandons its proposal to pipe water from the Goulburn River to Melbourne and instead addresses Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.
Ordered to lie on the Table.

* * * * *
 - RURAL KINDERGARTEN FUNDING** — Mr O'Donohue presented a Petition bearing 123 signatures from certain citizens of Victoria requesting that the State Government (1) reinstates the rural classification to both Koo Wee Rup and Lang Lang and reinstates the necessary funding for kindergartens to operate in these towns; and (2) continues to provide funding for Bayles, Bunyip and Nar Nar Goon kindergartens in 2008 and beyond.
Ordered to lie on the Table.

* * * * *
 - NUCLEAR INDUSTRY IN VICTORIA** — Ms Mikakos presented a Petition bearing 9 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria reaffirms the opposition of the Victorian Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant.
Ordered to lie on the Table.
- 5 **PRODUCTION OF DOCUMENTS** — The Clerk laid on the Table a letter from the Leader of the Government dated 12 October 2007 in response to the Resolution of the Council of 10 October 2007, confirming the position of the Executive Government as expressed by the Attorney-General in his letter tabled on 9 October 2007 that the Executive Government on behalf of the Crown makes a claim of Executive privilege in relation to each document that

falls within the terms of the Resolution of the Council of 19 September 2007. The Leader of the Government advised the Council that he is bound to act consistently with the claim of Executive privilege and therefore the documents required by the Resolution of 10 October 2007 have not been produced to the Legislative Council.

On the motion of Mr P.R. Davis, the letter was ordered to be taken into consideration on the next day of meeting.

6 PAPERS —

PUBLIC LOTTERIES LICENCE DOCUMENTS — Mr Lenders moved, by leave, That there be laid before this House a copy of the following documents:

- (1) Invitation to Apply document referred to in section 5.3.2A of the *Gambling Regulation Act 2003*;
- (2) Gambling Licences Review, Office of Gambling and Racing, Probity Plan for the Public Lottery Licensing Application for a Licence Stage, 14 September 2007;
- (3) Gambling Licences Review, Office of Gaming and Racing, Application for a Public Lottery Licence – Communications Plan, 23 May 2007;
- (4) Final Audit Certification of the Probity Auditor, Pitcher Partners, 8 October 2007;
- (5) Sign-offs of the marketing and financial advisers of the Lotteries Licence Review Steering Committee to the Lotteries Licence Review Steering Committee Final Selection Report; and
- (6) Legal sign-off from the legal advisers to the Gambling Licences Review and the Lotteries Licence Review Steering Committee in relation to the Lotteries Licence Review, 4 October 2007.

Question — put and agreed to.

The said papers were presented by Mr Lenders and ordered to lie on the Table.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

LEGISLATION REFORM (REPEALS NO. 1) BILL 2007 — Mr Eideh presented the Report on the Legislation Reform (Repeals No. 1) Bill 2007 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

ALERT DIGEST — Mr Eideh presented Alert Digest No. 14 of 2007 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

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

- Adult, Community and Further Education Board — Report, 2006-07.
- Architects Registration Board of Victoria — Minister's report of receipt of 2006-07 report.
- Commissioner for Law Enforcement Data Security — Report, 2006-07.
- Crown Land (Reserves) Act 1978 — Minister's Order of 5 October 2007 giving approval to the granting of a lease at Mordialloc-Mentone Beach Park.
- Dairy Food Safety Victoria — Minister's report of receipt of 2006-07 report.
- Dandenong Development Board — Minister's report of receipt of 2006-07 report.
- Energy Safe Victoria — Report, 2006-07.
- Essential Services Commission — Report, 2006-07.
- Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2006-07.
- Justice Department — Report, 2006-07.
- Melbourne Market Authority — Report, 2006-07 (two papers).
- Murray Valley Citrus Board — Minister's report of receipt of 2006-07 report.
- Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of 2006-07 report.

- Northern Victorian Fresh Tomato Industry Development Committee — Minister's report of receipt of 2006-07 report.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Ballarat Planning Scheme — Amendments C113 and C120.
 - Baw Baw Planning Scheme — Amendment C50.
 - Buloke Planning Scheme — Amendments C15 and C16.
 - Casey Planning Scheme — Amendment C98.
 - Central Goldfields Planning Scheme — Amendment C17.
 - Darebin Planning Scheme — Amendments C10 Part 4 and C72.
 - Gannawarra Planning Scheme — Amendments C16 and C18.
 - Glen Eira Planning Scheme — Amendment C50.
 - Golden Plains Planning Scheme — Amendment C43.
 - Hepburn Planning Scheme — Amendments C44 and C45.
 - Loddon Planning Scheme — Amendment C17.
 - Melton Planning Scheme — Amendment C33.
 - Mildura Planning Scheme — Amendment C45.
 - Monash Planning Scheme — Amendment C68.
 - Moorabool Planning Scheme — Amendment C44.
 - Mornington Peninsula Planning Scheme — Amendment C78.
 - Mount Alexander Planning Scheme — Amendment C42.
 - Northern Grampians Planning Scheme — Amendment C23.
 - Swan Hill Planning Scheme — Amendments C21, C25, C26 and C28.
 - Wellington Planning Scheme — Amendment C49.
 - Whitehorse Planning Scheme — Amendment C67.
 - Whittlesea Planning Scheme — Amendment C81 Part 2.
 - Wodonga Planning Scheme — Amendments C34 and C52.
 - Yarriambiack Planning Scheme — Amendments C11 and C12.
- Primary Industries Department — Report, 2006-07 (two papers).
- Queen Victoria Women's Centre Trust — Report, 2006-07.
- Racing Act 1958 — Constitution of Racing Victoria Limited.
- Shrine of Remembrance Trustees — Report, 2006-07.
- Small Business Commissioner — Report, 2006-07.
- Statutory Rules under the following Acts of Parliament:
- Building Act 1993 — No. 115.
 - Gas Safety Act 1997 — No. 113.
 - Legal Profession Act 2004 — No. 112.
 - Magistrates' Court Act 1989 — No. 118.
 - Melbourne City Link Act 1995 — No. 116.
 - Subordinate Legislation Act 1994 — Nos. 114 and 117.
- Subordinate Legislation Act 1994 —
- Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 110, 117, 118, 120 and 121.
 - Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 106, 107 and 112.
 - Premier's exemption certificate under section 9(6) in respect of Statutory Rule No. 116.
- Surveyors Registration Board of Victoria — Minister's report of receipt of 2006-07 report.
- Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2006-07 report.
- Victorian Commission for Gambling Regulation — Report, 2006-07.
- Victorian Managed Insurance Authority — Report, 2006-07, together with 2006-07 Financial Statements for Housing Guarantee Claims Fund and Domestic Building (HIH) Indemnity Fund.
- Victorian Urban Development Authority — Report, 2006-07 (two papers).
- Victorian Veterans Council — Report, 2006-07.

Water Act 1989 — Plenty River Water Supply Protection Area Stream Flow Management Plan 2007.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

Gene Technology Amendment Act 2007 — Other than Part 3 and section 43 — 1 November 2007 (*Gazette No. G43, 25 October 2007*).

Justice Legislation Amendment Act 2007 — Section 14 — 18 October 2007 (*Gazette No. G42, 18 October 2007*).

7 BUSINESS OF THE COUNCIL — Mr P.R. Davis moved, by leave, That General Business on Wednesday, 31 October 2007 be taken in the following order:

- (1) Order of the Day No. 6, relating to the second reading of the Health (Fluoridation) Amendment Bill 2007 by Mr Kavanagh;
- (2) the Notice of Motion given this day by myself relating to the refusal by the Leader of the Government to comply with the Resolution of the Council of 10 October 2007 to table certain documents relating to the public lotteries licence specified in that Resolution;
- (3) Notice of Motion No. 67 standing in my name relating to further amendments to Sessional Orders; and
- (4) Notice of Motion No. 62 standing in the name of Mr Barber relating to the revocation of Amendment C95 to the Yarra Planning Scheme.

Question — put and agreed to.

8 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

9 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 1, 3 and 4, be postponed for one week.

10 SELECT COMMITTEE MEMBERSHIP — Mr Viney moved, That —

- (1) this House notes —
 - (a) that the State Labor Government's Constitutional reforms have brought proportional representation to the Legislative Council;
 - (b) that the Australian Labor Party, the Australian Greens and the Democratic Labor Party have policies espousing proportional representation;
 - (c) that the Liberal Party uses proportional representation for internal party elections;
 - (d) that on two occasions the Liberal Party, the Australian Greens, The Nationals and Democratic Labor Party majority in the Legislative Council have ignored the principles of proportional representation to appoint Select Committees where the Australian Labor Party with 47.5% of the Members of the Council has been allocated only 28.6% of the members of the Select Committees established by the Council; and
- (2) Standing Order 24.04 is suspended and the following will apply:

“Appointment of Members

 - (1) The membership of every Select Committee must be determined by a proportional representation ballot, similar to that used to elect Members of the Legislative Council as defined in section 114A of the *Electoral Act 2002*.
 - (2) The Clerk will conduct the ballot.
 - (3) The Whips of each political party represented in the Council will act as the Registered Officer for the purpose of nominations and group voting tickets. Where a member is not a member of a political party with a Whip, he or she will be able to self-nominate as an ungrouped independent under the *Electoral Act 2002* and the Clerk will act as the Returning Officer in this case.
 - (4) Nominations will close with the Clerk 24 hours after a resolution has been agreed to establish a Select Committee.

- (5) The ballot will be conducted whilst the Council is sitting on the sitting day after nominations close with a Member being able to request their ballot from the Clerk in the Chamber with the ballot box on the Table.
- (6) Members may be discharged from attending a Select Committee, and other Members added, provided that the Member is from the same party as the discharged member, by writing to the President.
- (7) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.”.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Ms Broad	Mr Atkinson
Mr Eideh	Mr Barber
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Mr Leane	Mr P.R. Davis
Mr Lenders	Mr Drum
Mr Madden	Mr Finn
Ms Mikakos	Mr Guy (<i>Teller</i>)
Mr Pakula	Mr Hall
Ms Pulford	Ms Hartland
Mr Scheffer	Mr Kavanagh
Mr Smith	Mr Koch
Mr Somyurek (<i>Teller</i>)	Mrs Kronberg (<i>Teller</i>)
Mr Tee (<i>Teller</i>)	Ms Lovell
Mr Theophanous	Mr O'Donohue
Mr Thornley	Ms Pennicuik
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Rich-Phillips
	Mr Vogels

Question negatived.

- 11 ELECTRICITY SAFETY AMENDMENT BILL 2007** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Safety Act 1998 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Theophanous), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 12 ENERGY LEGISLATION FURTHER AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

Mr Hall moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Government commits to a further three year extension of the network tariff rebate that ensures country customers pay no more in distribution costs than their city counterparts”.

Debate ensued.

Mr Barber announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — That the amendment be agreed to — put.

The Council divided — The President in the Chair.

AYES, 3
 Mr Drum (*Teller*)
 Mr Hall (*Teller*)
 Mr Kavanagh

NOES, 36
 Mr Atkinson
 Mr Barber
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Eideh
 Mr Elasmar
 Mr Finn
 Mr Guy
 Ms Hartland
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue (*Teller*)
 Mr Pakula
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley (*Teller*)
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negatived.

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

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

House in Committee.

The President resumed the Chair; and the Deputy President 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 13 MELBOURNE AND OLYMPIC PARKS AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Melbourne and Olympic Parks Act 1985 to provide for the revocation of reservations of certain lands and the reservation of certain lands, to provide for the permanent reservation of certain lands as a public park, to provide for the management of certain lands and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

Business having been interrupted by the President at 9.57 p.m.

14 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.37 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 44 — Wednesday, 31 October 2007

1 The President took the Chair and read the Prayer.

2 PETITION — GOULBURN RIVER PIPELINE — Ms Lovell presented a Petition bearing 10 signatures from certain citizens of Victoria requesting that the Government abandons its proposal to pipe water from the Goulburn River to Melbourne and instead addresses Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

Ordered to lie on the Table.

3 PAPERS —

MAGISTRATES' COURT — Mr Madden presented, by command of the Governor, the Report of the Magistrates' Court for 2006-07.

Ordered to lie on the Table.

* * * * *

PUBLIC ADVOCATE'S OFFICE — Mr Madden moved, by leave, That there be laid before this House a copy of the Report of the Office of the Public Advocate for 2006-07.

Question — put and agreed to.

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

* * * * *

CONSUMER UTILITIES ADVOCACY CENTRE — Mr Madden moved, by leave, That there be laid before this House a copy of the Report of the Consumer Utilities Advocacy Centre for 2006-07.

Question — put and agreed to.

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

* * * * *

PARLIAMENTARY DEPARTMENTS — Mr Atkinson moved, by leave, That there be laid before this House a copy of the reports of —

- (1) the Clerk on the operations of the Department of the Legislative Council for the year 2006-07; and
- (2) the Secretary on the operations of the Department of Parliamentary Services for the year 2006-07.

Question — put and agreed to.

The said reports were presented by Mr Atkinson and ordered to lie on the Table.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — ANNUAL REPORT — Mr Barber presented the 2006-07 Annual Report from the Public Accounts and Estimates Committee.

Ordered to lie on the Table and to be printed.

Mr. Barber moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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

- 2007 World Swimming Championships Corporation — Report, 2006-07.
- Accident Compensation Conciliation Service — Report, 2006-07.
- Adult Parole Board of Victoria — Report, 2006-07.
- Auditor-General — Report on New Ticketing System Tender together with a good practice guide, Public Sector Procurement: Turning Principles into Practice.
- Australian Grand Prix Corporation — Report, 2006-07.
- Barwon Region Water Authority — Report, 2006-07.
- Barwon Regional Waste Management Group — Minister's report of receipt of 2006-07 report.
- Building Commission — Report, 2006-07.
- Calder Regional Waste Management Group — Minister's report of receipt of 2006-07 report.
- Central Gippsland Region Water Authority — Report, 2006-07.
- Central Highlands Region Water Authority — Report, 2006-07.
- Central Murray Regional Waste Management Group — Minister's report of receipt of 2006-07 report.
- City West Water Limited — Report, 2006-07.
- Coliban Region Water Authority — Report, 2006-07.
- Commissioner for Environmental Sustainability — Minister's report of receipt of 2006-07 report.
- Confiscation Act 1997 — Asset Confiscation Operations, Report to the Attorney-General, 2006-07.
- Corangamite Catchment Management Authority — Report, 2006-07.
- Country Fire Authority — Report, 2006-07.
- Desert Fringe Regional Waste Management Group — Minister's report of receipt of 2006-07 report.
- East Gippsland Catchment Management Authority — Report, 2006-07.
- East Gippsland Region Water Authority — Report, 2006-07.
- Education Department — Report, 2006-07.
- Emerald Tourist Railway Board — Report, 2006-07.
- Emergency Services Superannuation Board — Report, 2006-07.
- Emergency Services Telecommunications Authority — Report, 2006-07.
- Environment Protection Authority — Report, 2006-07.
- Fed Square Pty Ltd — Report, 2006-07.
- Film Victoria — Report, 2006-07.
- First Mildura Irrigation Trust — Report, 2006-07.
- Forensic Leave Panel — Report, 2006.
- Gippsland and Southern Rural Water Authority — Report, 2006-07 (two papers).
- Gippsland Regional Waste Management Group — Minister's report of receipt of 2006-07 report.
- Glenelg Hopkins Catchment Management Authority — Report, 2006-07 (two papers).
- Goulburn Broken Catchment Management Authority — Report, 2006-07.
- Goulburn-Murray Rural Water Authority — Report, 2006-07.
- Goulburn Valley Region Water Authority — Report, 2006-07.
- Goulburn Valley Regional Waste Management Group — Minister's report of receipt of 2006-07 report.
- Grampians Regional Waste Management Group — Minister's report of receipt of 2006-07 report.
- Grampians Wimmera Mallee Water Authority — Report, 2006-07.
- Greyhound Racing Victoria — Report, 2006-07.
- Growth Areas Authority — Minister's report of receipt of 2006-07 report.
- Harness Racing Victoria — Report, 2006-07.
- Heritage Council — Minister's report of receipt of 2006-07 report.
- Highlands Regional Waste Management Group — Minister's report of receipt of 2006-07 report.

Infrastructure Department — Report, 2006-07.
Innovation, Industry and Regional Development Department — Report, 2006-07 (two papers).
Intellectual Disability Review Panel — Report, 2006-07.
Judicial College of Victoria — Report, 2006-07.
Legal Practitioners Liability Committee — Report, 2006-07.
Legal Services Board — Report, 2006-07.
Legal Services Commissioner — Report, 2006-07.
Lower Murray Urban and Rural Water Authority — Report, 2006-07.
Mallee Catchment Management Authority — Report, 2006-07.
Melbourne and Olympic Parks Trust — Report, 2006-07.
Melbourne Convention and Exhibition Trust — Report, 2006-07.
Melbourne Water Corporation — Report, 2006-07.
Mental Health Review Board — Minister's report of receipt of 2006-07 report.
Metropolitan Fire and Emergency Services Board — Report, 2006-07 (two papers).
Mildura Regional Waste Management Group — Minister's report of receipt of 2006-07 report.
Mornington Peninsula Regional Waste Management Group — Minister's report of receipt of 2006-07 report.
North Central Catchment Management Authority — Report, 2006-07 (two papers).
North East Catchment Management Authority — Report, 2006-07.
North East Region Water Authority — Report, 2006-07.
North East Victorian Regional Waste Management Group — Minister's report of receipt of 2006-07 report.
Parks Victoria — Report, 2006-07 (two papers).
Parliamentary Contributory Superannuation Fund — Report, 2006-07.
Phillip Island Nature Park Board of Management — Report, 2006-07 (three papers).
Plumbing Industry Commission — Report, 2006-07.
Police — Office of the Chief Commissioner — Report, 2006-07.
Police Integrity Office —
 Report on A Fair and Effective Victoria Police Discipline System.
 Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2006-07.
 Report under section 30L of the Surveillance Devices Act 1999, 2006-07.
Port of Hastings Corporation — Report, 2006-07.
Port of Melbourne Corporation — Report, 2006-07.
Port Phillip and Westernport Catchment Management Authority — Report, 2006-07.
Premier and Cabinet Department — Report, 2006-07.
Prince Henry's Institute of Medical Research — Report, 2006-07.
Professional Standards Council Victoria — Report, 2006-07.
Public Prosecutions Office — Report, 2006-07.
Regional Development Victoria — Report, 2006-07.
Residential Tenancies Bond Authority — Report, 2006-07.
Roads Corporation (VicRoads) — Report, 2006-07.
Rolling Holdings (Victoria-VL) Pty Ltd — Report, 2006-07.
Rolling Stock (VL-1) Pty Ltd — Report, 2006-07.
Rolling Stock (VL-2) Pty Ltd — Report, 2006-07.
Rolling Stock (VL-3) Pty Ltd — Report, 2006-07.
Rolling Stock Holdings (Victoria) Pty Ltd — Report, 2006-07.
Royal Botanic Gardens Board — Report, 2006-07.
Rural Finance Corporation of Victoria — Report, 2006-07.
Sentencing Advisory Council — Report, 2006-07.
South East Water Limited — Report, 2006-07.
South Gippsland Region Water Authority — Report, 2006-07.
South Western Regional Waste Management Group — Minister's report of receipt of 2006-07 report.
Southern and Eastern Integrated Transport Authority — Report, 2006-07.
Southern Cross Station Authority — Report, 2006-07.
Special Investigations Monitor's Office — Report, 2006-07.

State Electricity Commission of Victoria — Report, 2006-07.
 State Services Authority — Report, 2006-07.
 State Sport Centres Trust — Report, 2006-07.
 State Trustees Limited — Report, 2006-07.
 Statutory Rule under the Magistrates' Court Act 1989 — No. 119.
 Sustainability and Environment Department — Report, 2006-07.
 Sustainability Victoria — Report, 2006-07 (two papers).
 Terrorism (Community Protection) Act 2003 —
 Report under section 13 of the Act, 2006-07.
 Report under section 13ZR of the Act, 2006-07 (*in lieu of that tabled on 21 August 2007*).
 Tourism Victoria — Report, 2006-07.
 Transport Accident Commission — Report, 2006-07.
 Transport Ticketing Authority — Report, 2006-07.
 Treasury and Finance Department — Report, 2006-07.
 Treasury Corporation of Victoria — Report, 2006-07.
 Trust for Nature Victoria — Minister's report of receipt of 2006-07 report.
 VicForests — Report, 2006-07.
 V/Line Passenger Corporation — Report, 2006-07.
 V/Line Passenger Pty Ltd — Report, 2006-07.
 Victims of Crime Assistance Tribunal — Report, 2006-07.
 Victoria Grants Commission — Report, 2006-07.
 Victoria Law Foundation — Report, 2006-07 (three papers).
 Victoria Legal Aid — Report, 2006-07.
 Victoria State Emergency Service Authority — Report, 2006-07.
 Victoria Trade and Investment Office Pty Ltd — Report, 2006-07.
 Victorian Catchment Management Council —
 Report, 2006-07.
 Catchment Condition Report 2007.
 Victorian Civil and Administrative Tribunal — Report, 2006-07.
 Victorian Coastal Council — Report, 2006-07.
 Victorian Communities Department — Report, 2006-07.
 Victorian Curriculum and Assessment Authority — Report, 2006-07.
 Victorian Electoral Commission — Report, 2006-07.
 Victorian Environmental Assessment Council — Report, 2006-07.
 Victorian Equal Opportunity and Human Rights Commission — Report, 2006-07.
 Victorian Funds Management Corporation — Report, 2006-07.
 Victorian Government Purchasing Board — Report, 2006-07.
 Victorian Institute of Forensic Medicine — Report, 2006-07.
 Victorian Institute of Forensic Mental Health — Report, 2006-07.
 Victorian Institute of Sport Trust — Report, 2006-07 (two papers).
 Victorian Institute of Teaching — Report, 2006-07.
 Victorian Law Reform Commission — Report, 2006-07.
 Victorian Learning and Employment Skills Commission — Report, 2006-07.
 Victorian Multicultural Commission — Report, 2006-07.
 Victorian Privacy Commissioner's Office — Report, 2006-07.
 Victorian Qualifications Authority — Report, 2006-07.
 Victorian Rail Track — Report, 2006-07.
 Victorian Regional Channels Authority — Report, 2006-07.
 Victorian WorkCover Authority — Report, 2006-07.
 VITS LanguageLink — Report, 2006-07.
 Wannon Region Water Authority — Report, 2006-07.
 Water Industry Act 1994 — Report under section 77A of the Act on water users using 50 million litres per year or more, 2006-07, for City West Water Limited, South East Water Limited and Yarra Valley Water Limited.
 West Gippsland Catchment Management Authority — Report, 2006-07.
 Western Region Water Authority — Report, 2006-07.

Westernport Region Water Authority — Report, 2006-07.
 Wimmera Catchment Management Authority — Report, 2006-07.
 Workplace Rights Advocate — Report for the period 1 March 2006 to 30 June 2007.
 Yarra Bend Park Trust — Report, 2006-07.
 Yarra Valley Water Limited — Report, 2006-07 (three papers).
 Youth Parole Board and Youth Residential Board — Report, 2006-07.
 Young Farmers' Finance Council — Report, 2006-07.
 Zoological Parks and Gardens Board — Report, 2006-07 (three papers).

- 4 COGNATE MOTIONS** — Mr P.R. Davis moved, by leave, That this House authorises and requires the President to permit Notice of Motion No. 1 standing in my name relating to the refusal by the Leader of the Government to comply with the Resolution of the Council of 10 October 2007 to table certain documents relating to the public lotteries licence and a motion to take note of the Leader of the Government's letter of 12 October 2007 relating to the same matter to be moved and debated concurrently.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

Sitting suspended from 10.00 a.m. until 11.33 a.m.

Interruption of business —

- 6 PRESENTATION OF ADDRESS TO THE GOVERNOR** — The President reported that, accompanied by Members of the Council, he had waited upon the Governor this day and presented to him the Address of the Legislative Council adopted on 21 August 2007 in reply to the Governor's speech at the Opening of Parliament, and that he was pleased to make the following reply:

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.

- 7 MEMBERS' STATEMENTS** — Members' Statements continued pursuant to Standing Order 5.13.
- 8 HEALTH (FLUORIDATION) AMENDMENT BILL 2007** — Mr Kavanagh laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Kavanagh moved, That the Bill be now read a second time.

On the motion of Ms Tierney, the debate was adjourned for two weeks.

- 9 PRODUCTION OF DOCUMENTS** —

Pursuant to Orders of the Council on 30 and 31 October 2007 —

1. Mr P.R. Davis, moved —

That this House:

- (1) notes the refusal of the Government to comply with the Resolution of the Council of 19 September 2007 to table documents relating to the public lotteries licence specified in that Resolution;
- (2) notes the refusal of the Leader of the Government to comply with the Resolution of the Council of 10 October 2007 to table the documents relating to the public lotteries licence specified in that Resolution;
- (3) is of the firm opinion that the Council is fully entitled to scrutinize the activities of the Executive and demand accountability for all aspects of Executive behaviour;
- (4) notes with great concern the Government's apparent belief that it is not accountable to the Parliament of Victoria;

- (5) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to comply with the Council's Resolution of 10 October 2007; and
- (6) demands that the Leader of the Government comply with the Resolution of the Council of 10 October 2007 and lodge the documents specified in that Resolution with the Clerk by 5.00 pm on Monday, 5 November 2007.

2. Mr P.R. Davis moved —

That the Council take note of the Leader of the Government's letter of 12 October 2007 in response to the Resolution of the Council of 10 October 2007.

Debate ensued.

Business having been interrupted at 2.03 p.m. —

10 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

CHANNEL DEEPENING — Mr Madden having given an answer to a question without notice relating to channel deepening in Port Phillip Bay —

Mr Guy moved, That the Minister's answer be taken into consideration on the next day of meeting.

Question — put and agreed to.

QUESTIONS — Questions without notice continued.

11 PRODUCTION OF DOCUMENTS — Debate continued on the cognate motions relating to the refusal by the Leader of the Government to comply with the Resolution of the Council of 10 October 2007 to table certain documents relating to the public lotteries licence and the motion to take note of the Leader of the Government's letter of 12 October 2007 relating to the same matter.

Question — That this House:

- (1) notes the refusal of the Government to comply with the Resolution of the Council of 19 September 2007 to table documents relating to the public lotteries licence specified in that Resolution;
- (2) notes the refusal of the Leader of the Government to comply with the Resolution of the Council of 10 October 2007 to table the documents relating to the public lotteries licence specified in that Resolution;
- (3) is of the firm opinion that the Council is fully entitled to scrutinize the activities of the Executive and demand accountability for all aspects of Executive behaviour;
- (4) notes with great concern the Government's apparent belief that it is not accountable to the Parliament of Victoria;
- (5) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to comply with the Council's Resolution of 10 October 2007; and
- (6) demands that the Leader of the Government comply with the Resolution of the Council of 10 October 2007 and lodge the documents specified in that Resolution with the Clerk by 5.00 pm on Monday, 5 November 2007.

— put.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson
Mr Barber
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Guy
Mr Hall
Ms Hartland

NOES, 18

Ms Broad
Mr Eideh
Mr Elasmar
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Mr Pakula
Ms Pulford

Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich (*Teller*)
 Mrs Peulich (*Teller*)
 Mr Rich-Phillips
 Mr Vogels

Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley (*Teller*)
 Ms Tierney
 Mr Viney (*Teller*)

Question agreed to.

Question — That the Council take note of the Leader of the Government's letter of 12 October 2007 in response to the Resolution of the Council of 10 October 2007 — put and agreed to.

12 SESSIONAL ORDERS — Mr P.R. Davis moved —

- (1) That the Sessional Orders adopted by the Council on 28 February 2007 and 14 March 2007 and amended on 9 August 2007 be further amended as follows with amendments Nos. 1 to 7 inclusive to come into operation on 1 January 2008 and amendment No. 8 to come into operation on 1 April 2008:

DAYS AND HOURS OF MEETING

- 1 In Sessional Order 1, after "Select" (where twice occurring) insert "or Standing".

DAILY ADJOURNMENT DEBATE

- 2 Omit Sessional Order 3 and insert the following new Sessional Order:
- (1) Paragraphs (2) to (5) inclusive, of Standing Order 4.10 are suspended.
- (2) The paragraph in Standing Order 5.04 relating to the Adjournment Debate is suspended and the following will apply:
- "Adjournment debate (Standing Order 4.10)**
- | | |
|-------------|-------------|
| Total time | No limit |
| Each Member | 3 minutes". |
- 3 After Sessional Order 3, insert the following new Sessional Orders:

"Responses to matters raised on the Daily Adjournment Debate

- (1) A response to a matter raised by a Member must either be given at the time the matter is raised or provided in writing within 30 days.
- (2) When a response is provided in writing, before the daily Adjournment debate is concluded, a Minister will advise the Council of the responses being provided, including the date the matter was raised and the name of the Member who raised the matter.
- (3) A copy of the response will be given to the Member who raised the matter, and all responses will be incorporated in *Hansard*.

Procedure where responses to Daily Adjournment Debate matters not provided

- (1) If a response is not provided within 30 days of the matter being raised and the relevant Minister does not, within that period, provide to the Member who raised the matter an explanation satisfactory to the Member as to why a response has not been provided —

- (a) at the conclusion of the daily Adjournment debate the Member may ask the Minister for an explanation; and
 - (b) at the conclusion of any such explanation the Member may move, without notice, "That the Council take note of the explanation".
- (2) If a Minister does not provide an explanation, notice may forthwith be given of a motion regarding the Minister's failure to provide either a response or an explanation and precedence will be given to such a motion on the next day of meeting in accordance with Sessional Order 11."

ORDER OF BUSINESS

- 4 Omit paragraphs (2) and (3) of Sessional Order 3 and Sessional Orders 4, 5 and 6 and insert the following new Sessional Order:

"Order of Business — Tuesday

- (1) Paragraph (1) of Standing Order 5.02 is suspended and the order of business on Tuesday will be:

- (1) On Tuesday —
 - Messages
 - Questions
 - Answers to Questions on Notice
 - Formal Business
 - Members' Statements (up to 15 Members)
 - Government Business
 - At 8.00 p.m.** Legislation Committee (if ordered)
 - Adjournment.

- (2) Paragraph 1 of Standing Order 5.03 is suspended and the order of business on Tuesday in the final sitting week of the calendar year will be:

- (1) The order of business on a Tuesday will be —
 - Messages
 - Formal Business
 - Government Business
 - At 12 noon** Questions
 - Answers to Questions on Notice
 - Members' Statements (up to 15 Members)
 - Government Business
 - At 8.00 p.m.** Legislation Committee (if ordered)
 - Adjournment.

Order of Business — Wednesday

- (3) Paragraph (2) of Standing Order 5.02 is suspended and the order of business on Wednesday will be:

- (2) On Wednesday —
 - Messages
 - Formal Business
 - Members' Statements (up to 15 Members)
 - General Business
 - At 12.00 noon** Questions
 - Answers to Questions on Notice
 - General Business (continues)

Government Business

At 8.00 p.m. Legislation Committee (if ordered)

Adjournment.

Order of Business — Thursday

(4) Paragraph (3) of Standing Order 5.02 is suspended and the order of business on Thursday will be:

(3) On Thursday —

(a) if no meeting of a Select Committee is scheduled to occur —

Messages

Formal Business

Members' Statements (up to 15 Members)

Statements on reports and papers (60 minutes)

Government Business

At 12 noon Questions

Answers to Questions on Notice

Government Business (continues)

At 8.00 p.m. Legislation Committee (if ordered)

Adjournment

(b) if a Select Committee is meeting —

Messages

Formal Business

Questions

Answers to Questions on Notice

Members' Statements (up to 15 Members)

Government Business

At 8.00 p.m. Legislation Committee (if ordered)

Adjournment.

Order of Business — Friday

(5) Paragraph (4) of Standing Order 5.02 and the subsequent paragraph are suspended and the order of business on Friday will be:

“(4) On Friday —

Formal Business

Government Business

At 12 noon Questions

Answers to Questions on Notice

Government Business (continues).”

BUSINESS WHEN COUNCIL MEETS AT 12 NOON ON THURSDAY

5 In Sessional Order 8, insert the following new paragraph after paragraph (d):

“(e) Sessional Order 5 (Procedure when responses to Daily Adjournment Debate matters not provided) is suspended.”

SPECIAL BUSINESS

6 In Sessional Order 11, omit paragraph (e) and insert:

“(e) motions pursuant to Sessional Orders 5 and 15; and”

MEETINGS OF SELECT OR STANDING COMMITTEES

- 7 In Sessional Order 20, after “Select” (where five times occurring) insert “or Standing”.

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION

- 8 After Sessional Order 21 insert the following new Sessional Order:
- (1) A Standing Committee on Finance and Public Administration of 7 Members is appointed to inquire into any proposal, matter or thing concerned with public administration or public sector finances.
 - (2) The Committee will consist of 2 Members from the Government Party nominated by the Leader of the Government, 2 Members from the Opposition nominated by the Leader of the Opposition, 1 Member from The Nationals nominated by the Leader of The Nationals, 1 Member from the Australian Greens nominated by the Australian Greens Whip and Mr Peter Kavanagh, MLC from the Democratic Labor Party.
 - (3) The Members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on Monday 31 December 2007.
 - (4) The first meeting of the Committee must be held no later than 4.00 p.m. on Monday 7 April 2008.
 - (5) The Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.
 - (6) 4 Members of the Committee will constitute a quorum of the Committee.
 - (7) The Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member.
 - (8) The Committee may inquire into any proposal, matter or thing that is relevant to its functions which is —
 - (a) referred to it by resolution of the Council; or
 - (b) determined by the Committee.
 - (9) The Committee will advertise the terms of reference for an inquiry and call for submissions and all such submissions received by the Committee will be treated as public documents unless the Committee otherwise orders.
 - (10) The Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry.
 - (11) The provisions of the Standing Orders relating to Select Committees apply to the Committee as if it were a Select Committee.
 - (12) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.
- (2) That the Clerk be authorised to renumber the Sessional Orders and correct any internal references consequent upon these amendments.

Debate ensued.

Mr Tee moved, as amendments —

1. In proposed new Sessional Order dealing with “STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION”, in sub-paragraph 8(1), after “public sector finances” insert “within the jurisdiction of the Victorian Government”.

2. In proposed new Sessional Order dealing with "STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION", omit sub-paragraph 8(2) and insert —
 - "() The Committee will consist of 4 Members from the Government Party nominated by the Leader of the Government, 2 Members from the Opposition nominated by the Leader of the Opposition, 1 Member from The Nationals nominated by the Leader of The Nationals, 1 Member from the Australian Greens nominated by the Australian Greens Whip and Mr Kavanagh from the Democratic Labor Party."
3. In proposed new Sessional Order dealing with "STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION", after sub-paragraph 8(8) insert the following new sub-paragraphs —
 - "() Within seven days of deciding to inquire into any proposal, matter or thing the Committee will refer the terms of reference to the Council for consideration and approval.
 - () The Committee cannot commence any inquiry unless or until the Committee has received the Council's approval."
4. In proposed new Sessional Order dealing with "STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION", after sub-paragraph 8(11) insert the following new sub-paragraph —
 - "() The Committee will report to the Council every three months on the conduct of its terms of reference. Once the report has been presented to the Council, the Committee will not continue to deal with any inquiry unless approval is obtained from the Council. The Council can extend the time for the inquiry into a reference by no more than three months."

Debate ensued.

Ms Pennicuik moved, as amendments —

1. In proposed new Sessional Order dealing with "STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION", after sub-paragraph 8(3) insert the following new sub-paragraphs —
 - "() A Member of the Committee may be substituted by another Member of the same party by notice from the Member to the Clerk of the Committee.
 - () The substitute Member is a member of the Committee for all purposes."
2. In proposed new Sessional Order dealing with "STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION", after sub-paragraph 8(8) insert the following new sub-paragraph —
 - "() Within seven days of deciding to inquire into any proposal, matter or thing, the Committee will inform the Council of the terms of reference."

Debate ensued.

Mr Rich-Phillips moved, as an amendment —

1. In proposed new Sessional Order dealing with "STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION" after sub-paragraph (10) insert the following new sub-paragraphs —
 - "() The Committee may appoint a sub-committee of at least 4 Members, of whom one is appointed by the Committee as Chair of the sub-committee.
 - () The quorum of a sub-committee is the majority of the Members appointed to it.
 - () Business may only be transacted at a meeting of a sub-committee if a quorum is present.
 - () A question arising at a meeting of a sub-committee must be determined by a majority of votes of Members present and voting on that question.
 - () Each Member of a sub-committee has a deliberative vote.
 - () In the event of an equality of votes on any question, the Chair of the sub-committee has a casting vote in addition to a deliberative vote.
 - () The Committee may empower a specified Member or Members of the sub-committee to send for persons, documents and other things and to take

evidence with respect to any proposal, matter or thing which is referred to the sub-committee for consideration and report if the Committee unanimously agrees so to empower the Member or Members.

- () When taking evidence under the preceding sub-paragraph, a Member of a sub-committee has all the privileges, immunities and powers of the Committee.
- () A sub-committee, in relation to any proposal, matter or thing referred to it by the Committee for consideration and report has all the privileges, immunities and powers (except the powers specified in sub-paragraph (10)) of the Committee.
- () A sub-committee must report to the Committee which may adopt a report of the sub-committee or reject its report or adopt its report with variations.”.

Debate ensued.

Business having been interrupted by the President at 10.00 p.m., the debate stood adjourned in the name of Mr Guy.

13 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.46 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 45 — Thursday, 1 November 2007

1 The President took the Chair and read the Prayer.

2 CORRECTION OF ERRORS IN BILL — The President read a letter from the Clerk of the Parliaments notifying the correction of errors in the Energy Legislation Further Amendment Bill 2007 as follows:

Clause 14 of the Bill inserts a new Division 6 into the *Gas Industry Act 2001*. In the heading to the new division “8” has been deleted and “6” inserted so that the heading now reads “Division 6 — Supplier of last resort”.

In Clause 6, line 20, “approve” has been deleted and “approves” inserted so the line now reads “(A) approves (or not approves)”.

3 PAPERS —

PREMIER’S DRUG PREVENTION COUNCIL — Mr Lenders moved, by leave, That there be laid before this House a copy of the Premier’s Drug Prevention Council, Report 2006-07.

Question — put and agreed to.

The said report was presented by Mr Lenders 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:

Alexandra District Hospital — Report, 2006-07 (two papers).

Alpine Health — Report, 2006-07 (three papers).

Alpine Resorts Co-ordinating Council — Minister’s report of receipt of 2006-07 report.

Altona Memorial Park Trustees — Report, 2006-07.

Ambulance Service Victoria — Metropolitan Region — Report, 2006-07.

Andersons Creek Cemetery Trust — Minister’s report of receipt of 2006-07 report.

Austin Health — Report, 2006-07 (two papers).

Australian Centre for the Moving Image — Report, 2006-07.

Bairnsdale Regional Health Service — Report, 2006-07 (two papers).

Ballarat General Cemeteries Trust — Minister’s report of receipt of 2006-07 report.

Ballarat Health Services — Report, 2006-07.

Barwon Health — Report, 2006-07.

Bass Coast Regional Health — Report, 2006-07 (two papers).

- Bayside Health — Report, 2006-07.
- Beaufort and Skipton Health Service — Report, 2006-07 (two papers).
- Beechworth Health Service — Report, 2006-07 (two papers).
- Benalla and District Memorial Hospital — Report, 2006-07 (two papers).
- Bendigo Cemeteries Trust — Minister's report of receipt of 2006-07 report.
- Bendigo Health Care Group — Report, 2006-07.
- Boort District Hospital — Report, 2006-07 (three papers).
- Casterton Memorial Hospital — Report, 2006-07 (two papers).
- Central Gippsland Health Service — Report, 2006-07 (two papers).
- Cheltenham and Regional Cemeteries Trust — Report, 2006-07.
- Chinese Medicine Registration Board of Victoria — Minister's report of receipt of 2006-07 report.
- Chiropractors Registration Board of Victoria — Minister's report of receipt of 2006-07 report.
- Cobram District Hospital — Report, 2006-07 (two papers).
- Cohuna District Hospital — Report, 2006-07.
- Colac Area Health — Report, 2006-07.
- Dental Health Services Victoria — Report, 2006-07.
- Dental Practice Board of Victoria — Minister's report of receipt of 2006-07 report.
- Djerriwah Health Services — Report, 2006-07 (two papers).
- Dunmunkle Health Services — Report, 2006-07.
- East Grampians Health Service — Report, 2006-07 (two papers).
- East Wimmera Health Service — Report, 2006-07 (two papers).
- Eastern Health — Report, 2006-07.
- Echuca Regional Health — Report, 2006-07.
- Edenhope and District Memorial Hospital — Report, 2006-07.
- Fawkner Crematorium and Memorial Park Trust —
Minister's report of failure to submit report for 2005-06 to the Minister within the prescribed period and the reasons therefor.
Report, 2005-06.
Report, 2006-07.
- Food Safety Council — Report, 2006-07.
- Geelong Cemeteries Trust — Minister's report of receipt of 2006-07 report.
- Geelong Performing Arts Centre Trust — Report, 2006-07.
- Gippsland Southern Health Service — Report, 2006-07 (two papers).
- Health Services Commissioner — Report, 2006-07.
- Hepburn Health Service — Report, 2006-07.
- Hesse Rural Health Service — Report, 2006-07.
- Heywood Rural Health — Report, 2006-07 (two papers).
- Human Services Department — Report, 2006-07.
- Infertility Treatment Authority — Minister's report of receipt of 2006-07 report.
- Inglewood and Districts Health Service — Report, 2006-07.
- Keilor Cemetery Trust — Report, 2006-07.
- Kerang District Health — Report, 2006-07.
- Kilmore and District Hospital — Report, 2006-07.
- Kyabram and District Health Service — Report, 2006-07.
- Kyneton District Health Service — Report, 2006-07.
- Latrobe Regional Hospital — Report, 2006-07 (two papers).
- Library Board of Victoria — Report, 2006-07.
- Lorne Community Hospital — Minister's report of receipt of 2006-07 report.
- Maldon Hospital — Minister's report of receipt of 2006-07 report.
- Mansfield District Hospital — Report, 2006-07 (two papers).
- Maryborough District Health Service — Report, 2006-07.
- McIvor Health and Community Services — Report, 2006-07 (two papers).
- Melbourne Health — Report, 2006-07.
- Melbourne Recital Centre Ltd — Report, 2006-07.
- Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2007.

Mercy Public Hospitals Incorporated — Report, 2006-07 (two papers).
Moyné Health Services — Report, 2006-07.
Mt Alexander Hospital — Report, 2006-07.
Museums Board of Victoria — Report, 2006-07.
Nathalia District Hospital — Minister's report of receipt of 2006-07 report.
National Gallery of Victoria Council of Trustees — Report, 2006-07.
Necropolis Springvale Trustees — Report, 2006-07.
Northeast Health Wangaratta — Report, 2006-07.
Northern Health — Report, 2006-07 (two papers).
Numurkah District Health Service — Report, 2006-07 (two papers).
Nurses Board of Victoria — Report, 2006-07.
O'Connell Family Centre — Minister's report of receipt of 2006-07 report.
Ombudsman — Report on Investigation into the disclosure of electronic communications addressed to the Member for Evelyn and related matters.
Omeo District Health — Minister's report of receipt of 2006-07 report.
Optometrists Registration Board of Victoria — Minister's report of receipt of 2006-07 report.
Orbost Regional Health — Report, 2006-07.
Osteopaths Registration Board of Victoria — Minister's report of receipt of 2006-07 report.
Otway Health and Community Services — Report, 2006-07.
Peninsula Health — Report, 2006-07 (two papers).
Peter MacCallum Cancer Centre — Report, 2006-07.
Pharmacy Board of Victoria — Minister's report of receipt of 2006-07 report.
Physiotherapists Registration Board of Victoria — Minister's report of receipt of 2006-07 report.
Podiatrists Registration Board of Victoria — Minister's report of receipt of 2006-07 report.
Preston Cemetery Trust — Report, 2006-07.
Queen Elizabeth Centre — Report, 2006-07 (two papers).
Radiation Advisory Committee — Report, 2006-07.
Rochester and Elmore District Health Service — Report, 2006-07.
Royal Children's Hospital — Report, 2006-07.
Royal Victorian Eye and Ear Hospital — Report, 2006-07.
Royal Women's Hospital — Report, 2006-07.
Rural Ambulance Victoria — Report, 2006-07.
Rural Northwest Health — Report, 2006-07 (two papers).
Seymour District Memorial Hospital — Report, 2006-07.
South Gippsland Hospital — Report, 2006-07.
South West Healthcare — Report, 2006-07.
Southern Health — Report, 2006-07.
Special Investigations Monitor — Report under section 86ZM of the Police Regulation Act 1958 and section 105M of the Whistleblowers Protection Act 2001.
St Vincent's Health [incorporating the financial statements of Caritas Christi Hospice Limited, St. George's Health Service Limited and St. Vincent's Hospital (Melbourne) Limited] — Report, 2006-07 (four papers).
Stawell Regional Health — Report, 2006-07 (three papers).
Swan Hill District Hospital — Report, 2006-07.
Tallangatta Health Service — Report, 2006-07 (two papers).
Templestowe Cemetery Trust — Minister's report of receipt of 2006-07 report.
Terang and Mortlake Health Service — Report, 2006-07.
Timboon and District Healthcare Service — Report, 2006-07 (two papers).
Tweddle Child and Family Health Service — Minister's report of receipt of 2006-07 report.
Upper Murray Health and Community Services — Report, 2006-07 (two papers).
Victorian Arts Centre Trust — Report, 2006-07 (two papers).
Victorian Rail Heritage Operations Pty Ltd — Minister's report of receipt of 2006-07 report.
West Gippsland Healthcare Group — Report, 2006-07 (two papers).
Western District Health Service — Report, 2006-07 (two papers).
Western Health — Report, 2006-07 (two papers).

Wimmera Health Care Group — Report, 2006-07.
Wodonga Regional Health Service — Report, 2006-07.
Wyndham Cemeteries Trust — Minister's report of receipt of 2006-07 report.
Yarram and District Health Service — Report, 2006-07 (two papers).
Yarrowonga District Health Service — Report, 2006-07 (two papers).
Yea and District Memorial Hospital — Report, 2006-07.

- 4 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 20 November 2007.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 6 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 7 ELECTRICITY SAFETY AMENDMENT BILL 2007** — Mr Lenders (for Mr Theophanous) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Mr Vogels), the debate was adjourned for one week.

- 8 MELBOURNE AND OLYMPIC PARKS AMENDMENT BILL 2007** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Mr Dalla-Riva), the debate was adjourned for one week.

- 9 WORKING WITH CHILDREN AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 10 CRIMES AMENDMENT (RAPE) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

Mr Tee announced that Mr Madden proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Business having been interrupted at 2.03 p.m. —

- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 12 CRIMES AMENDMENT (RAPE) BILL 2007** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

The President resumed the Chair; and the Deputy President having reported that the Committee had agreed to the Bill with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

- 13 BUILDING AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 14 EDUCATION AND TRAINING REFORM MISCELLANEOUS AMENDMENTS BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Ms Pulford, the debate was adjourned until the next day of meeting.

- 15 AGENT-GENERAL AND COMMISSIONERS FOR VICTORIA BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to continue to provide for the appointment of an Agent-General for Victoria, to provide for the appointment of other Commissioners for Victoria, to repeal the Agent-General's Act 1994 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Vogels (for Mr Rich-Phillips), the debate was adjourned for one week.

- 16 ANIMALS LEGISLATION AMENDMENT (ANIMAL CARE) BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Domestic (Feral and Nuisance) Animals Act 1994, the Impounding of Livestock Act 1994 and the Prevention of Cruelty to Animals Act 1986 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Theophanous), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Vogels, the debate was adjourned for one week.

- 17 EQUAL OPPORTUNITY AMENDMENT (FAMILY RESPONSIBILITIES) BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Equal Opportunity Act 1995 to expand the range of what constitutes discrimination against parents or carers in employment or employment-related areas and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr P.R. Davis), the debate was adjourned for one week.

- 18 PORT SERVICES AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Port Services Act 1995 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Theophanous), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Rich-Phillips), the debate was adjourned for one week.

- 19 VICTORIAN WORKERS' WAGES PROTECTION BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to regulate the payment of wages and the ability of an employer to make deductions from an employee's wages, to provide enforcement mechanisms and remedies, to amend the Public Sector (Union Fees) Act 1992 and the Outworkers (Improved Protection) Act 2003 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Theophanous), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 20 ADJOURNMENT** — Mr Madden moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.01 p.m., adjourned until Tuesday, 20 November 2007.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 43, 44 and 45

Tuesday, 30 October 2007

1 ENERGY LEGISLATION FURTHER AMENDMENT BILL 2007

Clauses 1 to 4 — put and agreed to.

Clause 5 — Mr Barber moved —

1. Clause 5, line 5, omit "2008" and insert "2011".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6	NOES, 33
Mr Barber	Mr Atkinson
Mr Drum (<i>Teller</i>)	Ms Broad
Mr Hall	Mrs Coote
Ms Hartland (<i>Teller</i>)	Mr Dalla-Riva
Mr Kavanagh	Mr D.M. Davis
Ms Pennicuik	Mr P.R. Davis
	Mr Eideh
	Mr Elasmár
	Mr Finn
	Mr Guy
	Mr Jennings
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Mr Lenders
	Ms Lovell
	Mr Madden
	Ms Mikakos
	Mr O'Donohue
	Mr Pakula
	Mrs Petrovich
	Mrs Peulich
	Ms Pulford
	Mr Rich-Phillips
	Mr Scheffer
	Mr Smith
	Mr Somyurek
	Mr Tee (<i>Teller</i>)
	Mr Theophanous
	Mr Thornley
	Ms Tierney
	Mr Viney
	Mr Vogels (<i>Teller</i>)

Amendment negatived.

Clause 5 — put and agreed to.

Clauses 6 to 36 — put and agreed to.

Bill reported without amendment.

Thursday, 1 November 2007

1 **CRIMES AMENDMENT (RAPE) BILL 2007**

Clause 1 — put and agreed to.

Clause 2 — Mr Madden moved —

1. Clause 2, line 2, omit "subsection (2)" and insert "subsections (2) and (3)".

Question — That the amendment be agreed to — put and agreed to.

Mr Madden moved —

2. Clause 2, after line 3 insert—

"() Sections 8 and 9 come into operation on the day after the day on which this Act receives the Royal Assent."

3. Clause 2, line 4, after "If" insert "a provision of".

Question — That the amendments be agreed to — put and agreed to.

Clause 2, as amended — put and agreed to.

Clauses 3 to 7 — put and agreed to.

Clause 8 — Question — That clause 8 stand part part of the Bill — put and negatived.

Clause 8 omitted.

Clause 9 — Mr Madden moved —

5. Clause 9, lines 28 and 29, omit "section 3 or 4" and insert "section 3, 4 or 8".
6. Clause 9, line 31, after "commencement of" insert "that section of".
7. Clause 9, page 7, line 4, omit "6, 7 or 8" and insert "6 or 7".
8. Clause 9, page 7, line 7, after "commencement of" insert "those sections of".
9. Clause 9, page 7, line 15, after "commencement of" insert "sections 5, 6 and 7 of".
10. Clause 9, page 7, line 18, after "commencement of" insert "those sections of".

Question — That the amendments be agreed to — put and agreed to.

Clause 9, as amended — put and agreed to.

Clause 10 — put and agreed to.

New clause — Mr Madden moved —

11. Insert the following New Clause to follow clause 7—

'AA. Incest

In section 44(6A) of the **Crimes Act 1958**, for the expression commencing "in that act—" and ending at the end of the subsection substitute "in that act without the victim's consent.".'.

Question — That the new clause stand part of the Bill — put and agreed to.

New clause inserted.

Bill reported with amendments.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 46, 47 and 48

No. 46 — Tuesday, 20 November 2007

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 7 November 2007, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - Building Amendment Act 2007*
 - Energy Legislation Further Amendment Act 2007*
 - Working with Children Amendment Act 2007.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITIONS** —
 - CASEY CENTRAL SECONDARY COLLEGE** — Mr Rich-Phillips presented a Petition bearing 619 signatures from certain citizens of Victoria requesting that the Casey Central Secondary College is constructed on the proposed site south of Glassocks Road, Cranbourne North, in time to accommodate Year 7 students at the start of the 2009 school year.
Ordered to lie on the Table.

* * * * *
 - HEALTH (FLUORIDATION) AMENDMENT BILL 2007** — Mr Kavanagh presented a Petition bearing 2,543 signatures from certain citizens of Victoria requesting that the Legislative Council supports the Health (Fluoridation) Amendment Bill 2007.
Ordered to lie on the Table.

* * * * *
 - NUCLEAR INDUSTRY IN VICTORIA** — Mr Leane presented a Petition bearing 200 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria reaffirms the opposition of the Victorian Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant.
Ordered to lie on the Table.
- 5 **PRODUCTION OF DOCUMENTS** — The Clerk laid on the Table a letter from the Leader of the Government dated 5 November 2007 in response to the Resolution of the Council of 31 October 2007, reiterating the Government's claim of Executive privilege regarding the documents relating to the Public Lotteries Licence specified in the terms of the Resolution of the Council of 19 September 2007.

The Leader of the Government advised the Council that he was bound to act consistently with the claim of Executive privilege and therefore the documents required by the Resolution of 31 October 2007 would not be produced to the Legislative Council.

6 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 15 of 2007 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

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BUDGET SECTOR — QUARTERLY FINANCIAL REPORT — Pursuant to the *Financial Management Act 1994* the Clerk presented a copy of the Budget Sector Quarterly Financial Report No. 1 for the period ended 30 September 2007.

* * * * *

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

Child Safety Commissioner — Report, 2006-07.

Consumer Affairs Victoria — Report, 2006-07.

Crown Land (Reserves) Act 1978 —

Minister's Order of 26 October 2007 giving approval to the granting of a lease at Albert Park Reserve.

Minister's Order of 18 October 2007 giving approval to the granting of a lease at Coulson Reserve.

Major Events (Aerial Advertising) Act 2007 — Minister's order of 12 November 2007 in relation to the 2008 Commonwealth Bank Series One Day International Matches and the 2008 KFC Twenty20 International Match.

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns, November 2007 and Summary of Variations notified between 9 October 2007 and 19 November 2007.

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

Casey Planning Scheme — Amendment C103.

Darebin Planning Scheme — Amendment C74.

Frankston Planning Scheme — Amendment C49.

Greater Dandenong Planning Scheme — Amendment C82.

Hobsons Bay Planning Scheme — Amendment C31 Part 2.

Hume Planning Scheme — Amendments C72 and C79.

Mansfield Planning Scheme — Amendment C13.

Melbourne Planning Scheme — Amendments C136 and C137.

Mildura Planning Scheme — Amendment C42.

Pyrenees Planning Scheme — Amendment C16.

Strathbogie Planning Scheme — Amendment C24.

Surf Coast Planning Scheme — Amendment C35.

Warrambool Planning Scheme — Amendment C50.

Yarra Ranges Planning Scheme — Amendment C45.

Statutory Rules under the following Acts of Parliament:

County Court Act 1958 — No. 120.

Professional Standards Act 2003 — No. 122.

Subdivision Act 1988 — No. 123.

Supreme Court Act 1986 — No. 121.

Victorian Civil and Administrative Tribunal Act 1998 — No. 124.

Subordinate Legislation Act 1994 —

Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 119 and 124.

Minister's exemption certificates under section 9(6) in respect of Statutory Rule No. 122.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

Justice and Road Legislation Amendment (Law Enforcement) Act 2007 — Part 1 and sections 9 and 10 — 8 November 2007 (*Gazette No. G45, 8 November 2007*).

Justice Legislation Amendment Act 2007 — remaining provisions of Part 2 and remaining provisions of Part 4 — 8 November 2007 (*Gazette No. G45, 8 November 2007*).

Royal Children's Hospital (Land) Act 2007 — 5 November 2007 (*Gazette No. G44, 1 November 2007*).

7 BUSINESS OF THE COUNCIL — Mr P.R. Davis moved, by leave, That General Business on Wednesday, 21 November 2007 be taken in the following order:

- (1) Order of the Day No. 7, for the resumption of debate on the motion to further amend the Sessional Orders;
- (2) Notice of Motion No. 54 standing in the name of Mr Barber relating to the revocation of Amendment C95 to the Yarra Planning Scheme;
- (3) Notice of Motion No. 59 standing in the name of Ms Pennicuik relating to the disallowance of the Code of Accepted Farming Practice for the Welfare of Pigs 2007;
- (4) the Notice of Motion given this day relating to the refusal by the Leader of the Government to comply with a number of Resolutions of the Council to table certain documents relating to the public lotteries licence specified in those Resolutions, to be debated cognately with a motion to take note of the Leader of the Government's letter of 5 November 2007 in response to the Resolution of the Council of 31 October 2007;
- (5) Order of the Day No. 8, for the resumption of debate on the second reading of the Health (Fluoridation) Amendment Bill 2007; and
- (6) Notice of Motion No. 61 standing in the name of Mr Rich-Phillips seeking an extension of time for the Select Committee on Gaming Licensing to present its final report.

Question — put and agreed to.

8 ROAD SAFETY COMMITTEE — Mr P.R. Davis moved, by leave, That the Resolution of the Council of 18 July 2007 requiring the Road Safety Committee to inquire into and report by 29 February 2008 on existing, new and developing technologies for implementation to improve safety at level crossings be amended so as to now require the Committee to present its report by 31 October 2008.

Question — put and agreed to.

9 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

10 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed for one week.

11 VICTORIAN WORKERS' WAGES PROTECTION BILL 2007 — Mr Theophanous laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Theophanous, the second reading speech was incorporated into Hansard.

Mr Theophanous moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

12 TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

The President resumed the Chair; and the Deputy President 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

13 EDUCATION AND TRAINING REFORM MISCELLANEOUS AMENDMENTS BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

14 GRAFFITI PREVENTION BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 37	NOES, 3
Mr Atkinson	Mr Barber (<i>Teller</i>)
Ms Broad	Ms Hartland (<i>Teller</i>)
Mrs Coote	Ms Pennicuik
Mr Dalla-Riva	
Ms Darveniza (<i>Teller</i>)	
Mr D.M. Davis	
Mr P.R. Davis	
Mr Drum (<i>Teller</i>)	
Mr Eideh	
Mr Elasmarr	
Mr Finn	
Mr Guy	
Mr Hall	
Mr Jennings	
Mr Kavanagh	
Mr Koch	
Mrs Kronberg	
Mr Leane	
Mr Lenders	
Ms Lovell	
Mr Madden	
Ms Mikakos	
Mr O'Donohue	
Mr Pakula	
Mrs Petrovich	
Mrs Peulich	
Ms Pulford	
Mr Rich-Phillips	
Mr Scheffer	
Mr Smith	
Mr Somyurek	
Mr Tee	

Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney
Mr Vogels

Question agreed to.

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

House in Committee.

Business having been interrupted by the Deputy President at 10.00 p.m. —

- 15 NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2007** — The Deputy President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the National Electricity (Victoria) Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Theophanous), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 16 VICTORIAN ENERGY EFFICIENCY TARGET BILL 2007** — The Deputy President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to promote the reduction of greenhouse gas emissions by establishing the Victorian Energy Efficiency Target scheme and to amend the Essential Services Commission Act 2001 to confer functions on the Essential Services Commission and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Theophanous), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 17 ADJOURNMENT** — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.31 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 47 — Wednesday, 21 November 2007

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

- 2 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

Auditor-General —

Report on Audits of 2 Major Partnerships Victoria Projects, November 2007.

Report on the Annual Financial Report of the State of Victoria, 2006-07, November 2007.

Report on the Discovering Bendigo Project, November 2007.

Report on Parliamentary Appropriations: Output Measures, November 2007.

- 3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 4 SESSIONAL ORDERS** — Debate resumed on the motion that the Sessional Orders adopted by the Council on 28 February 2007 and 14 March 2007 and amended on 9 August 2007 be further amended and on the amendments moved by Ms Pennicuik, Mr Rich-Phillips and Mr Tee (*see pages 225 to 230*).

Mr Viney moved, as an amendment —

1. Omit the heading and all words and expressions in proposed new Sessional Order dealing with “STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION” and insert —

“After Sessional Order 21 insert the following new Sessional Order:

STANDING COMMITTEES

- (1) Three Standing Committees will be appointed as follows:
 - (a) Standing Committee on Economic Matters;
 - (b) Standing Committee on Environment Matters; and
 - (c) Standing Committee on Social Matters.
- (2) The Standing Committee on Economic Matters will inquire into and report on any proposal, matter or thing concerned with public administration or public sector finances.
- (3) The Standing Committee on Environment Matters will inquire into and report on any proposal, matter or thing concerned with the environment, natural resources and planning the use, development or protection of land.
- (4) The Standing Committee on Social Matters will inquire into and report on any proposal, matter or thing concerned with the provision of education and health services to the community and community safety.
- (5) Each committee will consist of 7 Members, with 3 Members from the Government Party nominated by the Leader of the Government, 2 Members from the Opposition nominated by the Leader of the Opposition and 2 Members from among the remaining Members in the Council nominated jointly by the Leader of The Nationals, the Australian Greens Whip and Mr Peter Kavanagh, MLC.
- (6) 4 Members of each committee will constitute a quorum of the committee.
- (7) Each committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.
- (8) Each committee will elect a Chair with the Chair of the Economic Matters Committee being selected from the Government members; the Chair of the Environment Matters Committee being selected from the Opposition members, and the Chair of the Social Matters Committee being selected from the remaining Members in the Council.
- (9) A Committee may appoint a Deputy Chair from a group that does not hold the Chair.
- (10) Each committee may inquire into any proposal, matter or thing that is relevant to its functions which is referred to it by resolution of the Council.
- (11) Each committee will advertise the terms of reference for an inquiry and call for submissions and all such submissions received by the committee will be treated as public documents unless the committee otherwise orders.
- (12) Each committee may commission persons to investigate and report to the committee on any aspects of its inquiry.
- (13) The provisions of the Standing Orders relating to Select Committees apply to each committee as if it were a Select Committee.
- (14) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.”.

Debate ensued.

Mr Kavanagh moved, as an amendment —

1. In proposed new Sessional Order dealing with “STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION”, after sub-paragraph 8(3) insert the following new sub-paragraphs —

“() A Government Member of the Committee may be substituted by another Government Member and a non-Government Member of the Committee may be

substituted by another non-Government Member by notice from the Member to the Clerk of the Committee.

() The substitute Member is a member of the Committee for all purposes.”.

Debate ensued.

Question — That Amendment No. 1 moved by Mr Viney be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber
Mr Eideh	Mrs Coote
Mr Elasmarr	Mr Dalla-Riva (<i>Teller</i>)
Mr Jennings	Mr D.M. Davis
Mr Leane	Mr P.R. Davis
Mr Lenders (<i>Teller</i>)	Mr Drum
Mr Madden	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pulford	Ms Hartland (<i>Teller</i>)
Mr Scheffer	Mr Kavanagh
Mr Smith	Mr Koch
Mr Somyurek	Mrs Kronberg
Mr Tee	Ms Lovell
Mr Theophanous	Mr O'Donohue
Mr Thornley (<i>Teller</i>)	Ms Pennicuik
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Rich-Phillips
	Mr Vogels

Amendment negatived.

Question — That Amendment No. 1 moved by Mr Tee be agreed to — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 20
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber (<i>Teller</i>)
Mr Eideh	Mrs Coote
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings (<i>Teller</i>)	Mr D.M. Davis
Mr Kavanagh	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Finn
Mr Madden	Mr Guy
Ms Mikakos	Mr Hall
Mr Pakula (<i>Teller</i>)	Ms Hartland
Ms Pulford	Mr Koch
Mr Scheffer	Mrs Kronberg (<i>Teller</i>)
Mr Smith	Ms Lovell
Mr Somyurek	Mr O'Donohue
Mr Tee	Ms Pennicuik
Mr Theophanous	Mrs Petrovich
Mr Thornley	Mrs Peulich
Ms Tierney	Mr Rich-Phillips
Mr Viney	Mr Vogels

The Ayes and Noes being equal, the amendment was negatived.

Question — That Amendment No. 2 moved by Mr Tee be agreed to — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 20
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber
Mr Eideh	Mrs Coote
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Mr Kavanagh	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Finn
Mr Madden (<i>Teller</i>)	Mr Guy
Ms Mikakos	Mr Hall
Mr Pakula	Ms Hartland
Ms Pulford (<i>Teller</i>)	Mr Koch
Mr Scheffer	Mrs Kronberg
Mr Smith	Ms Lovell
Mr Somyurek	Mr O'Donohue (<i>Teller</i>)
Mr Tee	Ms Pennicuik (<i>Teller</i>)
Mr Theophanous	Mrs Petrovich
Mr Thornley	Mrs Peulich
Ms Tierney	Mr Rich-Phillips
Mr Viney	Mr Vogels

The Ayes and Noes being equal, the amendment was negatived.

Question — That Amendment No. 1 moved by Mr Kavanagh be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 22
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum	Ms Hartland
Mr Finn	Mr Jennings
Mr Guy	Mr Leane
Mr Hall	Mr Lenders
Mr Kavanagh (<i>Teller</i>)	Mr Madden
Mr Koch	Ms Mikakos
Mrs Kronberg	Mr Pakula
Ms Lovell	Ms Pennicuik
Mr O'Donohue	Ms Pulford
Mrs Petrovich	Mr Scheffer
Mrs Peulich (<i>Teller</i>)	Mr Smith
Mr Rich-Phillips	Mr Somyurek
Mr Vogels	Mr Tee
	Mr Theophanous (<i>Teller</i>)
	Mr Thornley
	Ms Tierney (<i>Teller</i>)
	Mr Viney

Amendment negatived.

Question — That Amendment No. 1 moved by Ms Pennicuik be agreed to — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Ms Broad

Mr Barber	Ms Darveniza (<i>Teller</i>)
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmr
Mr D.M. Davis (<i>Teller</i>)	Mr Jennings
Mr P.R. Davis	Mr Leane (<i>Teller</i>)
Mr Drum	Mr Lenders
Mr Finn	Mr Madden
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Ms Hartland	Ms Pulford
Mr Kavanagh	Mr Scheffer
Mr Koch	Mr Smith
Mrs Kronberg	Mr Somyurek
Ms Lovell (<i>Teller</i>)	Mr Tee
Mr O'Donohue	Mr Theophanous
Ms Pennicuik	Mr Thornley
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Amendment agreed to.

Question — That Amendment No. 3 moved by Mr Tee be agreed to — put and negatived.

Question — That Amendment No. 2 moved by Ms Pennicuik be agreed to — put and agreed to.

Question — That Amendment No. 1 moved by Mr Rich-Phillips be agreed to — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote (<i>Teller</i>)	Mr Eideh
Mr Dalla-Riva	Mr Elasmr
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Leane
Mr Drum	Mr Lenders
Mr Finn	Mr Madden
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Ms Hartland	Ms Pulford
Mr Kavanagh	Mr Scheffer (<i>Teller</i>)
Mr Koch	Mr Smith
Mrs Kronberg	Mr Somyurek (<i>Teller</i>)
Ms Lovell	Mr Tee
Mr O'Donohue	Mr Theophanous
Ms Pennicuik	Mr Thornley
Mrs Petrovich (<i>Teller</i>)	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Amendment agreed to.

Question — That Amendment No. 4 moved by Mr Tee be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber

Mr Eideh	Mrs Coote
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Mr Leane	Mr P.R. Davis
Mr Lenders	Mr Drum
Mr Madden	Mr Finn
Ms Mikakos (<i>Teller</i>)	Mr Guy (<i>Teller</i>)
Mr Pakula	Mr Hall
Ms Pulford	Ms Hartland
Mr Scheffer	Mr Kavanagh
Mr Smith	Mr Koch
Mr Somyurek	Mrs Kronberg (<i>Teller</i>)
Mr Tee	Ms Lovell
Mr Theophanous	Mr O'Donohue
Mr Thornley	Ms Pennicuik
Ms Tierney	Mrs Petrovich
Mr Viney (<i>Teller</i>)	Mrs Peulich
	Mr Rich-Phillips
	Mr Vogels

Amendment negatived.

Question —

- (1) That the Sessional Orders adopted by the Council on 28 February 2007 and 14 March 2007 and amended on 9 August 2007 be further amended as follows with amendments Nos. 1 to 7 inclusive to come into operation on 1 January 2008 and amendment No. 8 to come into operation on 1 April 2008:

DAYS AND HOURS OF MEETING

- 1 In Sessional Order 1, after "Select" (where twice occurring) insert "or Standing".

DAILY ADJOURNMENT DEBATE

- 2 Omit Sessional Order 3 and insert the following new Sessional Order:
- (1) Paragraphs (2) to (5) inclusive, of Standing Order 4.10 are suspended.
- (2) The paragraph in Standing Order 5.04 relating to the Adjournment Debate is suspended and the following will apply:

"Adjournment debate (Standing Order 4.10)

Total time	No limit
Each Member	3 minutes".

- 3 After Sessional Order 3, insert the following new Sessional Orders:

"Responses to matters raised on the Daily Adjournment Debate

- (1) A response to a matter raised by a Member must either be given at the time the matter is raised or provided in writing within 30 days.
- (2) When a response is provided in writing, before the daily Adjournment debate is concluded, a Minister will advise the Council of the responses being provided, including the date the matter was raised and the name of the Member who raised the matter.
- (3) A copy of the response will be given to the Member who raised the matter, and all responses will be incorporated in *Hansard*.

Procedure where responses to Daily Adjournment Debate matters not provided

- (1) If a response is not provided within 30 days of the matter being raised and the relevant Minister does not, within that period, provide to the Member who raised the matter an explanation satisfactory to the Member as to why a response has not been provided —
 - (a) at the conclusion of the daily Adjournment debate the Member may ask the Minister for an explanation; and
 - (b) at the conclusion of any such explanation the Member may move, without notice, “That the Council take note of the explanation”.
- (2) If a Minister does not provide an explanation, notice may forthwith be given of a motion regarding the Minister’s failure to provide either a response or an explanation and precedence will be given to such a motion on the next day of meeting in accordance with Sessional Order 11.”

ORDER OF BUSINESS

- 4 Omit paragraphs (2) and (3) of Sessional Order 3 and Sessional Orders 4, 5 and 6 and insert the following new Sessional Order:

“Order of Business — Tuesday

- (1) Paragraph (1) of Standing Order 5.02 is suspended and the order of business on Tuesday will be:
 - (1) On Tuesday —
 - Messages
 - Questions
 - Answers to Questions on Notice
 - Formal Business
 - Members’ Statements (up to 15 Members)
 - Government Business
 - At 8.00 p.m.** Legislation Committee (if ordered)
 - Adjournment.
- (2) Paragraph 1 of Standing Order 5.03 is suspended and the order of business on Tuesday in the final sitting week of the calendar year will be:
 - (1) The order of business on a Tuesday will be —
 - Messages
 - Formal Business
 - Government Business
 - At 12 noon** Questions
 - Answers to Questions on Notice
 - Members’ Statements (up to 15 Members)
 - Government Business
 - At 8.00 p.m.** Legislation Committee (if ordered)
 - Adjournment.

Order of Business — Wednesday

- (3) Paragraph (2) of Standing Order 5.02 is suspended and the order of business on Wednesday will be:
 - (2) On Wednesday —
 - Messages
 - Formal Business

Members' Statements (up to 15 Members)
 General Business
At 12.00 noon Questions
 Answers to Questions on Notice
 General Business (continues)
 Government Business
At 8.00 p.m. Legislation Committee (if ordered)
 Adjournment.

Order of Business — Thursday

(4) Paragraph (3) of Standing Order 5.02 is suspended and the order of business on Thursday will be:

- (3) On Thursday —
- (a) if no meeting of a Select Committee is scheduled to occur —
 Messages
 Formal Business
 Members' Statements (up to 15 Members)
 Statements on reports and papers (60 minutes)
 Government Business
At 12 noon Questions
 Answers to Questions on Notice
 Government Business (continues)
At 8.00 p.m. Legislation Committee (if ordered)
 Adjournment
- (b) if a Select Committee is meeting —
 Messages
 Formal Business
 Questions
 Answers to Questions on Notice
 Members' Statements (up to 15 Members)
 Government Business
At 8.00 p.m. Legislation Committee (if ordered)
 Adjournment.

Order of Business — Friday

(5) Paragraph (4) of Standing Order 5.02 and the subsequent paragraph are suspended and the order of business on Friday will be:

- “(4) On Friday —
 Formal Business
 Government Business
At 12 noon Questions
 Answers to Questions on Notice
 Government Business (continues).”

BUSINESS WHEN COUNCIL MEETS AT 12 NOON ON THURSDAY

- 5 In Sessional Order 8, insert the following new paragraph after paragraph (d):
 “(e) Sessional Order 5 (Procedure when responses to Daily Adjournment Debate matters not provided) is suspended.”

SPECIAL BUSINESS

- 6 In Sessional Order 11, omit paragraph (e) and insert:
“(e) motions pursuant to Sessional Orders 5 and 15; and”

MEETINGS OF SELECT OR STANDING COMMITTEES

- 7 In Sessional Order 20, after “Select” (where five times occurring) insert “or Standing”.

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION

- 8 After Sessional Order 21 insert the following new Sessional Order:
- “(1) A Standing Committee on Finance and Public Administration of 7 Members is appointed to inquire into any proposal, matter or thing concerned with public administration or public sector finances.
 - (2) The Committee will consist of 2 Members from the Government Party nominated by the Leader of the Government, 2 Members from the Opposition nominated by the Leader of the Opposition, 1 Member from The Nationals nominated by the Leader of The Nationals, 1 Member from the Australian Greens nominated by the Australian Greens Whip and Mr Peter Kavanagh, MLC from the Democratic Labor Party.
 - (3) The Members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on Monday 31 December 2007.
 - (4) A Member of the Committee may be substituted by another Member of the same party by notice from the Member to the Clerk of the Committee.
 - (5) The substitute Member is a member of the Committee for all purposes.
 - (6) The first meeting of the Committee must be held no later than 4.00 p.m. on Monday 7 April 2008.
 - (7) The Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.
 - (8) 4 Members of the Committee will constitute a quorum of the Committee.
 - (9) The Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member.
 - (10) The Committee may inquire into any proposal, matter or thing that is relevant to its functions which is —
 - (a) referred to it by resolution of the Council; or
 - (b) determined by the Committee.
 - (11) Within seven days of deciding to inquire into any proposal, matter or thing, the Committee will inform the Council of the terms of reference.
 - (12) The Committee will advertise the terms of reference for an inquiry and call for submissions and all such submissions received by the Committee will be treated as public documents unless the Committee otherwise orders.
 - (13) The Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry.
 - (14) The Committee may appoint a sub-committee of at least 4 Members, of whom one is appointed by the Committee as Chair of the sub-committee.
 - (15) The quorum of a sub-committee is the majority of the Members appointed to it.
 - (16) Business may only be transacted at a meeting of a sub-committee if a quorum is present.

- (17) A question arising at a meeting of a sub-committee must be determined by a majority of votes of Members present and voting on that question.
- (18) Each Member of a sub-committee has a deliberative vote.
- (19) In the event of an equality of votes on any question, the Chair of the sub-committee has a casting vote in addition to a deliberative vote.
- (20) The Committee may empower a specified Member or Members of the sub-committee to send for persons, documents and other things and to take evidence with respect to any proposal, matter or thing which is referred to the sub-committee for consideration and report if the Committee unanimously agrees so to empower the Member or Members.
- (21) When taking evidence under the preceding sub-paragraph, a Member of a sub-committee has all the privileges, immunities and powers of the Committee.
- (22) A sub-committee, in relation to any proposal, matter or thing referred to it by the Committee for consideration and report has all the privileges, immunities and powers (except the powers specified in sub-paragraph (13)) of the Committee.
- (23) A sub-committee must report to the Committee which may adopt a report of the sub-committee or reject its report or adopt its report with variations.
- (24) The provisions of the Standing Orders relating to Select Committees apply to the Committee as if it were a Select Committee.
- (25) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.”.

- (2) That the Clerk be authorised to renumber the Sessional Orders and correct any internal references consequent upon these amendments.

— put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum (*Teller*)
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Hartland
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O’Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich (*Teller*)
 Mr Rich-Phillips
 Mr Vogels

NOES, 19

Ms Broad
 Ms Darveniza
 Mr Eideh (*Teller*)
 Mr Elasmarr
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee (*Teller*)
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

Question agreed to.

- 5 YARRA PLANNING SCHEME** — Mr Barber moved, That Amendment C95 to the Yarra Planning Scheme be revoked.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 6	NOES, 34
Mr Barber (<i>Teller</i>)	Mr Atkinson
Mr Drum	Ms Broad
Mr Hall (<i>Teller</i>)	Mrs Coote
Ms Hartland	Mr Dalla-Riva
Mr Kavanagh	Ms Darveniza
Ms Pennicuik	Mr D.M. Davis
	Mr P.R. Davis
	Mr Eideh (<i>Teller</i>)
	Mr Elasmr
	Mr Finn (<i>Teller</i>)
	Mr Guy
	Mr Jennings
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Mr Lenders
	Ms Lovell
	Mr Madden
	Ms Mikakos
	Mr O'Donohue
	Mr Pakula
	Mrs Petrovich
	Mrs Peulich
	Ms Pulford
	Mr Rich-Phillips
	Mr Scheffer
	Mr Smith
	Mr Somyurek
	Mr Tee
	Mr Theophanous
	Mr Thornley
	Ms Tierney
	Mr Viney
	Mr Vogels

Question negatived.

- 6 CODE OF PRACTICE FOR WELFARE OF PIGS** — Ms Pennicuik moved, That the Code of Accepted Farming Practice for the Welfare of Pigs 2007 (Revision No. 2) laid before this House on 21 August 2007 be disallowed.

Debate ensued.

Business having been interrupted at 2.03 p.m. pursuant to Standing Orders —

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and an answer to a question on notice was circulated pursuant to Standing Order 8.10.

- 8 CODE OF PRACTICE FOR WELFARE OF PIGS** — Debate continued on the question, That the Code of Accepted Farming Practice for the Welfare of Pigs 2007 (Revision No. 2) laid before this House on 21 August 2007 be disallowed.

Question — put.

The Council divided — The President in the Chair.

AYES, 4
 Mr Barber
 Ms Hartland
 Mr Kavanagh (*Teller*)
 Ms Pennicuik (*Teller*)

NOES, 36
 Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr (*Teller*)
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips (*Teller*)
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

Question negatived.

9 PRODUCTION OF DOCUMENTS —

Pursuant to Orders of the Council on 21 November 2007 —

1. Mr P.R. Davis, moved —

That this House —

- (1) expresses its concerns at the persistent refusal of the Government and the Leader of the Government on behalf of the Government to comply with Resolutions of the Council of 19 September 2007, 10 October 2007 and 31 October 2007 to provide certain documents specified in those Resolutions relating to the public lotteries licence;
- (2) expresses its disappointment that the Government has failed to make any attempt to find any resolution to this issue;
- (3) believes that the actions of the Government amount to a serious attack against the powers, privileges and immunities of the Council and demonstrates again the Government's lack of accountability to the Parliament and the people of Victoria;
- (4) notes that the Leader of the Government on behalf of the Government has now, on two occasions, failed to comply with Resolutions of the Council requiring him, on behalf of the Government, to produce the said documents;

- (5) regards its capacity to obtain information on any matter affecting the public interest as being fundamental to the reasonable exercise of its role and powers to scrutinise all aspects of Executive behaviour;
- (6) regards it as essential that the rightful powers and principles of the Council be protected and that appropriate sanctions be imposed for any obstruction to the proper performance of its important functions;
- (7) accordingly adjudges the Leader of the Government guilty of a contempt of the Council for his failure to comply, on behalf of the Government, with Resolutions of the Council on 10 and 31 October 2007 to table or lodge with the Clerk the documents relating to the public lotteries licence specified in the Resolution of the Council of 19 September 2007; and
- (8)
 - (a) orders the Leader of the Government on behalf of the Government to lodge the documents specified in the Resolution of 19 September 2007 with the Clerk by 4.00 pm on Thursday, 22 November 2007;
 - (b) suspends the Leader of the Government from the service of the Council for the remainder of the sitting on Thursday, 22 November 2007 if the documents are not lodged with the Clerk by 4.00 pm that day. Provided that if the documents are subsequently lodged with the Clerk at any time during the period of suspension on Thursday, 22 November 2007, the suspension will immediately cease to have effect; and
 - (c) in the event that the documents are not produced or tabled with the Clerk, foreshadows that further sanctions will be imposed upon the Leader of the Government, representing the Government, for his persistent obstruction of the business of the Council.

2. Mr P.R. Davis, moved —

That the Council take note of the Leader of the Government's letter of 5 November 2007 in response to the Resolution of the Council of 31 October 2007.

Debate ensued.

Question — That this House —

- (1) expresses its concerns at the persistent refusal of the Government and the Leader of the Government on behalf of the Government to comply with Resolutions of the Council of 19 September 2007, 10 October 2007 and 31 October 2007 to provide certain documents specified in those Resolutions relating to the public lotteries licence;
- (2) expresses its disappointment that the Government has failed to make any attempt to find any resolution to this issue;
- (3) believes that the actions of the Government amount to a serious attack against the powers, privileges and immunities of the Council and demonstrates again the Government's lack of accountability to the Parliament and the people of Victoria;
- (4) notes that the Leader of the Government on behalf of the Government has now, on two occasions, failed to comply with Resolutions of the Council requiring him, on behalf of the Government, to produce the said documents;
- (5) regards its capacity to obtain information on any matter affecting the public interest as being fundamental to the reasonable exercise of its role and powers to scrutinise all aspects of Executive behaviour;
- (6) regards it as essential that the rightful powers and principles of the Council be protected and that appropriate sanctions be imposed for any obstruction to the proper performance of its important functions;
- (7) accordingly adjudges the Leader of the Government guilty of a contempt of the Council for his failure to comply, on behalf of the Government, with Resolutions of the Council on 10 and 31 October 2007 to table or lodge with the Clerk the documents relating to the public lotteries licence specified in the Resolution of the Council of 19 September 2007; and
- (8)
 - (a) orders the Leader of the Government on behalf of the Government to lodge the documents specified in the Resolution of 19 September 2007 with the Clerk by 4.00 pm on Thursday, 22 November 2007;

- (b) suspends the Leader of the Government from the service of the Council for the remainder of the sitting on Thursday, 22 November 2007 if the documents are not lodged with the Clerk by 4.00 pm that day. Provided that if the documents are subsequently lodged with the Clerk at any time during the period of suspension on Thursday, 22 November 2007, the suspension will immediately cease to have effect; and
- (c) in the event that the documents are not produced or tabled with the Clerk, foreshadows that further sanctions will be imposed upon the Leader of the Government, representing the Government, for his persistent obstruction of the business of the Council.

— put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote (<i>Teller</i>)	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Mr Jennings (<i>Teller</i>)
Mr P.R. Davis (<i>Teller</i>)	Mr Leane
Mr Drum	Mr Lenders
Mr Finn	Mr Madden
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Ms Hartland	Ms Pulford
Mr Kavanagh	Mr Scheffer
Mr Koch	Mr Smith
Mrs Kronberg	Mr Somyurek
Ms Lovell	Mr Tee
Mr O'Donohue	Mr Theophanous
Ms Pennicuik	Mr Thornley
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney (<i>Teller</i>)
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

Question — That the Council take note of the Leader of the Government's letter of 5 November 2007 in response to the Resolution of the Council of 31 October 2007 — put and agreed to.

10 HEALTH (FLUORIDATION) AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Ms Hartland announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Ms Broad (<i>Teller</i>)
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Leane
Mr Drum	Mr Lenders

Mr Finn	Mr Madden
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Ms Hartland	Ms Pulford (<i>Teller</i>)
Mr Kavanagh (<i>Teller</i>)	Mr Scheffer
Mr Koch (<i>Teller</i>)	Mr Smith
Mrs Kronberg	Mr Somyurek
Ms Lovell	Mr Tee
Mr O'Donohue	Mr Theophanous
Ms Pennicuik	Mr Thornley
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

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

House in Committee.

The Acting President resumed the Chair; and the Deputy President having reported that the Committee had agreed to the Bill with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill transmitted to the Assembly with a Message requesting their agreement.

- 11 SELECT COMMITTEE ON GAMING LICENSING** — Mr Rich-Phillips moved, That the Resolution of the Council of 14 February 2007 requiring the Select Committee on Gaming Licensing to present its final report to the Council no later than 28 February 2008 be amended so as to now require the Committee to present its final report by 9 May 2008.

Question — put and agreed to.

- 12 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining Notices of Motion, and Orders of the Day, General Business, be postponed until the next day of meeting.

- 13 NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2007**— Mr Lenders (for Mr Theophanous) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Vogels, the debate was adjourned for one week.

- 14 VICTORIAN ENERGY EFFICIENCY TARGET BILL 2007** — Mr Lenders (for Mr Theophanous) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Vogels, the debate was adjourned for one week.

- 15 GRAFFITI PREVENTION BILL 2007** — The President left the Chair and the Bill was further considered in Committee of the whole.

Business having been interrupted by the Deputy President at 10.00 p.m. —

- 16 STATE TAXATION AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Accident Compensation Act 1985, the Congestion Levy Act 2005 and the Land Tax Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

17 CRIMES AMENDMENT (RAPE) BILL 2007 — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made in this Bill by the Council.

18 ADJOURNMENT — The President proposed the question, That the House do now adjourn.
Debate ensued.

And then the Council, at 10.37 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 48 — Thursday, 22 November 2007

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

MORDIALLOC BRIDGE — Mrs Peulich presented a Petition bearing 11 signatures from certain citizens of Victoria requesting that the Legislative Council demands that the Minister for Roads and Ports and VicRoads (1) immediately review the work schedules of the Mordialloc Bridge construction, including the 16 month timeframe given for the project; and (2) conduct a public information session regarding the Mordialloc Bridge construction to allow residents of Mordialloc, Carrum and Bayside to consult with the Minister and VicRoads for a timely resolution to the daily traffic delays.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the Petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

LYNBROOK RAILWAY STATION — Mrs Peulich presented a Petition bearing 274 signatures from certain citizens of Victoria requesting that the Legislative Council demands that the Labor Government and the Minister for Public Transport construct the Lynbrook Railway Station on the Cranbourne train line before 2010 to better serve the new and existing estates including Lynbrook, Lynbrook Heights and Hampton Park.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the Petition was ordered to be taken into consideration on the next day of meeting.

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:

Alexandra District Ambulance Service —

Minister's report of failure to submit report for 2006-07 to the Minister within the prescribed period and the reasons therefor.

Report, 2006-07.

Calvary Health Care Bethlehem Limited —

Minister's report of failure to submit report for 2006-07 to the Minister within the prescribed period and the reasons therefor.

Report, 2006-07 (three papers).

Gambling Regulation Act 2003 —

Category 1 Public Lottery Licence.

Category 1 Public Lottery Ancillary Agreement.

Category 2 Public Lottery Licence.

Category 2 Public Lottery Ancillary Agreement.

Category 2 Public Lottery Transition Agreement.

Goulburn Valley Health —

Minister's report of failure to submit report for 2006-07 to the Minister within the prescribed period and the reasons therefor.

Report, 2006-07 (two papers).

Health Purchasing Victoria —

Minister's report of failure to submit report for 2006-07 to the Minister within the prescribed period and the reasons therefor.

Report, 2006-07.

Kooweerup Regional Health Service —

Minister's report of failure to submit report for 2006-07 to the Minister within the prescribed period and the reasons therefor.

Report, 2006-07 (two papers).

Lilydale Cemeteries Trust —

Minister's report of failure to submit report for 2006-07 to the Minister within the prescribed period and the reasons therefor.

Report, 2006-07.

Mallee Track Health and Community Service —

Minister's report of failure to submit report for 2006-07 to the Minister within the prescribed period and the reasons therefor.

Report, 2006-07 (two papers).

Manangatang District Hospital —

Minister's report of failure to submit report for 2006-07 to the Minister within the prescribed period and the reasons therefor.

Report, 2006-07 (two papers).

Metropolitan Waste Management Group — Report, 2006-07.

Ombudsman — Investigation into the use of excessive force at the Melbourne Custody Centre, November 2007.

Portland District Health —

Minister's report of failure to submit report for 2006-07 to the Minister within the prescribed period and the reasons therefor.

Report, 2006-07 (three papers).

Robinvale District Health Services —

Minister's report of failure to submit report for 2006-07 to the Minister within the prescribed period and the reasons therefor.

Report, 2006-07.

Victorian Health Promotion Foundation —

Minister's report of failure to submit report for 2006-07 to the Minister within the prescribed period and the reasons therefor.

Report, 2006-07 (two papers).

Victorian Industry Participation Policy — Report, 2006-07.

West Wimmera Health Service —

Minister's report of failure to submit report for 2006-07 to the Minister within the prescribed period and the reasons therefor.

Report, 2006-07 (three papers).

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 STATE TAXATION AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL 2007 — Mr Madden (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Mr Rich Phillips), the debate was adjourned for one week.

6 GRAFFITI PREVENTION BILL 2007 — The President left the Chair and the Bill was further considered in Committee of the whole.

House in Committee.

The President resumed the Chair; and the Deputy President 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

7 TRANSPORT LEGISLATION AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Mr Koch announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

The President resumed the Chair; and the Deputy President having reported that the Committee had agreed to the Bill with an amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with an amendment and requesting their agreement.

8 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

9 PORT SERVICES AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Mr Rich-Phillips moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “That all the words after “That” be omitted with the view of inserting in their place “this Bill be withdrawn and redrafted to:

- (1) incorporate the establishment of an independent expert environmental panel to monitor and oversee any dredging and disposal of dredged material in Port Phillip Bay;
- (2) ensure the independent expert environmental panel is required to publicly report on a regular basis on the environmental effects of any dredging and disposal of dredged material in Port Phillip Bay;
- (3) provide the necessary powers for the independent expert environmental panel to be able to immediately stop any dredging and disposal of dredged material to protect the environment of Port Phillip Bay; and
- (4) provide for a system of fair and reasonable compensation for commercial businesses, such as tourism and fishing businesses, which are significantly adversely affected by operations involving dredging and disposal of dredged material in Port Phillip Bay.”.

Debate ensued.

Interruption of business at 4.00 p.m. —

10 PRODUCTION OF DOCUMENTS — SUSPENSION OF THE LEADER OF THE GOVERNMENT — The President announced that the public lotteries licence documents required to be lodged with the Clerk by 4.00 p.m. by the Leader of the Government pursuant to the Resolution of the Council of 21 November 2007 had not been lodged with him.

Pursuant to the terms of the Resolution, the Leader of the Government was therefore suspended from the service of the Council for the remainder of this sitting day.

11 PORT SERVICES AMENDMENT BILL 2007 — Debate continued on the question, That the Bill be now read a second time and on the reasoned amendment moved by Mr Rich-Phillips.

Ms Pennicuik moved, That the debate be now adjourned.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson

Mr Barber

NOES, 20

Ms Broad

Ms Darveniza

Mrs Coote	Mr Drum (<i>Teller</i>)
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Hall
Mr Finn	Mr Jennings
Mr Guy	Mr Leane
Ms Hartland	Mr Madden
Mr Koch	Ms Mikakos (<i>Teller</i>)
Mrs Kronberg	Mr Pakula
Ms Lovell	Ms Pulford
Mr O'Donohue	Mr Scheffer
Ms Pennicuik (<i>Teller</i>)	Mr Smith
Mrs Petrovich	Mr Somyurek
Mrs Peulich	Mr Tee
Mr Rich-Phillips (<i>Teller</i>)	Mr Theophanous
Mr Vogels	Mr Thornley
	Ms Tierney
	Mr Viney

Question negatived.

Debate continued.

Ms Pennicuik announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — That the reasoned amendment moved by Mr Rich-Phillips be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Drum
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Hall
Mr Finn	Mr Jennings
Mr Guy	Mr Leane (<i>Teller</i>)
Ms Hartland	Mr Madden
Mr Koch	Ms Mikakos
Mrs Kronberg (<i>Teller</i>)	Mr Pakula
Ms Lovell	Ms Pulford
Mr O'Donohue	Mr Scheffer
Ms Pennicuik	Mr Smith
Mrs Petrovich	Mr Somyurek
Mrs Peulich (<i>Teller</i>)	Mr Tee
Mr Rich-Phillips	Mr Theophanous
Mr Vogels	Mr Thornley
	Ms Tierney (<i>Teller</i>)
	Mr Viney

Amendment negatived.

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

The Council divided — The President in the Chair.

AYES, 34	NOES, 4
Ms Broad	Mr Atkinson (<i>Teller</i>)
Mrs Coote	Mr Barber
Mr Dalla-Riva	Ms Hartland

Ms Darveniza
 Mr D.M. Davis (*Teller*)
 Mr P.R. Davis
 Mr Drum
 Mr Eideh (*Teller*)
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

Ms Pennicuik (*Teller*)

Question agreed to.

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

House in Committee.

The President resumed the Chair; and the Deputy President 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 12 ELECTRICITY SAFETY AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 13 MELBOURNE AND OLYMPIC PARKS AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 14 GAMBLING LEGISLATION AMENDMENT (PROBLEM GAMBLING AND OTHER MEASURES) BILL 2007** — The Deputy President announced the receipt of a Message from

the Assembly presenting *A Bill for an Act to amend the Gambling Regulation Act 2003, the Casino Control Act 1991 and the Liquor Control Reform Act 1998 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Ms Lovell), the debate was adjourned for one week.

- 15 LIQUOR CONTROL REFORM AMENDMENT BILL 2007** — The Deputy President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Liquor Control Reform Act 1998 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Ms Lovell), the debate was adjourned for one week.

- 16 POLICE REGULATION AMENDMENT BILL 2007** — The Deputy President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Police Regulation Act 1958 to provide for alcohol and drug testing and to further provide for the Office of Police Integrity and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Dalla-Riva, the debate was adjourned for one week.

- 17 ROAD LEGISLATION FURTHER AMENDMENT BILL 2007** — The Deputy President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986, the Chattel Securities Act 1987, the EastLink Project Act 2004, the Melbourne City Link Act 1995, the Road Management Act 2004 and the Transport Act 1983 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Theophanous), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch, the debate was adjourned for one week.

- 18 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 4 December 2007.

Question — put and agreed to.

- 19 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 7, be postponed until the next day of meeting.

20 EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Mr Hall moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this Bill be withdrawn and redrafted to provide for the replenishment, by the Government, of all water from privately owned storages, used by the Country Fire Authority and/or the Metropolitan Fire Brigade to fight fires and to undertake other authorised activities”.

Debate ensued.

Question — That the reasoned amendment moved by Mr Hall be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 17
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane
Mr Finn (<i>Teller</i>)	Mr Madden
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Ms Hartland	Ms Pulford (<i>Teller</i>)
Mr Koch	Mr Scheffer (<i>Teller</i>)
Mrs Kronberg	Mr Smith
Ms Lovell (<i>Teller</i>)	Mr Somyurek
Mr O’Donohue	Mr Tee
Ms Pennicuik	Mr Theophanous
Mrs Petrovich	Mr Thornley
Mrs Peulich	Ms Tierney
Mr Rich-Phillips	
Mr Vogels	

Amendment agreed to — Bill withdrawn.

Business having been interrupted by the President at 10.00 p.m.—

22 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.48 p.m., adjourned until Tuesday, 4 December 2007.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 46, 47 and 48

Tuesday, 20 November 2007

1 TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL 2007

Clause 1 — Ms Hartland moved —

1. Clause 1, page 2, omit lines 14 to 33 and insert—

"(b) the **Accident Compensation Act 1985** to make statute law revision."

Question — That the amendment be agreed to — put and negatived.

Clause 1 — put and agreed to.

Clause 2 — Mr Hall moved —

1. Clause 2, lines 2 and 3, omit "8, 13, 15(1), 19, 20, 22, 23, 24, 25 and 28" and insert "12, 14(1), 18, 19, 21, 22, 23 and 26".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber
Mr Drum (*Teller*)
Mr Hall
Ms Hartland
Mr Kavanagh
Ms Pennicuik (*Teller*)

NOES, 34

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Eideh
Mr Elasmarr
Mr Finn (*Teller*)
Mr Guy
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane (*Teller*)
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Ms Pulford
Mrs Petrovich
Mrs Peulich
Mr Scheffer
Mr Smith
Mr Somyurek

Mr Rich-Phillips
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negatived.

Clause 2 — put and agreed to.

Clauses 3 to 29 — put and agreed to.

Clause 30 — Ms Hartland moved —

11. Part heading preceding clause 30, omit the Heading.

Question — That the amendment be agreed to — put and negatived.

Clause 30 — put and agreed to.

Clauses 31 to 33 — put and agreed to.

Bill reported without amendment.

2 GRAFFITI PREVENTION BILL 2007

Clause 1 — put and agreed to.

Clauses 2 and 3 — Consideration of clauses postponed.

Clauses 4 and 5 — put and agreed to.

Clause 6 — put and agreed to.

Clause 7 — Mr Dalla-Riva moved —

2. Clause 7, after line 18 insert—
 "(a) in a public place; or".

Business interrupted by the Deputy President pursuant to Standing Orders.

Wednesday, 21 November 2007

1 HEALTH (FLUORIDATION) AMENDMENT BILL 2007

Clauses 1 to 3 — put and agreed to.

Clause 4 — Ms Hartland moved —

1. Clause 4, page 3, line 8, after "on" insert "the question".

Question — That the amendment be agreed to — put and agreed to.

Ms Hartland moved —

2. Clause 4, page 3, line 10, after "supply" insert "under the control of the water supply authority".

Question — That the amendment be agreed to — put and agreed to.

Ms Hartland moved —

3. Clause 4, page 3, line 27, omit 'Act.'" and insert "Act."

Question — That the amendment be agreed to — put and agreed to.

Ms Hartland moved —

4. Clause 4, page 3, after line 27 insert—

'(3) If the Council of a municipal district receives from a water supply authority or the Secretary a request to cause a poll of voters to be held in accordance with this section, the Council must cause the poll to be held as soon as reasonably practicable.'.

Question — That the amendment be agreed to — put and agreed to.

Clause 4, as amended — put and agreed to.

Clause 5 — put and agreed to.

Bill reported with amendments

2 GRAFFITI PREVENTION BILL 2007

Clause 7 — Debate continued on amendment No. 2 moved by Mr Dalla-Riva —

2. Clause 7, after line 18 insert—

"(a) in a public place; or".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Guy
Mr Hall
Mr Koch
Mrs Kronberg
Ms Lovell (*Teller*)
Mr O'Donohue (*Teller*)
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

NOES, 23

Mr Barber
Ms Broad (*Teller*)
Ms Darveniza
Mr Eideh
Mr Elasmarr
Ms Hartland
Mr Kavanagh
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Mr Pakula
Ms Pennicuik
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley (*Teller*)
Ms Tierney
Mr Viney

Amendment negatived.

Business interrupted by the Deputy President pursuant to Standing Orders.

Thursday, 22 November 2007

1 GRAFFITI PREVENTION BILL 2007

Debate continued on Clause 7.

Clause 7 — put and agreed to.

Clauses 8 to 28 — put and agreed to.

Clause 2 (Postponed) — put and agreed to.

Clause 3 (Postponed) — put and agreed to.

Bill reported without amendment.

2 TRANSPORT LEGISLATION AMENDMENT BILL 2007

Clause 1 — Mr Barber moved—

1. Clause 1, page 2, line 11, omit sub-paragraph (ii).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber

Ms Hartland (*Teller*)

Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson

Ms Broad

Mrs Coote

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh (*Teller*)

Mr Elasmar

Mr Finn

Mr Guy

Mr Hall

Mr Jennings

Mr Kavanagh

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Mr Madden

Ms Mikakos (*Teller*)

Mr O'Donohue

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Rich-Phillips

Mr Scheffer

Mr Smith

Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negatived.

Clause 1 — put and agreed to.

Clauses 2 to 8 — put and agreed to

Clause 9 — Ms Hartland moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

1. Clause 9, lines 10 and 11, omit "**train drivers following fatal incidents**" and insert "**transport employees who witness or assist at serious or fatal incidents**".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4	NOES, 35
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland	Ms Broad
Mr Kavanagh (<i>Teller</i>)	Mrs Coote
Ms Pennicuik	Mr Dalla-Riva
	Ms Darveniza
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh
	Mr Elasmarr
	Mr Finn
	Mr Guy
	Mr Hall
	Mr Jennings
	Mrs Kronberg
	Mr Leane
	Mr Lenders (<i>Teller</i>)
	Ms Lovell
	Mr Madden
	Ms Mikakos
	Mr O'Donohue
	Mr Pakula
	Mrs Petrovich
	Mrs Peulich
	Ms Pulford
	Mr Rich-Phillips (<i>Teller</i>)
	Mr Scheffer
	Mr Smith
	Mr Somyurek
	Mr Tee
	Mr Theophanous
	Mr Thornley
	Ms Tierney
	Mr Viney
	Mr Vogels

Amendment negatived.

Clause 9 — put and agreed to.

Clause 10 — Mr Guy (for Mr Koch) moved —

1. Clause 10, page 16, after line 32 insert—

"(5) A person who is convicted of an offence under this section is not eligible to be granted or to continue to hold—

(a) a taxi-cab licence; or

(b) a hire car licence."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Finn (*Teller*)
Mr Guy
Mr Kavanagh
Mrs Kronberg
Ms Lovell (*Teller*)
Mr O'Donohue
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

NOES, 23

Mr Barber
Ms Broad
Ms Darveniza
Mr Drum (*Teller*)
Mr Eideh
Mr Elasmarr
Mr Hall
Ms Hartland
Mr Jennings
Mr Lenders
Mr Madden
Ms Mikakos
Mr Pakula
Ms Pennicuik
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek (*Teller*)
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney

Amendment negatived.

Clause 10 — put and agreed to.

Clauses 11 to 22 — put and agreed to.

Clause 23 — Mr Theophanous moved —

1. Clause 23, page 25, lines 22 and 23, omit "Elva Zhang" and insert "the individual named in the complaint, as at 23 March 2007, as the person on whose behalf the complaint was lodged".

Question — That the amendment be agreed to — put and agreed to.

Clause 23, as amended — put and agreed to.

Clauses 24 to 85 — put and agreed to.

Committee resolved to reconsider clause 23, as amended.

Clause 23 — Question — That clause 23, as amended, stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35	NOES, 4
Mr Atkinson	Mr Barber
Ms Broad	Ms Hartland
Mrs Coote	Mr Kavanagh (<i>Teller</i>)
Mr Dalla-Riva	Ms Pennicuik (<i>Teller</i>)
Ms Darveniza	
Mr D.M. Davis	
Mr P.R. Davis	
Mr Drum	
Mr Eideh	
Mr Elasmarr	
Mr Finn	
Mr Guy	
Mr Hall	
Mr Jennings	
Mrs Kronberg	
Mr Leane	
Mr Lenders	
Ms Lovell	
Mr Madden	
Ms Mikakos	
Mr O'Donohue	
Mr Pakula (<i>Teller</i>)	
Mrs Petrovich (<i>Teller</i>)	
Mrs Peulich	
Ms Pulford	
Mr Rich-Phillips	
Mr Scheffer	
Mr Smith	
Mr Somyurek	
Mr Tee	
Mr Theophanous	
Mr Thornley	
Ms Tierney	
Mr Viney	
Mr Vogels	

Question agreed to.

Bill reported with an amendment.

3 PORT SERVICES AMENDMENT BILL 2007

Clause 1 — Ms Pennicuik moved —

1. Clause 1, lines 7 and 8, omit paragraph (c).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3	NOES, 35
Mr Barber	Mr Atkinson
Ms Hartland (<i>Teller</i>)	Ms Broad
Ms Pennicuik (<i>Teller</i>)	Mrs Coote
	Mr Dalla-Riva
	Ms Darveniza
	Mr D.M. Davis (<i>Teller</i>)

Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmar
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney (*Teller*)
 Mr Vogels

Amendment negated.

Clause 1 — put and agreed to.

Clauses 2 and 3 — put and agreed to.

Clause 4 — Mr Rich-Phillips moved —

1. Clause 4, line 18, after this line insert—

"**Environment Protection Authority** has the same meaning as **Authority** has in the **Environment Protection Act 1970**";.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Barber (<i>Teller</i>)	Ms Broad
Mr Atkinson	Ms Darveniza
Mrs Coote	Mr Drum
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmar
Mr P.R. Davis	Mr Hall (<i>Teller</i>)
Mr Finn	Mr Jennings
Mr Guy	Mr Leane
Ms Hartland	Mr Madden
Mr Koch	Ms Mikakos
Mrs Kronberg	Mr Pakula
Ms Lovell	Ms Pulford
Mr O'Donohue (<i>Teller</i>)	Mr Scheffer (<i>Teller</i>)
Ms Pennicuik	Mr Smith

Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney

Amendment negated.

Clause 4 — put and agreed to.

Clause 5 — Ms Pennicuik moved —

4. Clause 5, line 34, after this line insert—

(2) At the end of section 14A of the **Port Services Act 1995** insert—

"(2) Despite subsection (1)(d), excavated or dredged material must not be placed or disposed of in port of Melbourne waters if the excavated or dredged material is—

- (a) noxious or poisonous; or
- (b) harmful or potentially harmful to the health, welfare, safety or property of human beings; or
- (c) poisonous or harmful or potentially harmful to animals, birds, wildlife, fish or other aquatic life; or
- (d) poisonous or harmful or potentially harmful to plants or other vegetation; or
- (e) detrimental to any beneficial use made of the waters in which it is placed or disposed of."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Atkinson
Mr Barber (*Teller*)
Ms Hartland (*Teller*)
Ms Pennicuik

NOES, 32

Ms Broad
Mr Dalla-Riva (*Teller*)
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley (*Teller*)

Ms Tierney
Mr Vogels

Amendment negatived.

Clause 5 — put and agreed to.

Clause 6 — Ms Pennicuik moved —

5. Clause 6, line 19, after this line insert—

'(2) At the end of section 22 of the **Port Services Act 1995** insert—

"(2) Despite subsection (1)(d), excavated or dredged material must not be placed or disposed of in port waters of VRCA if the excavated or dredged material is—

(a) noxious or poisonous; or

(b) harmful or potentially harmful to the health, welfare, safety or property of human beings; or

(c) poisonous or harmful or potentially harmful to animals, birds, wildlife, fish or other aquatic life; or

(d) poisonous or harmful or potentially harmful to plants or other vegetation; or

(e) detrimental to any beneficial use made of the waters in which it is placed or disposed of.".'. .

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Atkinson

Mr Barber

Ms Hartland (*Teller*)

Ms Pennicuik (*Teller*)

NOES, 32

Ms Broad

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum (*Teller*)

Mr Eideh

Mr Elasmarr

Mr Finn

Mr Guy

Mr Hall

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Ms Lovell

Mr Madden

Ms Mikakos

Mr O'Donohue

Mr Pakula (*Teller*)

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Rich-Phillips

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Mr Theophanous

Mr Thornley

Ms Tierney

Mr Vogels

Amendment negatived.

Clause 6 — put and agreed to.

Clauses 7 to 19 — put and agreed to.

Schedule — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 49, 50 and 51

No. 49 — Tuesday, 4 December 2007

- 1 The Deputy President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The Deputy President read a Message from the Governor informing the Council that he had, on 27 November 2007, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

Crimes Amendment (Rape) Act 2007

Education and Training Reform Miscellaneous Amendments Act 2007

Graffiti Prevention Act 2007

Transport Accident and Accident Compensation Acts Amendment Act 2007.

- 3 **PAPERS** —

PARTNERSHIPS VICTORIA PROJECT SUMMARY — BARWON WATER BIOSOLIDS MANAGEMENT PROJECT — Mr Jennings moved, by leave, That there be laid before this House a copy of the Partnerships Victoria Project Summary — Barwon Water Biosolids Management Project, September 2007.

Question — put and agreed to.

The said Report was presented by Mr Jennings and ordered to lie on the Table.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 16 of 2007 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

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

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

Banyule Planning Scheme — Amendment C49.

Bass Coast Planning Scheme — Amendments C73 and C76.

Brimbank Planning Scheme — Amendment C99.

Campaspe Planning Scheme — Amendment C46.

Cardinia Planning Scheme — Amendments C96 and C102.

Greater Bendigo Planning Scheme — Amendment C87.

Greater Dandenong Planning Scheme — Amendment C85.

Hume Planning Scheme — Amendment C91.

Maribyrnong Planning Scheme — Amendment C69.

Melbourne Planning Scheme — Amendment C128.

Moorabool Planning Scheme — Amendment C38.
 Moreland Planning Scheme — Amendment C84.
 Port Phillip Planning Scheme — Amendment C65.
 South Gippsland Planning Scheme — Amendment C42.
 Warrnambool Planning Scheme — Amendment C51.
 Whittlesea Planning Scheme — Amendment C41 (Part 1).
 Yarriambiack Planning Scheme — Amendment C7.

Statutory Rules under the following Acts of Parliament:

County Court Act 1958 — No. 127.

Supreme Court Act 1986 — No. 125.

Taxation Administration Act 1997 — No. 126.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 127.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 123.

Wrongs Act 1958 — Notice of Scale of Fees and Costs for Referrals of Medical Questions to Medical Panels.

4 RIGHT OF REPLY —

CR ROSEMARY WEST — Pursuant to the Standing Orders of the Legislative Council, the Deputy President presented a Right of Reply from Councillor Rosemary West to statements made in the Council by Mr Guy on 20 September 2007.

Ordered to lie on the Table and to be printed.

MR COLIN LONG — Pursuant to Standing Order 22.03, the Deputy President informed the Council of the President's decision that no further action be taken in relation to a submission for a Right of Reply received from Mr Colin Long.

5 BUSINESS OF THE COUNCIL — Mr P.R. Davis moved, by leave, That General Business on Wednesday, 5 December 2007 be taken in the following order:

- (1) the Notice of Motion given this day by Mr Hall of his intention to introduce a Bill to supplement Melbourne's water supplies by establishing targets for promoting the use of alternative water sources;
- (2) the Notice of Motion given this day by Mr Drum of his intention to introduce a Bill to amend the *Tobacco Act 1987* to further control the effects of tobacco products on minors; and
- (3) the Notice of Motion given this day by Mr Dalla-Riva concerning police corruption allegations.

Question — put and agreed to.

6 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed for one week.

7 ANIMALS LEGISLATION AMENDMENT (ANIMAL CARE) BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Mrs Petrovich announced that Mr Vogels proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

The Acting President resumed the Chair; and the Deputy President 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

8 AGENT-GENERAL AND COMMISSIONERS FOR VICTORIA BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Mr P.R. Davis announced that he proposed to move an amendment in Committee and requested that it be circulated.

Accordingly, the amendment was circulated.

Debate continued.

Business having been interrupted at 2.03 p.m. pursuant to Standing Orders —

9 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

10 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

11 AGENT-GENERAL AND COMMISSIONERS FOR VICTORIA BILL 2007 — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

The Acting President resumed the Chair; and the Deputy President having reported that the Committee had agreed to the Bill with an amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with an amendment and requesting their agreement.

12 TRANSPORT LEGISLATION AMENDMENT BILL 2007 — The Acting President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made in this Bill by the Council.

13 VICTORIAN WORKERS' WAGES PROTECTION BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The Deputy President in the Chair

AYES, 22

NOES, 16

Mr Barber

Mr Atkinson

Ms Broad

Mr Dalla-Riva

Ms Darveniza (*Teller*)

Mr D.M. Davis

Mr Eideh

Mr P.R. Davis

Mr Elasmr

Mr Drum

Ms Hartland

Mr Finn

Mr Jennings

Mr Guy

Mr Kavanagh

Mr Hall

Mr Leane (*Teller*)

Mr Koch

Mr Lenders

Mrs Kronberg

Mr Madden

Ms Lovell

Ms Mikakos

Mr O'Donohue

Mr Pakula

Mrs Petrovich

Ms Pennicuik

Mrs Peulich (*Teller*)

Ms Pulford

Mr Rich-Phillips (*Teller*)

Mr Scheffer

Mr Vogels

Mr Somyurek

Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

Question agreed to.

Bill read a second time.

Mr Madden moved, by leave, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The Deputy President in the Chair

AYES, 22

NOES, 16

Mr Barber
 Ms Broad
 Ms Darveniza
 Mr Eideh
 Mr Elasmarr
 Ms Hartland
 Mr Jennings
 Mr Kavanagh
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula (*Teller*)
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley (*Teller*)
 Ms Tierney
 Mr Viney

Mr Atkinson
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum (*Teller*)
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Koch
 Mrs Kronberg
 Ms Lovell (*Teller*)
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

14 NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

15 VICTORIAN ENERGY EFFICIENCY TARGET BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

16 AGENT-GENERAL AND COMMISSIONERS FOR VICTORIA BILL 2007 — The Acting President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made in this Bill by the Council.

17 ADJOURNMENT — Mr Theophanous moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.27 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 50 — Wednesday, 5 December 2007

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

2 **ASSENT TO ACTS** — The Deputy President read a Message from the Governor informing the Council that he had, on 4 December 2007, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

Electricity Safety Amendment Act 2007

Melbourne and Olympic Parks Amendment Act 2007

Port Services Amendment Act 2007.

3 **MOTOR CAR TRADERS AMENDMENT BILL 2007** — The Deputy President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Motor Car Traders Act 1986, the Interpretation of Legislation Act 1984 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

4 **PAPERS** —

MINISTER FOR FINANCE'S RESPONSE TO AUDITOR-GENERAL'S REPORTS — Mr Jennings (for Mr Lenders) moved, by leave, That there be laid before this House a copy of the Response by the Minister for Finance to the Auditor-General's Reports tabled during 2006-07.

Question — put and agreed to.

The said paper was presented by Mr Jennings and ordered to lie on the Table.

* * * * *

EDUCATION AND TRAINING COMMITTEE — SCHOOL UNIFORMS — Mr Elasmar presented a Report from the Education and Training Committee on School Uniforms (including Appendices), together with Minutes of Evidence.

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

Mr Elasmar moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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

Audit Act 1994 — Report on the Performance Audit of the Auditor-General and the Auditor-General's Office, November 2007.

Auditor-General —

Report on Funding and Delivery of Two Freeway Upgrade Projects, December 2007.

Results of Financial Statement Audits for Agencies with 30 June 2007 Balance Dates, December 2007.

Disability Act 2006 — Report of Community Visitors for 2006-07.

Health Services Act 1988 — Report of Community Visitors for 2006-07.

Mental Health Act 1986 — Report of Community Visitors for 2006-07.

Mildura Cemetery Trust —

Minister's report of failure to submit report for 2006-07 to the Minister within the prescribed period and the reasons therefor.

Report, 2006-07.

Ombudsman — Report on Investigation into VicRoads driver licensing arrangements, December 2007.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 VICTORIAN WATER SUBSTITUTION TARGET BILL 2007 — Mr Hall, pursuant to notice, introduced *A Bill for an Act to amend the Fair Trading Act 1999, the Owners Corporations Act 2006, the Partnership Act 1958, the Shop Trading Reform Act 1996, the Subdivision Act 1988, the Trade Measurement Act 1995, the Trade Measurement (Administration) Act 1995 and other Acts and to repeal the Frustrated Contracts Act 1959 and the Hire-Purchase Act 1959 and for other purposes.*

Bill read a first time and ordered to be read a second time on the next day of meeting.

7 TOBACCO (CONTROL OF TOBACCO EFFECTS ON MINORS) BILL 2007 — Mr Drum, pursuant to notice, introduced *A Bill for an Act to amend the Tobacco Act 1987 to further control the effects of tobacco products on minors by making it an offence to smoke in motor vehicles in the presence of minors and for minors to possess tobacco products and for other purposes.*

Bill read a first time and ordered to be read a second time on the next day of meeting.

8 POLICE CORRUPTION — Mr Dalla-Riva moved, That this House expresses its serious concern at the recent allegations of police corruption in Victoria.

Debate ensued.

Question — put and agreed to.

9 BUSINESS POSTPONED — Ordered — That the consideration of the remaining Notices of Motion, General Business, and Orders of the Day, General Business, be postponed until the next day of meeting.

10 LIQUOR CONTROL REFORM AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Ms Lovell announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Business having been interrupted at 2.03 p.m. pursuant to Standing Orders —

11 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

12 LIQUOR CONTROL REFORM AMENDMENT BILL 2007 — Debate continued on the question, That the Bill be now read a second time.

Ms Hartland announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

The Acting President resumed the Chair; and the Deputy President reported that the Committee had made progress in the Bill and asked leave to sit again.

Bill to be again considered in Committee of the whole on the next day of meeting.

Mr P.R. Davis moved, That the remaining clauses 22 to 28 inclusive, of the Liquor Control Reform Amendment Bill 2007, be referred to the Legislation Committee.

Debate ensued.

Question — put and agreed to.

13 POLICE REGULATION AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Mr Dalla-Riva moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until —

- (1) the Office of Police Integrity has reported on the November 2007 public hearings and the Parliament has had an opportunity to ascertain the operational effectiveness of the Office of Police Integrity as an anti-corruption body as compared to similar bodies in other Australian jurisdictions; and
- (2) this Bill is redrafted to provide for the immediate introduction of random drug and alcohol testing for all Victoria Police members”.

Debate ensued.

On the motion of Mr Tee, the debate was adjourned until the next day of meeting.

14 ANNUAL STATEMENT OF GOVERNMENT INTENTIONS — The Acting President announced the receipt of a Message from the Assembly informing the Council that they had agreed to the following Resolution:

That the following sessional order be inserted after Sessional Order 3:

“So much of standing orders be suspended so as to allow:

- 1 The Premier to make a Statement of Government Intentions immediately after the Prayer on the first sitting day of each year.
- 2 No time limit to apply to the length of the Premier’s Statement.
- 3 Council members be permitted to attend the Legislative Assembly Chamber to hear the Statement.
- 4 Prior to each day on which a Statement is to be made, the Speaker to confirm to the President the date and approximate timing of the Statement.
- 5 The lower public gallery on the Opposition side of the House be deemed to be part of the Legislative Assembly Chamber for the duration of the Statement to provide additional accommodation for members of the Legislative Council.
- 6 At the conclusion of the Statement the members of the Legislative Council will retire to their Chamber.
- 7 Responses to the Statement to be listed under Government Business for the next sitting day.
- 8 Responses may be made by:
 - (a) the Leader of the Opposition for a time limited to the time taken by the Premier in making the Statement;
 - (b) the Leader of The Nationals for 20 minutes;
 - (c) any other member for 10 minutes.
- 9 Condolences under SO 42 will not take place on the first sitting day of each year but may, at the discretion of the Government, be given precedence on any other sitting day of that week.”.

15 FAIR TRADING AND CONSUMER ACTS FURTHER AMENDMENT BILL 2007 — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Fair Trading Act 1999, the Conveyancers Act 2006, the Motor Car Traders Act 1986, the Consumer Credit (Victoria) Act 1995 and several other Consumer Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 16 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until the next day of meeting.
- 17 STATE TAXATION AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 18 GAMBLING LEGISLATION AMENDMENT (PROBLEM GAMBLING AND OTHER MEASURES) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Business having been interrupted by the Deputy President at 10.00 p.m., the debate stood adjourned in the name of Mrs Peulich.
- 19 LEGISLATION REFORM (REPEALS No. 1) BILL 2007** — The Deputy President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to repeal certain spent or redundant Acts relating to local government, health, housing, community services and other matters* and requesting the agreement of the Council.
On the motion of Mr Lenders, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 20 ADJOURNMENT** — The Deputy President proposed the question, That the House do now adjourn.
Debate ensued.
And then the Council, at 10.26 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 51 — Thursday, 6 December 2007

- 1 The President took the Chair and read the Prayer.
- 2 JOINT STANDING ORDERS COMMITTEES** — The President advised the Council that at a joint meeting of the Standing Orders Committees of both Houses on 5 December 2007, it was noted that the Legislative Council expressed its disappointment in the language of the resolution passed by the Legislative Assembly on 18 July 2007.
The joint meeting was held further to the Council's consideration of the content of a Message transmitted from the Assembly in response to a Council request for leave to be granted for certain Members to attend before the Select Committee on Gaming Licensing.
- 3 PETITION — OFFICER RAILWAY STATION** — Mr O'Donohue presented a Petition bearing 118 signatures from certain citizens of Victoria requesting that the State Government upgrade the Officer Railway Station by providing improved shelter and seating for railway passengers and sealing, marking and providing improved signage to the adjoining carparking area.
Ordered to lie on the Table.
- 4 PAPERS** —
- VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS REPORT** — Mr Theophanous (for Mr Madden) moved, by leave, That there be laid before this House a copy of the Victorian Government Indigenous Affairs Report, 2006-07.
Question — put and agreed to.
The said report was presented by Mr Theophanous and ordered to lie on the Table.

DRUGS AND CRIME PREVENTION COMMITTEE — OVERSEAS EVIDENCE SEEKING TRIP — Mr Leane (for Ms Mikakos) moved, by leave, That there be laid before this House a copy of a Report from the Drugs and Crime Prevention Committee on the Overseas Evidence Seeking Trip 2007.

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

* * * * *

SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT — Mr D.M. Davis presented an interim Report from the Select Committee on Public Land Development (including Appendices, Extracts from the Proceedings and a Minority Report), together with Minutes of Evidence.

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

Mr D.M. Davis moved, That the Council take note of the Report.

Debate ensued.

On the motion of Mr O'Donohue, the debate was adjourned until later this day.

- 5 LEGISLATION COMMITTEE** — Mr Lenders moved, by leave, That this House requests the Legislative Assembly to grant leave to the Honourable A.G. Robinson, MP, Minister for Consumer Affairs, to appear before the Legislative Council Legislation Committee to give evidence and answer questions in relation to the Liquor Control Reform Amendment Bill 2007.

Question — put and agreed to.

- 6 SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT** — Debate resumed on the question, That the Council take note of the Interim Report from the Select Committee on Public Land Development.

Question — put and agreed to.

7 PAPERS —

DRUGS AND CRIME PREVENTION COMMITTEE — BENZODIAZEPINES AND OTHER PHARMACEUTICAL DRUGS — Ms Mikakos presented the final Report from the Drugs and Crime Prevention Committee on the Misuse/Abuse of Benzodiazepines and Other Forms of Pharmaceutical Drugs in Victoria (including Appendices), together with Minutes of Evidence.

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

Ms Mikakos moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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 of the Attorney-General on the operation of the Act, 2006-07.

Municipal Association of Victoria Insurance — Report, 2006-07.

Office of Police Integrity — Report on the 'Kit Walker' Investigations, December 2007.

Primary Industries Department — Report under Section 30L of the Surveillance Devices Act 1999, 2006-07.

Statutory Rule under the Supreme Court Act 1986 — No. 128.

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 128.

TAFE Development Centre — Minister's report of receipt of 2006-07 report.

Victorian Electoral Commission — Report on the Albert Park District and Williamstown District By-elections held on 15 September 2007.

- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 9 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

10 LEGISLATION REFORM (REPEALS NO. 1) BILL 2007 — Mr Jennings (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Mr Rich-Phillips), the debate was adjourned for one week.

11 FAIR TRADING AND CONSUMER ACTS FURTHER AMENDMENT BILL 2007 — Mr Jennings (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Ms Lovell), the debate was adjourned for one week.

12 MOTOR CAR TRADERS AMENDMENT BILL 2007 — Mr Jennings (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Ms Lovell), the debate was adjourned for one week.

13 POLICE REGULATION AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time and on the amendment that all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until —

(1) the Office of Police Integrity has reported on the November 2007 public hearings and the Parliament has had an opportunity to ascertain the operational effectiveness of the Office of Police Integrity as an anti-corruption body as compared to similar bodies in other Australian jurisdictions; and

(2) this Bill is redrafted to provide for the immediate introduction of random drug and alcohol testing for all Victoria Police members”.

Question — That the reasoned amendment moved by Mr Dalla-Riva be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson
Mr Dalla-Riva
Mr D.M. Davis
Mr Drum
Mr Finn
Mr Guy
Mr Hall
Mr Kavanagh
Mr Koch
Mrs Kronberg
Ms Lovell
Mr O’Donohue
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips (*Teller*)
Mr Vogels (*Teller*)

NOES, 21

Mr Barber
Ms Broad (*Teller*)
Ms Darveniza
Mr Eideh
Ms Hartland
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Mr Pakula
Ms Pennicuik
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney (*Teller*)

Amendment negatived.

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

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

14 LEGISLATION COMMITTEE — The President announced the receipt of a Message from the Assembly informing the Council that they had agreed to the following Resolution:

That this House grants leave for the Minister for Consumer Affairs to appear before the Legislative Council Legislation Committee to give evidence and answer questions in relation to the Liquor Control Reform Amendment Bill 2007, if the Minister thinks fit.

15 ROAD LEGISLATION FURTHER AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Mr Koch moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Minister —

- (1) has advised the House that he has sought assurances from other jurisdictions that the removal, from the National Transport Council model Bill, of the reasonable steps defence for operators and drivers is consistent with the approach taken by those jurisdictions;
- (2) provides the House with details of which organisations will be approved to access personal information under the proposed changes to section 92 of the *Road Safety Act 1986*; and
- (3) explains to the House what guidelines will be put in place to protect the privacy of individuals and the type of information that may be disclosed under the proposed changes to section 92 of the *Road Safety Act 1986*’.

Debate ensued.

Business having been interrupted at 2.03 p.m. —

16 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10

17 ROAD LEGISLATION FURTHER AMENDMENT BILL 2007 — Debate continued on the question, That the Bill be now read a second time and on the reasoned amendment moved by Mr Koch.

Ms Pennicuik announced that she proposed to move an amendment in Committee and requested that it be circulated.

Accordingly, the amendment was circulated.

Debate continued.

Question — That the reasoned amendment moved by Mr Koch be agreed to — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson
Mrs Coote
Mr Dalla-Riva (*Teller*)
Mr D.M. Davis
Mr P.R. Davis
Mr Finn
Mr Guy
Mr Koch (*Teller*)
Mrs Kronberg
Ms Lovell
Mr O’Donohue
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

NOES, 25

Mr Barber
Ms Broad
Ms Darveniza
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Hall
Ms Hartland
Mr Jennings
Mr Kavanagh
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos (*Teller*)
Mr Pakula

Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney (*Teller*)
 Mr Viney

Amendment negatived.

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

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

House in Committee.

The President resumed the Chair; and the Deputy President reported that the Committee had made progress in the Bill and asked leave to sit again.

Bill to be again considered in Committee of the whole later this day.

18 LEGISLATION COMMITTEE — LIQUOR CONTROL REFORM AMENDMENT BILL 2007 —

By leave, Mr Atkinson presented a Report from the Legislation Committee on the Liquor Control Reform Amendment Bill 2007 (including a Schedule of an Amendment recommended, the Minutes of the Committee's consideration of the Bill, and the transcript of the Committee's consideration of the Bill).

Ordered to lie on the Table and to be printed.

Mr Atkinson moved, by leave, That the Report be taken into consideration forthwith.

Question — put and agreed to.

Mr Atkinson moved, That the Council adopt the Report of the Legislation Committee on the Liquor Control Reform Amendment Bill 2007.

Question — put and agreed to.

The amendment to the Bill recommended by the Legislation Committee was agreed to pursuant to Standing Order 16.17.

19 LIQUOR CONTROL REFORM AMENDMENT BILL 2007 — The President left the Chair and the Bill was further considered in Committee of the whole.

The President resumed the Chair; and the Deputy President having reported that the Committee had agreed to the Bill with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

20 ROAD LEGISLATION FURTHER AMENDMENT BILL 2007 — The President left the Chair and the Bill was further considered in Committee of the whole.

The President resumed the Chair; and the Deputy President 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

21 GAMBLING LEGISLATION AMENDMENT (PROBLEM GAMBLING AND OTHER MEASURES) BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

22 CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL 2007 — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005, the County Court Act 1958, the Crimes Act 1958, the Crimes (Criminal Trials) Act 1999, the Magistrates' Court Act 1989, the Sentencing Act 1991, the Summary Offences Act 1966 and the Supreme Court Act 1986 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

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

On the motion of Mrs Coote (for Mr Rich-Phillips), the debate was adjourned for one week.

23 CHILDREN'S SERVICES AND EDUCATION LEGISLATION AMENDMENT (ANAPHYLAXIS MANAGEMENT) BILL 2007 — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Children's Services Act 1996 to require the proprietor of a children's service to have an anaphylaxis management policy and to amend the Education and Training Reform Act 2006 to require certain schools to have an anaphylaxis management policy and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mrs Coote (for Ms Lovell), the debate was adjourned for one week.

24 SITTING OF THE COUNCIL — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 5 February 2008 at 3.00 p.m.

Debate ensued.

Mr P.R. Davis moved, as an amendment, That the word and expression "at 3.00 p.m." be omitted.

Debate ensued.

Question — That the amendment moved by Mr P.R. Davis be agreed to — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Finn
Mr Guy
Mr Koch
Mrs Kronberg
Ms Lovell (*Teller*)
Mr O'Donohue
Mrs Petrovich
Mrs Peulich (*Teller*)

NOES, 25

Mr Barber (*Teller*)
Ms Broad
Ms Darveniza
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Hall
Ms Hartland
Mr Kavanagh
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden

Mr Rich-Phillips
Mr Vogels

Ms Mikakos
Mr Pakula
Ms Pennicuik
Ms Pulford (*Teller*)
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney

Amendment negatived.

Question — That the Council, at its rising, adjourn until Tuesday, 5 February 2008 at 3.00 p.m.
— put and agreed to.

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

Geoffrey Gardiner Dairy Foundation Limited — Report, 2006-07 (two papers).

26 EQUAL OPPORTUNITY AMENDMENT (FAMILY RESPONSIBILITIES) BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Ms Pennicuik, the debate was adjourned for one week.

27 LIQUOR CONTROL REFORM AMENDMENT BILL 2007 — The President announced the receipt of a Message from the Assembly informing the Council that they had agreed to some of the amendments made in the Bill by the Council and had disagreed with the remaining amendments as follows:

AMENDMENT NO 2

Clause 5, page 9, lines 30 and 31, omit all words and expressions on these lines and insert—

- "(j) that, under section 148E—
- (i) the notice may be varied or revoked; or
 - (ii) the person may appeal to the Magistrates' Court against the decision to give the notice."

AMENDMENT NO 3

Clause 5, page 11, line 20, after "**notice**" insert "**and appeal to Magistrates' Court**".

AMENDMENT NO 4

Clause 5, page 11, after line 28 insert—

- "(3) A person to whom a banning notice applies may appeal to the Magistrates' Court against the decision to give the notice.
- (4) A person may appeal under subsection (3), and the Magistrates' Court may hear and determine an appeal under that subsection, whether or not the period for which the notice applies has expired.
- (5) On an appeal under subsection (3), the Magistrates' Court must—
 - (a) redetermine the decision to give the notice; and
 - (b) hear any relevant evidence tendered by the appellant or the relevant police member who gave the notice; and
 - (c) without limiting its discretion, take into consideration anything that the relevant police member ought to have considered."

AMENDMENT NO 12

Clause 16, after line 24 insert—

"() At the end of section 87 of the Principal Act insert—

"(4) A licensee may apply to the Tribunal for review of a decision of a senior police member to suspend a licence under section 96A.

(5) A licensee may apply under subsection (4), and the Tribunal may hear and determine an application under that subsection, whether or not the period of suspension has expired."."

Mr Lenders moved, That the Message be taken into consideration forthwith.

Question — put and agreed to.

Mr Lenders moved, That the Council do not insist on their amendments with which the Assembly have disagreed.

Debate ensued.

Question — put and agreed to.

Message sent to the Assembly acquainting them that the Council do not insist on their amendments disagreed with by the Assembly.

28 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.41 p.m., adjourned until Tuesday, 5 February 2008.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 49, 50 and 51

Tuesday, 4 December 2007

1 ANIMALS LEGISLATION AMENDMENT (ANIMAL CARE) BILL 2007

Clauses 1 to 81 — put and agreed to.

Clause 82 — Mr Vogels moved —

1. Clause 82, line 19, omit "(1)".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 21
Mr Atkinson	Mr Barber
Mr Dalla-Riva (<i>Teller</i>)	Ms Broad
Mr D.M. Davis	Ms Darveniza
Mr P.R. Davis	Mr Eideh
Mr Finn	Mr Elasmr
Mr Guy	Ms Hartland (<i>Teller</i>)
Mr Hall	Mr Jennings
Mr Kavanagh	Mr Leane
Mr Koch	Mr Lenders
Mrs Kronberg	Mr Madden
Ms Lovell	Ms Mikakos
Mr O'Donohue	Mr Pakula
Mrs Petrovich (<i>Teller</i>)	Ms Pennicuik
Mrs Peulich	Ms Pulford
Mr Rich-Phillips	Mr Scheffer
Mr Vogels	Mr Somyurek (<i>Teller</i>)
	Mr Tee
	Mr Theophanous
	Mr Thornley
	Ms Tierney
	Mr Viney

Amendment negatived.

Clause 82 — put and agreed to.

Clauses 83 to 86 — put and agreed to.

Clause 87 — Ms Pennicuik moved —

1. Clause 87, page 70, line 2, omit "A" and insert "Subject to subsection (3), a".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3	NOES, 35
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland	Ms Broad

Ms Pennicuik (*Teller*)

Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmar
 Mr Finn
 Mr Guy (*Teller*)
 Mr Hall
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Ms Pulford
 Mrs Petrovich
 Mrs Peulich
 Mr Scheffer
 Mr Somyurek
 Mr Rich-Phillips
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney (*Teller*)
 Mr Vogels

Amendment negatived.

Clause 87 — put and agreed to.

Clauses 88 to 113 — put and agreed to.

Schedules 1 and 2 — put and agreed to.

Bill reported without amendment.

2 AGENT-GENERAL AND COMMISSIONERS FOR VICTORIA BILL 2007

Clauses 1 to 9 — put and agreed to.

Clause 10 — Mr P.R. Davis moved —

1. Clause 10, after line 6 insert—

"() The Minister must cause each report submitted under subsection (1) to be included in the relevant annual report of operations of the Department of Innovation, Industry and Regional Development under Part 7 of the **Financial Management Act 1994**."

Mr Theophanous moved an amendment to the amendment moved by Mr P.R. Davis —

Omit all words after "be" and insert "consolidated in the relevant annual report of operations of the Department of Innovation, Industry and Regional Development."."

Question — That the amendment moved by Mr Theophanous to the amendment moved by Mr P.R. Davis be agreed to — put and agreed to.

Question — That the amendment moved by Mr P.R. Davis, as amended, be agreed to — put and agreed to.

Clause 10, as amended — put and agreed to.

Clauses 11 to 17 — put and agreed to.

Bill reported with an amendment.

Wednesday, 5 December 2007

1 LIQUOR CONTROL REFORM AMENDMENT BILL 2007

Clauses 1 to 3 — put and agreed to.

Clause 4 — Ms Hartland moved —

1. Clause 4, after line 11 insert—

"homeless person has the same meaning as in the **Magistrates' Court Act 1989**;"

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr (<i>Teller</i>)
Mr P.R. Davis	Mr Jennings
Mr Drum (<i>Teller</i>)	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden (<i>Teller</i>)
Mr Hall	Ms Mikakos
Ms Hartland	Mr Pakula
Mr Kavanagh (<i>Teller</i>)	Ms Pulford
Mr Koch	Mr Scheffer
Mrs Kronberg	Mr Somyurek
Ms Lovell	Mr Tee
Mr O'Donohue	Mr Theophanous
Ms Pennicuik	Mr Thornley
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Amendment agreed to.

Clause 4, as amended — put and agreed to.

Clause 5 — Ms Hartland moved —

2. Clause 5, page 6, line 16, omit "area." and insert "area; and";

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)
 Ms Hartland
 Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos (*Teller*)
 Mr O'Donohue
 Mr Pakula (*Teller*)
 Ms Pulford
 Mrs Petrovich
 Mrs Peulich
 Mr Scheffer
 Mr Somyurek
 Mr Rich-Phillips
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negatived.

Ms Lovell moved —

1. Clause 5, page 9, lines 30 and 31, omit all words and expressions on these lines and insert—

"(j) that, under section 148E—

(i) the notice may be varied or revoked; or

(ii) the person may appeal to the Magistrates' Court against the decision to give the notice."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Atkinson
 Mr Barber
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum

NOES, 18

Ms Broad
 Ms Darveniza (*Teller*)
 Mr Eideh
 Mr Elasmarr
 Mr Jennings
 Mr Leane (*Teller*)

Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland	Mr Pakula
Mr Kavanagh	Ms Pulford
Mr Koch (<i>Teller</i>)	Mr Scheffer
Mrs Kronberg	Mr Somyurek
Ms Lovell	Mr Tee
Mr O'Donohue	Mr Theophanous
Ms Pennicuik	Mr Thornley
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels (<i>Teller</i>)	

Amendment agreed to.

Ms Lovell moved —

2. Clause 5, page 11, line 20, after "**notice**" insert "**and appeal to Magistrates' Court**".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis (<i>Teller</i>)	Mr Elasmar
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland	Mr Pakula (<i>Teller</i>)
Mr Kavanagh	Ms Pulford (<i>Teller</i>)
Mr Koch	Mr Scheffer
Mrs Kronberg	Mr Somyurek
Ms Lovell	Mr Tee
Mr O'Donohue (<i>Teller</i>)	Mr Theophanous
Ms Pennicuik	Mr Thornley
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Amendment agreed to.

Ms Lovell moved —

3. Clause 5, page 11, after line 28 insert—

- "(3) A person to whom a banning notice applies may appeal to the Magistrates' Court against the decision to give the notice.
- (4) A person may appeal under subsection (3), and the Magistrates' Court may hear and determine an appeal under that subsection, whether or not the period for which the notice applies has expired.
- (5) On an appeal under subsection (3), the Magistrates' Court must—
- redetermine the decision to give the notice; and
 - hear any relevant evidence tendered by the appellant or the relevant police member who gave the notice; and
 - without limiting its discretion, take into consideration anything that the relevant police member ought to have considered."

Question — That the amendment be agreed to — put and agreed to.

Ms Hartland moved —

4. Clause 5, page 22, line 9, omit "Koori" and insert "Aboriginal or Torres Strait Islander".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mr Dalla-Riva	Mr Eideh (<i>Teller</i>)
Mr D.M. Davis	Mr Elasmar
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Kavanagh
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Hall	Mr Madden
Ms Hartland	Ms Mikakos
Mr Koch	Mr Pakula
Mrs Kronberg (<i>Teller</i>)	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Donohue	Mr Somyurek
Ms Pennicuik	Mr Tee
Mrs Petrovich	Mr Theophanous
Mrs Peulich (<i>Teller</i>)	Mr Thornley
Mr Rich-Phillips	Ms Tierney (<i>Teller</i>)
Mr Vogels	Mr Viney

The Ayes and Noes being equal, the amendment was negatived.

Ms Hartland moved —

5. Clause 5, page 22, line 10, after "origin" insert "or were homeless persons".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmar
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Kavanagh
Mr Finn	Mr Leane (<i>Teller</i>)
Mr Guy	Mr Lenders
Mr Hall	Mr Madden
Ms Hartland	Ms Mikakos
Mr Koch (<i>Teller</i>)	Mr Pakula
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer (<i>Teller</i>)
Mr O'Donohue	Mr Somyurek
Ms Pennicuik	Mr Tee
Mrs Petrovich (<i>Teller</i>)	Mr Theophanous
Mrs Peulich	Mr Thornley
Mr Rich-Phillips	Ms Tierney
Mr Vogels	Mr Viney

The Ayes and Noes being equal, the amendment was negatived.

Ms Hartland moved —

7. Clause 5, page 23, line 17, after "origin" insert "or were homeless persons".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad (<i>Teller</i>)
Mr Barber	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall (<i>Teller</i>)	Ms Mikakos
Ms Hartland	Mr Pakula
Mr Kavanagh (<i>Teller</i>)	Ms Pulford
Mr Koch	Mr Scheffer
Mrs Kronberg	Mr Somyurek
Ms Lovell	Mr Tee (<i>Teller</i>)
Mr O'Donohue	Mr Theophanous
Ms Pennicuik	Mr Thornley
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Amendment agreed to.

Ms Hartland moved —

8. Clause 5, page 23, after line 29 insert—

- "(2) The Chief Commissioner must cause the information to be collected that is necessary to enable reports to be prepared under this section.
- (3) The Chief Commissioner must submit a report under this section to the Minister within 2 months after the end of the financial year to which the report relates.
- (4) The Minister must cause a report under this section to be presented to each House of Parliament within 7 sitting days of that House after the report is received by the Minister."

Question — That the amendment be agreed to — put and agreed to.

Ms Hartland moved —

9. Clause 5, page 23, line 30, omit "(2)" and insert "(5)".

Question — That the amendment be agreed to — put and agreed to.

Ms Hartland moved —

10. Clause 5, page 23, after line 32 insert—

"148S Review of Part

- (1) This section applies if a report under section 148R reveals that the operation of this Part has had a disproportionate effect on persons of a particular age or age group, persons of Aboriginal or Torres Strait Islander origin, homeless persons or any other sector of the community.
- (2) If this section applies, the Minister must review the operation of this Part and cause a report of the review to be presented to each House of Parliament within 6 months after the Minister received the report under section 148R.
- (3) If a House of Parliament is not sitting within the period specified in subsection (2), the Minister must give the report of the review to the Clerk of each House.
- (4) If a report is received by the Clerk of a House under subsection (3), the Clerk must—
- (a) as soon as practicable after the report is received, notify each member of the House of the receipt of the report and advise that the report is available upon request; and

- (b) give a copy of the report to any member of the House upon request to the Clerk; and
 - (c) cause the report to be presented to the House on the next sitting day of the House.
- (5) A response that is given to the Clerks under subsection (3) is taken to have been published by order, or under the authority, of the Houses of Parliament.
- (6) In this section—
Minister has the same meaning as in section 148R."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4	NOES, 34
Mr Barber	Mr Atkinson
Ms Hartland (<i>Teller</i>)	Ms Broad
Mr Kavanagh (<i>Teller</i>)	Mr Dalla-Riva
Ms Pennicuik	Ms Darveniza
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh
	Mr Elasmarr
	Mr Finn
	Mr Guy (<i>Teller</i>)
	Mr Hall
	Mr Jennings
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Mr Lenders
	Ms Lovell
	Mr Madden
	Ms Mikakos
	Mr O'Donohue
	Mr Pakula
	Ms Pulford
	Mrs Petrovich
	Mrs Peulich
	Mr Scheffer
	Mr Somyurek
	Mr Rich-Phillips
	Mr Tee
	Mr Theophanous (<i>Teller</i>)
	Mr Thornley
	Ms Tierney
	Mr Viney
	Mr Vogels

Amendment negatived.

Clause 5, as amended — put and agreed to.

Clauses 6 to 14 — put and agreed to.

Clause 15 — Ms Lovell moved —

4. Clause 15, after line 28 insert—

"(2) Before making a late hour entry declaration referred to in subsection (1), the Director must consult the Chief Commissioner."

Question — That the amendment be agreed to — put and agreed to.

Ms Lovell moved —

5. Clause 15, line 29, omit "(2)" and insert "(3)".
6. Clause 15, page 31, line 1, omit "(3)" and insert "(4)".
7. Clause 15, page 31, line 13, omit "(4)" and insert "(5)".

Question — That the amendments be agreed to — put and agreed to.

Clause 15, as amended — put and agreed to.

Clause 16 — Ms Lovell moved —

8. Clause 16, after line 24 insert—

() At the end of section 87 of the Principal Act **insert**—

"(4) A licensee may apply to the Tribunal for review of a decision of a senior police member to suspend a licence under section 96A.

(5) A licensee may apply under subsection (4), and the Tribunal may hear and determine an application under that subsection, whether or not the period of suspension has expired.".

Question — That the amendment be agreed to — put and agreed to.

Clause 16, as amended — put and agreed to.

Clauses 17 and 18 — put and agreed to.

Clause 19 — Ms Lovell moved —

9. Clause 19, page 35, line 18, omit "under" and insert "in accordance with".

Question — That the amendment be agreed to — put and agreed to.

Clause 19, as amended — put and agreed to.

Clauses 20 and 21 — put and agreed to.

Clause 22 — Ms Lovell moved —

10. Clause 22, line 27, after "on" insert "party".

Progress reported.

Thursday, 6 December 2007

1 ROAD LEGISLATION FURTHER AMENDMENT BILL 2007

Clauses 1 to 15 — put and agreed to.

Clause 16 — Progress reported on this clause.

Progress reported.

2 LIQUOR CONTROL REFORM AMENDMENT BILL 2007

Clause 22 — Debate continued on Clause 22. The report of the Legislation Committee having been adopted by the Council, this clause was omitted from the Bill.

Clauses 23 to 28 — put and agreed to.

Bill reported with amendments.

3 ROAD LEGISLATION FURTHER AMENDMENT BILL 2007

Clause 16 — Debate continued on Clause 16.

Question — That clause 16 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 37

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum (*Teller*)
 Mr Eideh
 Mr Elasmar
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane (*Teller*)
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Ms Pulford
 Mrs Petrovich
 Mrs Peulich
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Rich-Phillips
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

NOES, 3

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

Question agreed to.

Clauses 17 to 86 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 52, 53 and 54

No. 52 — Tuesday, 5 February 2008

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - On 11 December 2007 —
 - Agent-General and Commissioners for Victoria Act 2007*
 - Animals Legislation Amendment (Animal Care) Act 2007*
 - National Electricity (Victoria) Amendment Act 2007*
 - Police Regulation Amendment Act 2007*
 - State Taxation and Accident Compensation Acts Amendment Act 2007*
 - Transport Legislation Amendment Act 2007*
 - Victorian Energy Efficiency Target Act 2007*
 - Victorian Workers' Wages Protection Act 2007.*
 - On 18 December 2007 —
 - Gambling Legislation Amendment (Problem Gambling and Other Measures) Act 2007*
 - Liquor Control Reform Amendment Act 2007*
 - Road Legislation Further Amendment Act 2007.*
- 3 **TITLE OF HONOURABLE** — The President announced that advice had been received that the Governor had approved the retention of the title "Honourable" by Messrs Barry Wilfred Bishop, Ronald Henry Bowden, Andrew Ronald Brideson, William Forwood, Sang Minh Nguyen, Eadley Graeme Stoney and Christopher Arthur Strong, each of whom served as a Member of the Legislative Council for a continuous period of not less than ten years.
- 4 **STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION** — The President announced that he had received from the Party Leaders and the Australian Greens Whip, within the time set by the Resolution of the Council, advice in which Mr Barber, Ms Broad, Mr Guy, Mr Hall, Mr Rich-Phillips and Mr Viney were nominated as members of the Standing Committee on Finance and Public Administration, in addition to Mr Kavanagh who was appointed as a member of the Committee pursuant to the Resolution.
- 5 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 6 **PETITION — PUBLIC TRANSPORT FOR THE HILLS COMMUNITIES** — Mr O'Donohue presented a Petition bearing 749 signatures from certain citizens of Victoria requesting that the State Government establish better public transport alternatives for the Hills communities,

including a bus service that will link Emerald, Cockatoo and Gembrook to the township of Pakenham.

Ordered to lie on the Table.

7 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 1 of 2008 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

* * * * *

BUDGET SECTOR — UPDATE 2007-08 — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk presented a copy of the Budget Sector Update 2007-08.

* * * * *

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

Crown Land (Reserves) Act 1978 —

Minister's Order of 20 November 2007 giving approval to the granting of a lease at Elsternwick Park Reserve.

Minister's Order of 27 November 2007 giving approval to the granting of a lease at Albert Park Reserve.

Minister's Order of 27 November 2007 giving approval to the granting of a lease at Brighton Beach Reserve.

Minister's Order of 28 November 2007 giving approval to the granting of a lease at Wombat Hill Botanic Gardens Reserves.

Minister's Order of 8 December 2007 giving approval to the granting of a lease at Lake Wallace Caravan Park Reserve.

Minister's Order of 14 December 2007 giving approval to the granting of a lease at Torquay Public Purposes Reserves.

Health Services Act 1988 — Report of Community Visitors for 2006-07 (*in lieu of that tabled on 5 December 2007*).

Legal Profession Act 2004 — Practitioner Remuneration Order 2008.

Major Events (Crowd Management) Act 2003 — Minister's order of 19 December 2007 in relation to Junction Oval and surrounding parkland.

Medical Practitioners Board of Victoria — Report for the year ended 30 September 2007.

Murray Darling Basin Act 1993 — Revised Schedule G — Effect of the Snowy Scheme, pursuant to section 28(b) of the Act.

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

Alpine Planning Scheme — Amendment C16.

Banyule Planning Scheme — Amendment C58.

Bass Coast Planning Scheme — Amendment C80.

Boroondara Planning Scheme — Amendments C63 and C82.

Brimbank Planning Scheme — Amendment C95 Part 1.

Central Goldfields Planning Scheme — Amendment C15.

Corangamite Planning Scheme — Amendment C12.

Darebin Planning Scheme — Amendments C70, C82 and C89.

Glen Eira Planning Scheme — Amendment C57.

Greater Bendigo Planning Scheme — Amendment C99.

Greater Geelong Planning Scheme — Amendments C123 and C157.

Hobsons Bay Planning Scheme — Amendment C64.

Horsham Planning Scheme — Amendment C35.

Kingston Planning Scheme — Amendments C59, C60, C72 and C97.

Knox Planning Scheme — Amendment C65.

Loddon Planning Scheme — Amendment C21.

Manningham Planning Scheme — Amendment C73.

- Maribyrnong Planning Scheme — Amendment C68.
- Maroondah Planning Scheme — Amendment C66.
- Melbourne Planning Scheme — Amendment C127.
- Mitchell Planning Scheme — Amendment C35.
- Monash Planning Scheme — Amendments C72 and C78.
- Moreland Planning Scheme — Amendments C42, C62 and C74.
- Moyne Planning Scheme — Amendment C29.
- Murrindindi Planning Scheme — Amendment C20.
- Nillumbik Planning Scheme — Amendments C13 Part 2 and C50.
- Port of Melbourne Planning Scheme — Amendment NPS1.
- Port Phillip Planning Scheme — Amendments C63 and C67.
- Stonnington Planning Scheme — Amendments C68 and C72.
- Towong Planning Scheme — Amendment C14.
- Victoria Planning Provisions — Amendment V6.
- Wellington Planning Scheme — Amendments C36 and C48.
- Whitehorse Planning Scheme — Amendments C81, C86 and C88.
- Wyndham Planning Scheme — Amendments C104, C105 and C107.
- Yarra Planning Scheme — Amendments C52, C94 and C120.
- Yarra Ranges Planning Scheme — Amendments C56 and C59.
- Yarriambiack Planning Scheme — Amendment C14.
- Professional Standards Act 2003 — Institute of Chartered Accountants in Australia (Victoria) Scheme, 27 December 2007.
- Project Development and Construction Management Act 1994 — Nomination order and application order, 18 December 2007 and a statement of reasons for making a nomination order, 31 December 2007 (three papers).
- State Services Authority — The State of the Public Sector in Victoria, 2006-07.
- Statutory Rules under the following Acts of Parliament:
 - Charter of Human Rights and Responsibilities Act 2006 — Nos. 135 and 145/2007.
 - Dangerous Goods Act 1985 — No. 140/2007.
 - Environment Protection Act 1970 — No. 138/2007.
 - Fisheries Act 1995 — No. 143/2007.
 - Gene Technology Act 2001 — No. 147/2007.
 - Health Act 1958 — No. 146/2007.
 - Health Professions Registration Act 2005 — No. 132/2007.
 - Legal Profession Act 2004 — No. 134/2007
 - Magistrates' Court Act 1989 — No. 142/2007.
 - Mineral Resources (Sustainable Development) Act 1990 — No. 131/2007.
 - National Parks Act 1975 — No. 139/2007.
 - Owners Corporations Act 2006 — No. 130/2007.
 - Prevention of Cruelty to Animals Act 1986 — No. 144/2007.
 - Radiation Act 2005 — No. 148/2007.
 - Road Management Act 2004 — No. 154/2007.
 - Road Safety Act 1986 — Nos. 151, 152, 153, 155 and 156/2007 and 2/2008.
 - Subordinate Legislation Act 1994 — Nos. 129, 136 and 141/2007 and No. 1/2008.
 - Transport Act 1983 — Nos. 149 and 150/2007.
 - Travel Agents Act 1986 — No. 137/2007.
 - Victorian Civil and Administrative Tribunal Act 1998 — No. 133/2007.
- Subordinate Legislation Act 1994 —
 - Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule Nos. 151, 152, 153/2007.
 - Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 129, 136, 139, 141, 142, 143 and 144/2007.
 - Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 132, 135, 139, 140, 145, 146, 147, 148, 150, 154, 155 and 156/2007 and 1/2008.
- Water Act 1989 —
 - Olinda Creek Water Supply Protection Area Stream Flow Management Plan 2007.

Steels, Pauls and Dixons Creeks Water Supply Protection Area Stream Flow Management Plan 2007.

Stringybark Creek Water Supply Protection Area Stream Flow Management Plan 2007.

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Gambling Legislation Amendment (Problem Gambling and Other Measures) Act 2007 — Part 1 and sections 7, 16, 17, 18, 51 and 56, 30 January 2008 (*Gazette No. G5, 31 January 2008*).

Justice and Road Legislation Amendment (Law Enforcement) Act 2007 — Part 2, sections 11 and 12 and Part 5 except sections 14, 15 and 20 — 28 February 2008 (*Gazette No. G5, 31 January 2008*).

Liquor Control Reform Amendment Act 2007 — Except sections 11, 13, 16, 17(1), 19, 20, 21, 22 and 23, 19 December 2007 (*Gazette No. S342, 18 December 2007*).

National Electricity (Victoria) Amendment Act 2007 — Except section 5 and 6, 1 January 2008 (*Gazette No. G51, 20 December 2007*).

Port Services Amendment Act 2007 — 1 January 2008 (*Gazette No. G51, 20 December 2007*).

8 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

9 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

10 EQUAL OPPORTUNITY AMENDMENT (FAMILY RESPONSIBILITIES) BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

NOES, 16

Mr Barber

Ms Broad (*Teller*)

Ms Darveniza (*Teller*)

Mr Eideh

Mr Elasmarr

Ms Hartland

Mr Jennings

Mr Kavanagh

Mr Leane

Mr Lenders

Ms Mikakos

Mr Pakula

Ms Pennicuik

Ms Pulford

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Mr Theophanous

Mr Thornley

Ms Tierney

Mr Viney

Mr Atkinson

Mrs Coote (*Teller*)

Mr Dalla-Riva (*Teller*)

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Finn

Mr Guy

Mr Hall

Mr Koch

Mrs Kronberg

Ms Lovell

Mr O'Donohue

Mrs Petrovich

Mr Rich-Phillips

Mr Vogels

Question agreed to.

Bill read a second time.

Mr Theophanous moved, by leave, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Barber
 Ms Broad
 Ms Darveniza
 Mr Eideh (*Teller*)
 Mr Elasmar (*Teller*)
 Ms Hartland
 Mr Jennings
 Mr Kavanagh
 Mr Leane
 Mr Lenders
 Ms Mikakos
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

NOES, 16

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis (*Teller*)
 Mr Drum
 Mr Finn (*Teller*)
 Mr Guy
 Mr Hall
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Mrs Petrovich
 Mr Rich-Phillips
 Mr Vogels

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

11 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.05 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 53 — Wednesday, 6 February 2008

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2008 — Mr Lenders moved, by leave, That there be laid before this House a copy of the Annual Statement of Government Intentions for 2008.

Question — put and agreed to.

The said paper was presented by Mr Lenders and ordered to lie on the Table.

Mr Lenders moved, That the paper be taken into consideration on Tuesday next.

Question — put and agreed to.

* * * * *

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 Local Government: Results of the 2006-07 Audits, February 2008.

Essential Services Commission —
 Review of Port Planning, December 2007.
 Water Tariff Structures Review, December 2007.

3 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

4 TAX INCREASES — Mr D.M. Davis moved, That this House expresses concern at tax increases under the current Victorian Government, particularly the increase in stamp duty and land tax, and points to the likely detrimental impact that State Government plans to remove the land tax cap will have on small businesses, investors, retirees and renters.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

5 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

6 TAX INCREASES — Debate continued on the question, That this House expresses concern at tax increases under the current Victorian Government, particularly the increase in stamp duty and land tax, and points to the likely detrimental impact that State Government plans to remove the land tax cap will have on small businesses, investors, retirees and renters.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 21
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Finn	Ms Hartland (<i>Teller</i>)
Mr Guy	Mr Jennings
Mr Hall	Mr Leane (<i>Teller</i>)
Mr Kavanagh (<i>Teller</i>)	Mr Lenders
Mr Koch	Ms Mikakos
Mrs Kronberg	Mr Pakula
Ms Lovell	Ms Pennicuik
Mr O'Donohue	Ms Pulford
Mrs Petrovich	Mr Scheffer
Mrs Peulich	Mr Smith
Mr Rich-Phillips (<i>Teller</i>)	Mr Somyurek
Mr Vogels	Mr Tee
	Mr Theophanous
	Mr Thornley
	Ms Tierney
	Mr Viney

Question negatived.

7 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, General Business, Nos. 2 to 33 inclusive, be postponed until later this day.

8 PORT SERVICES AMENDMENT (PUBLIC DISCLOSURE) BILL 2008 — Mr D.M. Davis, pursuant to notice, introduced *A Bill for an Act to amend the Port Services Act 1995 and for other purposes.*

Bill read a first time and, by leave, ordered to be read a second time forthwith.

Mr D.M. Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006.*

Mr D.M. Davis moved, That the Bill be now read a second time.

On the motion of Mr Theophanous, the debate was adjourned until Wednesday, 20 February 2008.

9 ADJOURNMENT — Mr Theophanous moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.42 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 54 — Thursday, 7 February 2008

1 The President took the Chair and read the Prayer.

2 INFRINGEMENTS AND OTHER ACTS AMENDMENT BILL 2007 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Liquor Control Reform Act 1998, the Summary Offences Act 1966 and the Crimes Act 1958 to provide for a trial period of enforcement of certain offences by infringement notice, to make miscellaneous amendments to the Infringements Act 2006 to refine the operation of aspects of that Act and to make various amendments to other Acts which interact with that Act, to amend the Supreme Court Act 1986 to further provide for sheriff's powers in executing civil warrants and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden) the Bill was read a first time and, by leave, ordered to be read a second time later this day.

3 PETITION — GOULBURN RIVER PIPELINE — Ms Lovell presented a Petition bearing 10 signatures from certain citizens of Victoria requesting that the Government abandons its proposal to pipe water from the Goulburn River to Melbourne and instead addresses Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

Ordered to lie on the Table.

4 PAPERS —

ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — MANDATORY ETHANOL AND BIOFUELS TARGETS IN VICTORIA — Mr D.M. Davis presented a Report from the Economic Development and Infrastructure Committee on the Inquiry into Mandatory Ethanol and Biofuels Targets in Victoria, (including Appendices), together with Transcripts of Evidence.

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

Mr D.M. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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

Office of Police Integrity — Report on exposing corruption within senior levels of Victoria Police, February 2008.

Freedom of Information Act 1982 — Report of the Attorney-General on the operation of the Act, 2006-07 (*in lieu of that tabled on 6 December 2007*).

5 SITTING OF THE COUNCIL — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 26 February 2008.

Question — put and agreed to.

6 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

- 7 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.
- 9 CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Business having been interrupted at 12 noon pursuant to Sessional Orders —
- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 11 CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL 2007** — Debate continued on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time.
Mr Tee moved, That the Criminal Procedure Legislation Amendment Bill 2007 be referred to the Legislation Committee.
Question — put and agreed to.
- 12 FAIR TRADING AND CONSUMER ACTS FURTHER AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 13 CHILDREN'S SERVICES AND EDUCATION LEGISLATION AMENDMENT (ANAPHYLAXIS MANAGEMENT) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
On the motion of Mrs Coote, the debate was adjourned for one week.
- 14 INFRINGEMENTS AND OTHER ACTS AMENDMENT BILL 2007** — Mr Theophanous (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Theophanous the second reading speech was incorporated into Hansard.
Mr Theophanous moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 15 CRIMES AMENDMENT (CHILD HOMICIDE) BILL 2007** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 to create a new offence of child homicide and to increase the maximum penalty for certain offences, to make consequential amendments to the Children, Youth and Families Act 2005, the Coroners Act 1985 and the Sentencing Act 1991 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Theophanous (for Mr Madden) the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Theophanous laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Theophanous, the second reading speech was incorporated into Hansard.
Mr Theophanous moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 16 FREEDOM OF INFORMATION AMENDMENT BILL 2007** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Freedom of Information Act 1982, the Ombudsman Act 1973, the Victorian Civil and*

Administrative Tribunal Act 1998 and for other purposes and requesting the agreement of the Council.

On the motion of Mr Theophanous (for Mr Lenders) the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Theophanous laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Theophanous, the second reading speech was incorporated into Hansard.

Mr Theophanous moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Dalla-Riva), the debate was adjourned for one week.

17 ADJOURNMENT — Mr Theophanous moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.40 p.m., adjourned until Tuesday, 26 February 2008.

W.R. TUNNECLIFFE
Clerk of the Legislative Council



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 55, 56 and 57

No. 55 — Tuesday, 26 February 2008

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 11 February 2008, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
Equal Opportunity Amendment (Family Responsibilities) Act 2008
Fair Trading and Consumer Acts Further Amendment Act 2008.

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 4 **PETITIONS** —

OFFICER AND BEACONSFIELD ELECTRONIC GAMING MACHINES — Mr O'Donohue presented a Petition bearing 841 signatures from certain citizens of Victoria requesting that the State Government of Victoria recognise without delay the effect their gaming policies are having on local communities and that the flawed State Government gaming policies be changed so that local communities such as Beaconsfield and Officer can remain free of electronic gaming machines.

Ordered to lie on the Table.

* * * * *

CASTLEMAINE AMBULANCE STATION — Mr Drum presented a Petition bearing 244 signatures from certain citizens of Victoria requesting that the Government, as a matter of urgency, commit the necessary funding to allow the Castlemaine ambulance station to be staffed on a 24-hour basis.

Ordered to lie on the Table.

- 5 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

ALERT DIGEST — Mr Eideh presented Alert Digest No. 2 of 2008 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

* * * * *

LEGISLATION REFORM (REPEALS NO. 2) BILL 2007 — Mr Eideh presented a Report from the Scrutiny of Acts and Regulations Committee on the Legislation Reform (Repeals No. 2) Bill 2007 (including Appendices).

Ordered to lie on the Table and to be printed.

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

Crown Land (Reserves) Act 1978 — Minister's Order of 21 February 2008 giving approval to the granting of a lease at Bells Beach Surfing and Recreation Reserve.

Drugs, Poisons and Controlled Substances Act 1981 — Minister's Notice regarding the amendment, commencement and availability of the Poisons Code and Standard for the Uniform Scheduling of Drugs and Poisons, No. 22 (three papers).

Murray-Darling Basin Commission — Report, 2006-07.

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

Baw Baw Planning Scheme — Amendments C48 and C49.

Brimbank Planning Scheme — Amendments C89 Part 2 and C101.

Cardinia Planning Scheme — Amendment C109.

Colac Otway Planning Scheme — Amendment C50.

Corangamite Planning Scheme — Amendment C16 Part 1.

Greater Shepparton Planning Scheme — Amendments C71, C80 and C101.

Hepburn Planning Scheme — Amendment C40.

Hume Planning Scheme — Amendment C96.

Indigo Planning Scheme — Amendment C34.

Macedon Ranges Planning Scheme — Amendments C26 and C58.

Manningham Planning Scheme — Amendment C65.

Melton Planning Scheme — Amendment C76.

Moira Planning Scheme — Amendments C26.

Victoria Planning Provisions — Amendment VC46.

Road Management Act 2004 — Order pursuant to clause 4(1)(a) of Schedule 5A to the Act.

Statutory Rules under the following Acts of Parliament:

Fisheries Act 1995 — No. 4.

Magistrates' Court Act 1989 — Nos. 5 and 6.

Subordinate Legislation Act 1994 — No. 3.

Subordinate Legislation Act 1994 — Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 3 and 6.

* * * * *

PROCLAMATION — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Liquor Control Reform Amendment Act 2007 — Section 13 — 7 February 2008 (*Gazette No. G6, 7 February 2008*).

6 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

7 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

8 CHILDREN'S SERVICES AND EDUCATION LEGISLATION AMENDMENT (ANAPHYLAXIS MANAGEMENT) BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

9 MOTOR CAR TRADERS AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 10 ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2008** — Mr Jennings, moved, That the Council take note of the Annual Statement of Government Intentions for 2008.

Debate ensued.

Business having been interrupted by the President at 6.00 p.m., the debate stood adjourned in the name of Mr Hall.

- 11 LEGISLATION COMMITTEE** — The President announced the receipt of a letter dated 26 February 2008 from the Chair of the Legislation Committee informing the Council of the Committee's intention to meet that evening.

Mr Atkinson moved, by leave, That so much of the Standing Orders be suspended so as to allow the Legislation Committee to meet at 7.00 p.m. this day.

Question — put and agreed to.

- 12 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued.

And then the Council, at 6.54 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 56 — Wednesday, 27 February 2008

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

- 2 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 consequential on the Classification (Publications, Films and Computer Games) Amendment Act 2007 of the Commonwealth and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 3 PAPERS** —

VICTORIAN COMPETITION AND EFFICIENCY COMMISSION — Mr Lenders moved, by leave, That there be laid before this House a copy of the Victorian Competition and Efficiency Commission's Report on Simplifying the Menu: Food Regulation in Victoria, September 2007 and the Government Response to that Report.

Question — put and agreed to.

The said papers were presented by Mr Lenders 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 Deputy Clerk:

Auditor-General — Report on Agricultural Research Investment, Monitoring and Review, February 2008.

EastLink Project Act 2004 —

Variation Statement Nos. 10 to 28, pursuant to section 21(3) of the Act (19 papers).

EastLink Concession Deed, First Amending Deed, 28 June 2007.

Project Development and Construction Management Act 1994 — Nomination order, application order and statement of reasons for making a nomination order, 19 February 2008 (three papers).

Statutory Rules under the following Acts of Parliament:

Rail Safety Act 2006 — No. 9.

Subdivision Act 1988 — Transfer of Land Act 1958 — No. 8.

Veterinary Practice Act 1997 — No. 7.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 8.

4 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That General Business on on Wednesday, 27 February 2008 be taken in the following order:

- (1) the Order of the Day for the resumption of debate on the Port Services Amendment (Public Disclosure) Bill 2008;
- (2) Notice of Motion No. 27 standing in the name of Ms Pennicuik relating to a reference to the Standing Committee on Finance and Public Administration;
- (3) Notice of Motion No. 24 standing in the name of Mr Guy relating to the 75th anniversary of the Great Ukranian Famine-Holodomor; and
- (4) Notice of Motion No. 35 relating to a reference to the Family and Community Development Committee.

Question — put and agreed to.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 PORT SERVICES AMENDMENT (PUBLIC DISCLOSURE) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

7 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

8 PORT SERVICES AMENDMENT (PUBLIC DISCLOSURE) BILL 2008 — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

NOES, 19

Mr Atkinson

Mr Barber

Mrs Coote

Mr Dalla-Riva

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Finn

Mr Guy (*Teller*)

Mr Hall

Ms Hartland

Mr Kavanagh

Mr Koch (*Teller*)

Mrs Kronberg

Ms Lovell

Mr O'Donohue

Ms Pennicuik

Mrs Petrovich

Mrs Peulich

Mr Rich-Phillips

Mr Vogels

Ms Broad

Ms Darveniza

Mr Eideh

Mr Elasmarr

Mr Jennings

Mr Leane

Mr Lenders

Mr Madden

Ms Mikakos (*Teller*)

Mr Pakula (*Teller*)

Ms Pulford

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Mr Theophanous

Mr Thornley

Ms Tierney

Mr Viney

Question agreed to.

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

Bill transmitted to the Assembly with a Message requesting their agreement.

- 9 STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION** — Ms Pennicuik moved, That the Standing Committee on Finance and Public Administration be required to examine the business case for the Port Phillip Bay Channel Deepening Project as presented by the Port of Melbourne Corporation (PMC) and the Victorian Government and the legal and financial arrangements between the PMC and Boskalis Australia Pty Ltd and/or its parent company, Royal Boskalis Westminster NV, and report its findings by 30 June 2008.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Hartland
 Mr Kavanagh (*Teller*)
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik (*Teller*)
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

NOES, 19

Ms Broad
 Ms Darveniza
 Mr Eideh
 Mr Elasmar
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pulford (*Teller*)
 Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

Question agreed to.

- 10 UKRANIAN FAMINE** — Mr Guy moved, That this House:

- (1) notes that 2007 marked the 75th anniversary of the Great Ukrainian Famine-Holodomor of 1932-33 caused by the deliberate actions of the Stalin Communist regime of the Union of Soviet Socialist Republics;
- (2) recalls that an estimated 7 million Ukrainians starved to death as a result of the Stalin regime's policies in 1932-33 alone, and that millions more lost their lives in the purge which ensued for the remainder of the decade;
- (3) notes that this constituted one of the most heinous acts of genocide in history, that the Ukraine famine was one of the greatest losses of human life in one country in the 20th century, and it remains insufficiently known and acknowledged by the world community and the United Nations as an act of Genocide against the Ukrainian Nation and people, but has been recognised by the Verkhovna Rada (Parliament of Ukraine);
- (4) honours the memory of those who lost their lives;
- (5) joins the Ukrainian people throughout the world, and particularly Victorian Ukrainians, in commemorating these tragic events; and
- (6) urges the Victorian Government to support a resolution to the General Assembly of the United Nations that the Holodomor in Ukraine in 1932-33 be recognised as an act of genocide against the Ukrainian nation and people.

Debate ensued.

Question — put and agreed to.

- 11 FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — Mr D.M. Davis moved, That this House requires the Family and Community Development Committee to inquire, consider

and report, no later than 30 June 2009, on the State Government's provision of supported accommodation for Victorians with a disability and/or mental illness with regard to the following:

- (1) description of current Government funded supported accommodation, including the number and location of places, occupancy, staffing, demand management, methods of funding and oversight;
- (2) the adequacy of the current number of places and care provided in community residential units, residential institutions, community care units, secure extended care units, prevention and recovery care facilities and other forms of supported accommodation;
- (3) the adequacy and appropriateness of care and accommodation provided in various government, private and community facilities that accommodate clients with a disability or mental illness because of insufficient places in the specialist system, and in particular including supported residential services, boarding houses, public hospitals, nursing homes and SAAP funded services;
- (4) the impact on Victorian families of insufficient supported accommodation;
- (5) estimates of future supported accommodation needs and the appropriateness and transparency of the Government's management of demand and placement;
- (6) the Government's response to unmet accommodation needs, including sources of funding, planning and delivery;
- (7) the ability of country Victorians to access supported accommodation and the appropriateness and quality of care they receive;
- (8) the ability of members of culturally and linguistically diverse communities to access supported accommodation and the appropriateness and quality of care they receive;
- (9) the appropriateness of the current mix of service providers, including Government, private and community; and
- (10) alternate approaches addressing unmet needs for supported accommodation in Victoria.

Debate ensued.

Question — put and agreed to.

12 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 11.05 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 57 — Thursday, 28 February 2008

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

PARTNERSHIPS VICTORIA PROJECT SUMMARY — NEW ROYAL CHILDREN'S HOSPITAL PROJECT — Mr Jennings moved, by leave, That there be laid before this House a copy of the Partnerships Victoria Project Summary — The New Royal Children's Hospital Project, February 2008.

Question — put and agreed to.

The said paper was presented by Mr Jennings and 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 Deputy Clerk:

Judicial Remuneration Tribunal Act 1995 — Statement of Reasons, pursuant to section 14(2) of the Act.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 9.

4 SITTING OF THE COUNCIL — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 11 March 2008.

Question — put and agreed to.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

7 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

8 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2007 — Mr Jennings (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell, the debate was adjourned for one week.

9 FREEDOM OF INFORMATION AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

10 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

11 FREEDOM OF INFORMATION AMENDMENT BILL 2007 — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

The President resumed the Chair; and the Deputy President having reported that the Committee had agreed to the Bill with amendments, the Report was adopted.

Mr Madden moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 20

NOES, 20

Ms Broad

Ms Darveniza

Mr Eideh

Mr Elasmarr

Mr Jennings

Mr Kavanagh

Mr Leane

Mr Lenders

Mr Madden

Ms Mikakos

Mr Pakula

Ms Pulford

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Mr Theophanous

Mr Thornley (*Teller*)

Mr Atkinson

Mr Barber (*Teller*)

Mrs Coote

Mr Dalla-Riva

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Finn

Mr Guy

Mr Hall

Ms Hartland

Mr Koch (*Teller*)

Mrs Kronberg

Ms Lovell

Mr O'Donohue

Ms Pennicuik

Mrs Petrovich

Mrs Peulich

Ms Tierney (*Teller*)
Mr Viney

Mr Rich-Phillips
Mr Vogels

The Ayes and Noes being equal, the question was negatived.

Bill returned to the Assembly with a Message acquainting them that the Council have rejected the Bill.

- 12 LEGISLATION COMMITTEE — CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL 2007** — By leave, Mr Atkinson presented a Report from the Legislation Committee on the Criminal Procedure Legislation Amendment Bill 2007 (including the Minutes of the Committee's consideration of the Bill, and the Transcript of Evidence).

Ordered to lie on the Table and to be printed.

Mr Madden moved, by leave, That the consideration of the Report of the Legislation Committee on the Criminal Procedure Legislation Amendment Bill 2007 be made an Order of the Day for Tuesday, 11 March 2008.

Question — put and agreed to.

- 13 CONSUMER CREDIT (VICTORIA) AND OTHER ACTS AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Consumer Credit (Victoria) Act 1995, the Credit (Administration) Act 1984, the Fair Trading Act 1999, the Residential Tenancies Act 1997, the Sale of Land Act 1962 and certain other Acts and to repeal the Credit Reporting Act 1978 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Guy, the debate was adjourned for one week.

- 14 PROFESSIONAL BOXING AND COMBAT SPORTS AMENDMENT BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Professional Boxing and Combat Sports Act 1985 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Dalla-Riva, the debate was adjourned for one week.

- 15 ADJOURNMENT** — Mr Madden moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.53 p.m., adjourned until Tuesday, 11 March 2008.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 55, 56 and 57

Thursday, 28 February 2008

1 FREEDOM OF INFORMATION AMENDMENT BILL 2007

Clause 1 — Consideration of clause postponed.

Clauses 2 and 3 — put and agreed to.

Part heading preceding clause 4 — Mr Dalla-Riva moved —

2. Part heading preceding clause 4, omit this heading.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 20
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote (<i>Teller</i>)	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Kavanagh
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland	Mr Pakula (<i>Teller</i>)
Mr Koch	Ms Pulford
Mrs Kronberg	Mr Scheffer
Ms Lovell	Mr Smith
Mr O'Donohue	Mr Somyurek (<i>Teller</i>)
Ms Pennicuik	Mr Tee
Mrs Petrovich	Mr Theophanous
Mrs Peulich	Mr Thornley
Mr Rich-Phillips (<i>Teller</i>)	Ms Tierney
Mr Vogels	Mr Viney

The Ayes and Noes being equal, the amendment was negatived.

Clause 4 — Mr Madden moved —

1. Clause 4, page 6, after line 33 insert—

"(7) The Ombudsman must include a report on the standards issued under this section in the annual report to Parliament made under section 25(1) of the **Ombudsman Act 1973**."

Question — That the amendment be agreed to — put and agreed to.

Clause 4, as amended — put and agreed to.

Clauses 5 to 10 — put and agreed to.

Clause 11 — Question — That clause 11 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 20
Ms Broad	Mr Atkinson
Ms Darveniza (<i>Teller</i>)	Mr Barber
Mr Eideh	Mrs Coote
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Mr Kavanagh	Mr P.R. Davis
Mr Leane	Mr Drum (<i>Teller</i>)
Mr Lenders	Mr Finn
Mr Madden	Mr Guy
Ms Mikakos	Mr Hall
Mr Pakula	Ms Hartland
Ms Pulford	Mr Koch
Mr Scheffer	Mrs Kronberg
Mr Smith	Ms Lovell
Mr Somyurek	Mr O'Donohue (<i>Teller</i>)
Mr Tee	Ms Pennicuik
Mr Theophanous	Mrs Petrovich
Mr Thornley	Mrs Peulich
Ms Tierney (<i>Teller</i>)	Mr Rich-Phillips
Mr Viney	Mr Vogels

The Ayes and Noes being equal, the question was negatived.

Committee resolved to reconsider clause 11.

Mr Jennings moved, That the Chair report progress and ask leave to sit again.

Question — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 20
Ms Broad (<i>Teller</i>)	Mr Atkinson
Ms Darveniza	Mr Barber
Mr Eideh	Mrs Coote
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Mr Kavanagh	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Finn
Mr Madden	Mr Guy (<i>Teller</i>)
Ms Mikakos	Mr Hall
Mr Pakula	Ms Hartland
Ms Pulford	Mr Koch (<i>Teller</i>)
Mr Scheffer (<i>Teller</i>)	Mrs Kronberg
Mr Smith	Ms Lovell
Mr Somyurek	Mr O'Donohue
Mr Tee	Ms Pennicuik
Mr Theophanous	Mrs Petrovich
Mr Thornley	Mrs Peulich
Ms Tierney	Mr Rich-Phillips
Mr Viney	Mr Vogels

The Ayes and Noes being equal, the question was negatived.

Clause 11 recommitted, by leave.

Mr Dalla-Riva moved —

6. Clause 11, omit this clause.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 20
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza (<i>Teller</i>)
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr (<i>Teller</i>)
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Kavanagh
Mr Drum	Mr Leane
Mr Finn (<i>Teller</i>)	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland	Mr Pakula
Mr Koch	Ms Pulford
Mrs Kronberg	Mr Scheffer
Ms Lovell	Mr Smith
Mr O'Donohue	Mr Somyurek
Ms Pennicuik	Mr Tee
Mrs Petrovich	Mr Theophanous
Mrs Peulich (<i>Teller</i>)	Mr Thornley
Mr Rich-Phillips	Ms Tierney
Mr Vogels	Mr Viney

The Ayes and Noes being equal, the amendment was negatived.

Question — That clause 11 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 20
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber
Mr Eideh	Mrs Coote
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Mr Kavanagh	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders (<i>Teller</i>)	Mr Finn
Mr Madden	Mr Guy
Ms Mikakos	Mr Hall
Mr Pakula	Ms Hartland
Ms Pulford	Mr Koch
Mr Scheffer	Mrs Kronberg
Mr Smith	Ms Lovell
Mr Somyurek	Mr O'Donohue
Mr Tee	Ms Pennicuik
Mr Theophanous	Mrs Petrovich (<i>Teller</i>)
Mr Thornley (<i>Teller</i>)	Mrs Peulich
Ms Tierney	Mr Rich-Phillips
Mr Viney	Mr Vogels (<i>Teller</i>)

The Ayes and Noes being equal, the question was negatived.

Clause 11 omitted.

Clauses 12 to 18 — put and agreed to.

Clause 19 — Mr Barber moved —

5. Clause 19, page 21, line 5, omit "15" and insert "14".
6. Clause 19, page 21, line 9, omit "15" and insert "14".

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva (<i>Teller</i>)	Mr Elasmarr
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Leane (<i>Teller</i>)
Mr Drum	Mr Lenders
Mr Finn	Mr Madden
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Ms Hartland	Ms Pulford
Mr Kavanagh	Mr Scheffer
Mr Koch	Mr Smith
Mrs Kronberg	Mr Somyurek
Ms Lovell	Mr Tee
Mr O'Donohue	Mr Theophanous
Ms Pennicuik (<i>Teller</i>)	Mr Thornley (<i>Teller</i>)
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Amendments agreed to.

Clause 19, as amended — put and agreed to.

Clause 20 — Mr Dalla-Riva moved —

11. Clause 20, lines 13 to 29, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put and agreed to.

Question — That clause 20, as amended, stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 37	NOES, 3
Mr Atkinson	Mr Barber
Ms Broad	Ms Hartland (<i>Teller</i>)
Mrs Coote	Ms Pennicuik (<i>Teller</i>)
Mr Dalla-Riva	
Ms Darveniza	
Mr D.M. Davis	
Mr P.R. Davis	
Mr Drum	
Mr Eideh	
Mr Elasmarr	
Mr Finn	
Mr Guy	
Mr Hall	
Mr Jennings	
Mr Kavanagh (<i>Teller</i>)	
Mr Koch	
Mrs Kronberg	
Mr Leane	

Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee (*Teller*)
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

Question agreed to.

Clauses 21 to 25 — put and agreed to.

Clause 1 (postponed) — Mr Dalla-Riva moved —

1. Clause 1, page 2, lines 11 to 14, omit "and to provide for the time allowed to decide requests to be extended where consultation is carried out".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber (<i>Teller</i>)	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmara
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Kavanagh
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy (<i>Teller</i>)	Mr Madden
Mr Hall	Ms Mikakos (<i>Teller</i>)
Ms Hartland	Mr Pakula
Mr Koch	Ms Pulford
Mrs Kronberg	Mr Scheffer
Ms Lovell	Mr Smith
Mr O'Donohue	Mr Somyurek
Ms Pennicuik	Mr Tee
Mrs Petrovich	Mr Thornley
Mrs Peulich	Ms Tierney
Mr Rich-Phillips	Mr Viney (<i>Teller</i>)
Mr Vogels	

Amendment agreed to.

Clause 1, as amended — put and agreed to.

Bill reported with amendments.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 58, 59 and 60

No. 58 — Tuesday, 11 March 2008

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 4 March 2008, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

Children's Services and Education Legislation Amendment (Anaphylaxis Management) Act 2008

Motor Car Traders Amendment Act 2008.

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITION — OFFICER AND BEACONSFIELD ELECTRONIC GAMING MACHINES** — Mr O'Donohue presented a Petition bearing 590 signatures from certain citizens of Victoria requesting that the State Government of Victoria recognise without delay the effect their gaming policies are having on local communities and that the flawed State Government gaming policies be changed so that local communities such as Beaconsfield and Officer can remain free of electronic gaming machines.

Ordered to lie on the Table.

- 5 **PAPERS —**
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 3 of 2008 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

* * * * *

MID-YEAR FINANCIAL REPORT 2007-08 — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the 2007-08 Mid-Year Financial Report, incorporating the Quarterly Financial Report No. 2 for the period ended 31 December 2007.

* * * * *

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

Border Groundwaters Agreement Review Committee — Report, 2006-07.

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2007.

Lake Mountain Alpine Resort Management Board — Minister's report of receipt of report for the year ended 31 October 2007.

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2007.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2007.

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2007.

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

Casey Planning Scheme — Amendment C95.

Frankston Planning Scheme — Amendment C47.

Greater Bendigo Planning Scheme — Amendment C96.

Greater Dandenong Planning Scheme — Amendment C89.

Greater Geelong Planning Scheme — Amendments C78 and C134.

Indigo Planning Scheme — Amendment C41.

Knox Planning Scheme — Amendment C69.

Manningham Planning Scheme — Amendment C68.

Mornington Planning Scheme — Amendment C97.

Whitehorse Planning Scheme — Amendment C79.

Yarra Ranges Scheme — Amendment C68.

Statutory Rules under the following Acts of Parliament:

Adoption Act 1984 — No. 10.

Children, Youth and Families Act 2005 — No. 11.

Supreme Court Act 1986 — Crimes Act 1958 — Sentencing Act 1991 — Interpretation of Legislation Act 1984 — No. 12.

Subordinate Legislation Act 1994 — Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 11 and 12.

* * * * *

PROCLAMATION — A Proclamation of the Governor in Council fixing operative dates in respect of the following Act was laid on the Table by the Clerk:

Transport Legislation Amendment Act 2007 — Section 65 — 15 March 2008; sections 10, 12 and 21 — 31 March 2008; sections 54(3) and 57 — 1 July 2008 (Gazette No. G9, 28 February 2008).

6 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That General Business on Wednesday, 12 March 2008 be taken in the following order:

(1) Notice of Motion No. 30 standing in the name of Ms Hartland relating to the chemical incident at Tottenham; and

(2) the Notice of Motion given this day by Mr Guy relating to housing affordability.

Question — put and agreed to.

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

8 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

9 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

10 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

11 LEGISLATION REFORM (REPEALS NO. 1) BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

12 INFRINGEMENTS AND OTHER ACTS AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

The Acting President resumed the Chair; and the Deputy President 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

13 ADJOURNMENT — Mr Theophanous moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.24 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 59 — Wednesday, 12 March 2008

1 The President took the Chair and read the Prayer.

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

Auditor-General —

Report on Accommodation for People with a Disability, March 2008.

Report on Records Management in the Victorian Public Sector, March 2008.

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems, January 2008.

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

Bass Coast Planning Scheme — Amendments C46 Part 4, C68 and C79.

Cardinia Planning Scheme — Amendment C117.

Central Goldfields Planning Scheme — Amendment C12.

Greater Geelong Planning Scheme — Amendment C18.

Hume Planning Scheme — Amendments C92, C103 and C104.

Moreland Planning Scheme — Amendment C67.

Wangaratta Planning Scheme — Amendment C32.

Whitehorse Planning Scheme — Amendments C57 Part 3 and C74 Part 1.

Whittlesea Planning Scheme — Amendments C71 and C75.

Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria, 2006-07.

3 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

4 TOTTENHAM CHEMICAL INCIDENT— Ms Hartland moved, That this House calls on the Government to respond to the chemical incident at Paramount Road, Tottenham on 22 December 2007 by —

- (1) allocating sufficient funding in the 2008 Budget for an emergency telephone alerting system to commence within the next year for, at a minimum, residential zones adjacent to industrial zones in Victoria;

- (2) arranging for, and funding, the Environment Protection Authority, WorkSafe and City of Maribyrnong to investigate fully the compliance of industrial warehouses and workplaces in the Tottenham / Brooklyn area, as a matter of urgency;
- (3) making public any investigation that the Metropolitan Fire Brigade, Environment Protection Authority, Department of Human Services or Metropolitan Ambulance Service conducted into the incident;
- (4) investigating the need to provide larger buffers between residents and "Industrial 1" (heavy industry) zones; and
- (5) answering the questions posed in my report "Report on the Community Experience of the Tottenham Chlorine Emergency Incident of 22 December 2007", released on 6 February 2008.

Debate ensued.

Question — put and agreed to.

5 HOUSING AFFORDABILITY — Mr Guy moved, That this House notes the repeated failure of the Brumby and Bracks Labor Governments to combat the crisis in housing affordability including —

- (1) the adherence to the discredited Melbourne 2030 document;
- (2) the failure to acknowledge and respond to Melbourne's unplanned population explosion;
- (3) the failure to make more developable land available in urban growth areas over the last seven years;
- (4) the reduction in funding strategies designed to combat housing affordability in the 2007-08 budget;
- (5) misleading Victorians by claiming that 90,000 blocks of land will instantly be made available for development which will make land prices immediately cheaper;
- (6) the failure to build or plan new infrastructure, particularly water infrastructure, to accommodate future land release; and
- (7) the lack of a corresponding plan for rural and regional Victoria, in particular, a detailed plan for decentralisation to assist Melbourne to maintain its liveability.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

6 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and an answer to a question on notice was circulated pursuant to Standing Order 8.10.

7 HOUSING AFFORDABILITY — Debate continued on the motion moved by Mr Guy.

Mr Barber moved, as an amendment, That all the words after "That this House notes the" be omitted with the view of inserting in their place "Melbourne 2030 plan has led to a form of unsustainable growth and that to achieve economic, social and environmental sustainability, a Metropolitan Strategy must be based on —

- (1) zero net emissions of greenhouse gases;
- (2) self sufficiency in water;
- (3) public transport, with no more freeways; and
- (4) protection and recovery of all of Melbourne's land, freshwater and marine ecosystems."

Debate ensued.

Question — That the amendment moved by Mr Barber be agreed to — put.

The Council divided — The Deputy President in the Chair.

AYES, 3

Mr Barber
Ms Hartland (*Teller*)
Ms Pennicuik (*Teller*)

NOES, 35

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis

Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer (*Teller*)
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels (*Teller*)

Amendment negatived.

Question — That this House notes the repeated failure of the Brumby and Bracks Labor Governments to combat the crisis in housing affordability including —

- (1) the adherence to the discredited Melbourne 2030 document;
- (2) the failure to acknowledge and respond to Melbourne's unplanned population explosion;
- (3) the failure to make more developable land available in urban growth areas over the last seven years;
- (4) the reduction in funding strategies designed to combat housing affordability in the 2007-08 budget;
- (5) misleading Victorians by claiming that 90,000 blocks of land will instantly be made available for development which will make land prices immediately cheaper;
- (6) the failure to build or plan new infrastructure, particularly water infrastructure, to accommodate future land release; and
- (7) the lack of a corresponding plan for rural and regional Victoria in particular a detailed plan for decentralisation to assist Melbourne to maintain its liveability.

— put.

The Council divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis

NOES, 17

Ms Darveniza
 Mr Eideh
 Mr Elasmarr
 Mr Jennings
 Mr Leane

Mr Drum	Mr Lenders
Mr Finn (<i>Teller</i>)	Mr Madden
Mr Guy	Ms Mikakos (<i>Teller</i>)
Mr Hall	Mr Pakula
Mr Kavanagh	Ms Pulford
Mr Koch	Mr Scheffer
Mrs Kronberg	Mr Somyurek
Ms Lovell	Mr Tee
Mr O'Donohue	Mr Theophanous
Mrs Petrovich	Mr Thornley
Mrs Peulich (<i>Teller</i>)	Ms Tierney
Mr Rich-Phillips	Mr Viney (<i>Teller</i>)

The Ayes and Noes being equal, the question was negatived.

- 8 VICTORIAN STATE BUDGET 2008-2009** — The Deputy President announced the receipt of a Message from the Assembly informing the Legislative Council that under section 52 of the *Constitution Act 1975*, approval has been granted for Mr Lenders, Treasurer, to attend the Legislative Assembly on Tuesday, 6 May 2008 for the purpose of giving a speech in relation to the Victorian State Budget 2008-2009.

9 BUSINESS POSTPONED —

Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

- 10 CRIMES AMENDMENT (CHILD HOMICIDE) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 11 CONSUMER CREDIT (VICTORIA) AND OTHER ACTS AMENDMENT BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 12 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.48 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 60 — Thursday, 13 March 2008

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

- 2 RELATIONSHIPS BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to establish a relationships register in Victoria for the registration of domestic relationships, to provide for relationship agreements, to provide for property adjustment between domestic partners and for maintenance, to repeal Part IX of the Property Law Act 1958, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

3 PETITIONS —

ST KILDA TRIANGLE PLANNING — Mrs Coote presented a Petition bearing 2,208 signatures from certain citizens of Victoria requesting that the Minister for Planning moves to reject the application accepted by the City of Port Phillip on 7 February 2008, and ensures that any development on the St Kilda triangle site be for public purposes only as described in the *Crown Land (Reserves) Act 1978* and in accordance with the City of Port Phillip Urban Design Framework, that is primarily for cultural, entertainment and recreational purposes and public open spaces.

Ordered to lie on the Table.

* * * * *

ST KILDA TRIANGLE DEVELOPMENT — Ms Pennicuik presented a Petition bearing 2,453 signatures from certain citizens of Victoria requesting that the Minister for Planning moves to ensure that sufficient public funds are made available to enable the restoration and refurbishment of the heritage Palais Theatre and for any required decontamination and remediation work on the Crown land known as the St Kilda Triangle site.

Ordered to lie on the Table.

* * * * *

OFFICER AND BEACONSFIELD ELECTRONIC GAMING MACHINES — Mr O'Donohue presented a Petition bearing 64 signatures from certain citizens of Victoria requesting that the State Government of Victoria recognise without delay the effect their gaming policies are having on local communities and that the flawed State Government gaming policies be changed so that local communities such as Beaconsfield and Officer can remain free of electronic gaming machines.

Ordered to lie on the Table.

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

Ombudsman —

Report on Conflict of Interest in Local Government, March 2008.

Report on Conflict of Interest in the Public Sector, March 2008.

Statutory Rules under the following Acts of Parliament:

Liquor Control Reform Act 1998 — No. 13.

Public Administration Act 2004 — No. 14.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 14.

5 SITTING OF THE COUNCIL — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 8 April 2008.

Question — put and agreed to.

6 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

7 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

8 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

9 CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL 2007 — The Order of the Day having been read for the consideration of the Report of the Legislation Committee, Mr Jennings moved, That the Council adopt the report of the Legislation Committee on the Criminal Procedure Legislation Amendment Bill 2007.

Debate ensued.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Deputy President having reported that the Committee had agreed to the Bill with amendments, 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

10 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

11 RELATIONSHIPS BILL 2007 — Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

12 PROFESSIONAL BOXING AND COMBAT SPORTS AMENDMENT BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Mr Dalla-Riva announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

The Acting President resumed the Chair; and the Deputy President 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

13 CROWN LAND (RESERVES) AMENDMENT (CARLTON GARDENS) BILL 2008 — The Deputy President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Crown Land (Reserves) Act 1978 to provide for the management of land in the Carlton Gardens Reserve for special events and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr D.M. Davis), the debate was adjourned for one week.

14 LEGISLATION REFORM (REPEALS NO. 2) BILL 2007 — The Deputy President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to repeal certain spent Acts* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell, the debate was adjourned for one week.

15 CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL 2007 — The Deputy President announced the receipt of a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

16 ADJOURNMENT — Mr Jennings moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.16 p.m., adjourned until Tuesday, 8 April 2008.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 58, 59 and 60

Tuesday, 11 March 2008

1 INFRINGEMENTS AND OTHER ACTS AMENDMENT BILL 2007

Clauses 1 to 46 — put and agreed to.

Bill reported without amendment.

Thursday, 13 March 2008

1 CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL 2007

Clause 1 — put and agreed to.

Clauses 2 to 22 — Consideration of clauses postponed.

New Clause — Mr Madden moved —

14. Insert the following New Clause to follow clause 11—

"AA Repeal of provisions concerning sentence indications in Supreme Court and County Court

(1) Sections 23A and 32A of the **Crimes (Criminal Trials) Act 1999** are repealed.

(2) Section 25(1)(ed) of the **Supreme Court Act 1986** is repealed.

(3) Section 78(1)(hh) of the **County Court Act 1958** is repealed."

Question — That the new clause stand part of the Bill — put and agreed to.

New clause inserted.

Clause 2 (postponed) — Mr Madden moved —

1. Clause 2, line 11, omit "21(2)" and insert "22(2)".

2. Clause 2, line 14, omit "21(1)" and insert "22(1)".

3. Clause 2, after line 15 insert —

"(3) Section 12 comes into operation on 1 July 2010."

4. Clause 2, line 16, omit "(4)" and insert "(5)".

5. Clause 2, line 19, omit "(3)" and insert "(4)".

Question — That the amendments be agreed to — put and agreed to.

Clause 2, as amended — put and agreed to.

Clauses 3 to 18 (postponed) — put and agreed to.

Clause 19 (postponed) — Mr Madden moved —

6. Clause 19, line 26, omit "14" and insert "15".

7. Clause 19, line 29, omit "14" and insert "15".

8. Clause 19, line 31, omit "15" and insert "16".

9. Clause 19, line 35, omit "15" and insert "16".

Question — That the amendments be agreed to — put and agreed to.

Clause 19, as amended — put and agreed to.

Clause 20 (postponed) — Mr Madden moved —

10. Clause 20, line 8, before "Section 23A" insert "(1)".

11. Clause 20, line 13, omit "'.'. "

12. Clause 20, after line 13 insert—

'(2) If on the commencement of section 12 of the **Criminal Procedure Legislation Amendment Act 2007** a presentment has been filed but the proceeding has not concluded, section 23A and any rules made relating to sentence indications continue to apply to the proceeding as if section 23A had not been repealed.'.'. "

Question — That the amendments be agreed to — put and agreed to.

Clause 20, as amended — put and agreed to.

Clause 21 (postponed) — put and agreed to.

Clause 22 (postponed) — Mr Madden moved —

13. Clause 22, line 28, omit "2009" and insert "2011".

Question — That the amendment be agreed to — put and agreed to.

Clause 22, as amended — put and agreed to.

Bill reported with amendments.

2 PROFESSIONAL BOXING AND COMBAT SPORTS AMENDMENT BILL 2007

Clauses 1 to 3 — put and agreed to.

Clause 4 — Mr Dalla-Riva moved —

1. Clause 4, after line 20, insert—

"**cage fighting** means no-holds-barred mixed martial arts fighting that—

(a) allows each contestant to kick, punch, choke and knee the other contestant; and

(b) is conducted in a cage or other similar enclosed structure;".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 18
Mr Atkinson	Ms Darveniza
Mr Barber	Mr Eideh
Mrs Coote	Mr Elasmarr
Mr Dalla-Riva	Mr Jennings
Mr D.M. Davis	Mr Kavanagh
Mr P.R. Davis	Mr Leane
Mr Finn	Mr Madden
Mr Guy	Ms Mikakos (<i>Teller</i>)
Mr Hall	Mr Pakula
Ms Hartland	Ms Pulford
Mr Koch	Mr Scheffer
Mrs Kronberg (<i>Teller</i>)	Mr Smith
Ms Lovell	Mr Somyurek (<i>Teller</i>)
Mr O'Donohue	Mr Tee
Ms Pennicuik	Mr Theophanous
Mrs Petrovich (<i>Teller</i>)	Mr Thornley
Mrs Peulich	Ms Tierney
Mr Vogels	Mr Viney

The Ayes and Noes being equal, the amendment was negatived.
Clause 4 — put and agreed to.

Clauses 5 to 27 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 61, 62 and 63

No. 61 — Tuesday, 8 April 2008

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - On 14 March 2008 —
Classification (Publications, Films and Computer Games) (Enforcement) Amendment Act 2008.
 - On 18 March 2008 —
Consumer Credit (Victoria) and Other Acts Amendment Act 2008
Crimes Amendment (Child Homicide) Act 2008
Criminal Procedure Legislation Amendment Act 2008
Infringements and Other Acts Amendment Act 2008
Legislation Reform (Repeals No. 1) Act 2008
Professional Boxing and Combat Sports Amendment Act 2008.
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITIONS** —
 - OFFICER AND BEACONSFIELD ELECTRONIC GAMING MACHINES** — Mr O'Donohue presented a Petition bearing 998 signatures from certain citizens of Victoria requesting that the Government recognise without delay the effect their gaming policies are having on local communities and that the flawed State Government gaming policies be changed so that local communities such as Beaconsfield and Officer can remain free of electronic gaming machines.
Ordered to lie on the Table.

* * * * *
 - GOULBURN RIVER PIPELINE** — Ms Lovell presented a Petition bearing 20 signatures from certain citizens of Victoria requesting that the Government abandons its proposal to pipe water from the Goulburn River to Melbourne and instead addresses Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.
Ordered to lie on the Table.

5 PAPERS —**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —**

ALERT DIGEST — Mr Eideh presented Alert Digest No. 4 of 2008 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

ANNUAL REVIEW 2007 — Mr Eideh presented the Annual Review 2007 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

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PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2007-08 BUDGET ESTIMATES —

Pursuant to section 36(2) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Public Accounts and Estimates Committee's Report on the 2007-08 Budget Estimates.

* * * * *

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

Crown Land (Reserves) Act 1978 — Minister's Orders of 15 February and 14 March 2008 giving approval to the granting of leases at Elsternwick Park Reserve.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 3 April 2008 pursuant to section 7(4) of the Act.

National Environment Protection Council — Report, 2006-07.

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

Brimbank Planning Scheme — Amendment C92.

Kingston Planning Scheme — Amendment C71.

Knox Planning Scheme — Amendment C67.

Manningham Planning Scheme — Amendment C70.

Melbourne Planning Scheme — Amendments C92, C126 and C138.

Mitchell Planning Scheme — Amendment C53.

Monash Planning Scheme — Amendment C25.

Moreland Planning Scheme — Amendment C43.

Surf Coast Planning Scheme — Amendment C41.

West Wimmera Planning Scheme — Amendment C14.

Whittlesea Planning Scheme — Amendment C104.

Wyndham Planning Scheme — Amendments C81 and C91.

Yarra Ranges Planning Scheme — Amendment C63.

Special Investigations Monitor's Office — Report for the period ended 31 December 2007, pursuant to section 30Q of the Surveillance Devices Act 1999.

Statutory Rules under the following Acts of Parliament:

Legal Profession Act 2004 — No. 15.

Prevention of Cruelty to Animals Act 1986 — No. 16.

Subordinate Legislation Act 1994 — No. 17.

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 17.

Victorian Relief Committee — Report for the period 1 July 2006 to 31 December 2007.

Wildlife Act 1975 — Wildlife (Control of Hunting) Notice No. 1/2008, 4 March 2008.

* * * * *

PROCLAMATION — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Justice and Road Legislation Amendment (Law Enforcement) Act 2007 — Section 4(1) and section 8 — 1 April 2008 (*Gazette No. G13, 27 March 2008*).

6 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on 9 April 2008:

- (1) the Notice of Motion given this day by Mr Dalla-Riva relating to the Hepburn Mineral Springs Bath House; and
- (2) the Notice of Motion given this day by Mr D.M. Davis relating to the public hospital and health system.

Question — put and agreed to.

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

8 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

9 RELATIONSHIPS BILL 2007 — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

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

The Council divided — The President in the Chair.

AYES, 29

NOES, 10

Mr Atkinson

Mr P.R. Davis

Mr Barber

Mr Drum

Ms Broad

Mr Finn

Mrs Coote

Mr Hall

Mr Dalla-Riva

Mr Kavanagh

Ms Darveniza

Mr Koch

Mr D.M. Davis

Mrs Kronberg (*Teller*)

Mr Eideh

Mrs Peulich

Mr Elasmarr

Mr Rich-Phillips (*Teller*)

Mr Guy

Mr Vogels

Ms Hartland

Mr Jennings

Mr Leane

Mr Lenders

Ms Lovell

Mr Madden

Ms Mikakos

Mr O'Donohue

Mr Pakula

Ms Pennicuik (*Teller*)

Mrs Petrovich

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Mr Theophanous

Mr Thornley (*Teller*)

Ms Tierney

Mr Viney

Question agreed to.

Bill read a second time.

Bill to be committed to a Committee of the whole on the next day of meeting.

Business having been interrupted by the President at 10.05 p.m.—

- 10 CO-OPERATIVES AND PRIVATE SECURITY ACTS AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Co-operatives Act 1996 and the Private Security Act 2004 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 11 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued and certain responses to Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.54 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 62 — Wednesday, 9 April 2008

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

- 2 ESSENTIAL SERVICES COMMISSION AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Essential Services Commission Act 2001, to consequentially amend the Rail Corporations Act 1996 and the Water Industry Act 1994 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 3 PETITION — WALLAN SECONDARY COLLEGE** — Mrs Petrovich presented a Petition bearing 276 signatures from certain citizens of Victoria requesting that the Government provide immediate funding to allow Stage Three of the Wallan Secondary College to commence.

Ordered to lie on the Table.

- 4 PAPERS** —

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — STRENGTHENING GOVERNMENT AND PARLIAMENTARY ACCOUNTABILITY — Mr Barber presented a Report from the Public Accounts and Estimates Committee on Strengthening Government and Parliamentary Accountability in Victoria (including Appendices), together with Transcripts of Evidence.

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

Mr Barber moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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 Planning for Water Infrastructure in Victoria, April 2008.

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

Greater Shepparton Planning Scheme — Amendment C73.

Horsham Planning Scheme — Amendment C34.

Macedon Ranges Planning Scheme — Amendment C42.

Moreland Planning Scheme — Amendments C58 and C79.

Northern Grampians Planning Scheme — Amendment C16.

Whitehorse Planning Scheme — Amendment C75.

Wodonga Planning Scheme — Amendments C31 and C63.

Yarra Ranges Planning Scheme — Amendment C60.

Statutory Rules under the following Acts of Parliament:

Subordinate Legislation Act 1994 — No. 18.

Veterans Act 2005 — No. 19.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 19.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 HEPBURN MINERAL SPRINGS BATH HOUSE — Mr Dalla-Riva moved, That this House —

- (1) expresses deep concern with the ongoing mismanagement of the Hepburn Mineral Springs Bath House redevelopment; and
- (2) acknowledges the Hepburn Mineral Springs Bath House as an icon of Victoria's regional tourism industry and, in particular, acknowledges the importance of the redevelopment to the business community in the Daylesford/Hepburn region.

Debate ensued.

Ms Tierney moved, as an amendment, That paragraph (1) be omitted.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

7 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

8 HEPBURN MINERAL SPRINGS BATH HOUSE — Debate continued on the motion moved by Mr Dalla-Riva and on the amendment moved by Ms Tierney.

Question — That the amendment moved by Ms Tierney be agreed to — put.

The Council divided — The President in the Chair.

AYES, 21

NOES, 17

Mr Barber

Ms Broad (*Teller*)

Ms Darveniza (*Teller*)

Mr Eideh

Mr Elasmarr

Ms Hartland

Mr Jennings

Mr Leane

Mr Lenders

Mr Madden

Ms Mikakos

Mr Pakula

Ms Pennicuik

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Mr Theophanous

Mr Thornley

Ms Tierney

Mr Viney

Mrs Coote

Mr Dalla-Riva (*Teller*)

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Finn (*Teller*)

Mr Guy

Mr Hall

Mr Kavanagh

Mr Koch

Mrs Kronberg

Ms Lovell

Mr O'Donohue

Mrs Petrovich

Mrs Peulich

Mr Rich-Phillips

Mr Vogels

Amendment agreed to.

Question — That this House acknowledges the Hepburn Mineral Springs Bath House as an icon of Victoria's regional tourism industry and, in particular, acknowledges the importance of the redevelopment to the business community in the Daylesford/Hepburn region — put and agreed to.

9 PUBLIC HOSPITAL AND HEALTH SYSTEM — Mr D.M. Davis moved, That this House expresses its concern at the State Government's failure to adequately manage the Victorian public hospital and health system on which Victorians depend when requiring necessary and often urgent health care and specifically expresses its concern at the inadequate management of the health needs of ill Victorians through —

- (1) the unsatisfactory length of time sick Victorians are forced to wait for appointments;
- (2) the manipulation of hospital waiting lists, particularly waiting lists for out-patient appointments;
- (3) the State Government's failure to adequately fund desperately needed capital upgrades of hospitals and community health centres throughout metropolitan and country Victoria; and
- (4) the growing shortage of doctors and nurses and medical scientists, including specialists, and the State Government's failure over eight years to plan properly for Victoria's need for a medical workforce of well paid and trained doctors and nurses where their pay and conditions are sufficiently competitive to retain and attract that skilled workforce.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson
Mrs Coote
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Guy
Mr Hall
Mr Koch
Mrs Kronberg
Ms Lovell
Mr O'Donohue
Mrs Petrovich
Mrs Peulich (*Teller*)
Mr Rich-Phillips
Mr Vogels (*Teller*)

NOES, 19

Ms Broad (*Teller*)
Ms Darveniza
Mr Eideh
Mr Elasmarr
Mr Jennings
Mr Kavanagh
Mr Leane
Mr Lenders
Mr Madden (*Teller*)
Ms Mikakos
Mr Pakula
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney

Question negated.

10 POLICE INTEGRITY BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to re-establish the Office of Police Integrity, to set out the functions of the Office and of the Director, Police Integrity, to amend the Police Regulation Act 1958 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

11 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Sessional Orders.

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

No. 63 — Thursday, 10 April 2008

1 The President took the Chair and read the Prayer.

2 **JUSTICE LEGISLATION AMENDMENT (SEX OFFENCES PROCEDURE) BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958, the Crimes (Criminal Trials) Act 1999, the Evidence Act 1958, the Magistrates' Court Act 1989, the Sentencing Act 1991 and the Sex Offenders Registration Act 2004 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

3 **PETITION — OFFICER AND BEACONSFIELD ELECTRONIC GAMING MACHINES** — Mr O'Donohue presented a Petition bearing 28 signatures from certain citizens of Victoria requesting that the Government recognise without delay the effect their gaming policies are having on local communities and that the flawed State Government gaming policies be changed so that local communities such as Beaconsfield and Officer can remain free of electronic gaming machines.

Ordered to lie on the Table.

4 **PAPERS** —

LAW REFORM COMMITTEE — PROPERTY INVESTMENT ADVISERS AND MARKETEERS — Mr Scheffer presented a Report from the Law Reform Committee on Property Investment Advisers and Marketeers (including Appendices), together with Transcripts of Evidence.

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

Mr Scheffer moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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

Gambling and Lotteries Licence Review Panel — Report to the Minister for Gaming in relation to the review of the regulatory structure and associated arrangements for the operation of gaming machines, wagering, approved betting competitions and Club Keno and the funding of the racing industry that are to apply after 2012 and Supplementary Report.

5 **SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 15 April 2008.

Question — put and agreed to.

6 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

7 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

8 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

9 **CO-OPERATIVES AND PRIVATE SECURITY ACTS AMENDMENT BILL 2008** — Mr Jennings (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Guy), the debate was adjourned for one week.

10 ESSENTIAL SERVICES COMMISSION AMENDMENT BILL 2008 — Mr Jennings (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

11 POLICE INTEGRITY BILL 2008 — Mr Jennings (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

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

On the motion of Mr Koch (for Mr Dalla-Riva), the debate was adjourned for one week.

12 JUSTICE LEGISLATION AMENDMENT (SEX OFFENCES PROCEDURE) BILL 2008 — Mr Jennings (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

13 RELATIONSHIPS BILL 2007 — Bill committed to a Committee of the whole. House in Committee.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

14 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

15 RELATIONSHIPS BILL 2007 — Bill further considered in Committee of the whole.

Bill reported without amendment, and the Report was adopted.

Mr Madden moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 29

Mr Atkinson
Mr Barber
Ms Broad (*Teller*)
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr Eideh
Mr Elasmarr
Mr Guy
Ms Hartland
Mr Jennings
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula

NOES, 9

Mr P.R. Davis
Mr Finn
Mr Hall
Mr Kavanagh (*Teller*)
Mr Koch
Mrs Kronberg
Mrs Peulich (*Teller*)
Mr Rich-Phillips
Mr Vogels

Ms Pennicuik
Mrs Petrovich
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney (*Teller*)
Mr Viney

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 16 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for the supply of drugs during public health emergencies and to further provide for the supply of Schedule 8 poisons, Schedule 9 poisons and Schedule 4 poisons which are also drugs of dependence to patients, including drug-dependent persons, and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 17 CROWN LAND (RESERVES) AMENDMENT (CARLTON GARDENS) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Jennings, the debate was adjourned until the next day of meeting.

- 18 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.04 p.m., adjourned until Tuesday, 15 April 2008.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 61, 62 and 63

Thursday, 10 April 2008

1 RELATIONSHIPS BILL 2007

Clauses 1 to 5 — put and agreed to.

Clause 6 — Question — That clause 6 stand part of the Bill — put.
The Committee divided — The Deputy President in the Chair.

AYES, 28

Ms Broad
Ms Darveniza
Mr P.R. Davis (*Teller*)
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Mr Jennings
Mr Kavanagh
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mr Scheffer
Mr Smith
Mr Somyurek (*Teller*)
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney
Mr Vogels

NOES, 9

Mr Atkinson
Mr Barber
Mrs Coote (*Teller*)
Mr Dalla-Riva
Mr D.M. Davis
Ms Hartland (*Teller*)
Ms Pennicuik
Mrs Petrovich
Mr Rich-Phillips

Question agreed to.

Clauses 7 to 9 — put and agreed to.

Clause 10 — Ms Pennicuik moved —

2. Clause 10, after line 32 insert—

"(4) The Registrar may conduct a ceremony in connection with the registration of a registrable relationship under this section."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)
 Ms Hartland
 Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich (*Teller*)
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee (*Teller*)
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negatived.

Clause 10 — put and agreed to.

Clauses 11 to 75 — put and agreed to.

Schedule 1 — put and agreed to

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 64, 65 and 66

No. 64 — Tuesday, 15 April 2008

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACT** — The President read a Message from the Lieutenant-Governor informing the Council that she had, this day, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:
Relationships Act 2008.
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITION — WALLAN SECONDARY COLLEGE** — Mrs Petrovich presented a Petition bearing 62 signatures from certain citizens of Victoria requesting that the State Government provide immediate funding to allow Stage Three of the Wallan Secondary College to commence.
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:
Charter of Human Rights and Responsibilities Act 2006 — Report from the Equal Opportunity and Human Rights Commission on the Operation of the Act, 2007.
Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
Baw Baw Planning Scheme — Amendment C55.
Greater Dandenong Planning Scheme — Amendment C75.
Indigo Planning Scheme — Amendment C43.
Mornington Peninsula Planning Scheme — Amendment C99.
Port Phillip Planning Scheme — Amendment C57 Part 1.
Victoria Planning Provisions — Amendment VC47.
Whittlesea Planning Scheme — Amendment C41 Part 2, C93 Part 1 and C98.
Wyndham Planning Scheme — Amendment C92.
Project Development and Construction Management Act 1994 — Nomination order, application order and a statement of reasons for making a nomination order, 8 April 2008 (three papers).
- 6 **BUSINESS OF THE COUNCIL** — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on 16 April 2008:
 - (1) Order of the Day No. 4, relating to the second reading of the Victorian Water Substitution Target Bill 2007;

- (2) Notice of Motion No. 20 standing in the name of Mr Barber relating to a reference to the Electoral Matters Committee; and
- (3) the Notice of Motion given this day by Mr Hall relating to school teacher salaries.

Question — put and agreed to.

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

8 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

9 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2008 — Mr Madden (for Mr Jennings) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr D.M. Davis (for Mrs Petrovich), the debate was adjourned for one week.

10 CROWN LAND (RESERVES) AMENDMENT (CARLTON GARDENS) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 34	NOES, 4
Mr Atkinson	Mr Barber
Ms Broad	Ms Hartland (<i>Teller</i>)
Mrs Coote	Mr Kavanagh (<i>Teller</i>)
Mr Dalla-Riva	Ms Pennicuik
Ms Darveniza	
Mr D.M. Davis	
Mr Drum	
Mr Eideh	
Mr Elasmarr	
Mr Finn	
Mr Guy	
Mr Hall	
Mr Jennings (<i>Teller</i>)	
Mr Koch	
Mrs Kronberg	
Mr Leane	
Mr Lenders	
Ms Lovell	
Mr Madden (<i>Teller</i>)	
Ms Mikakos	
Mr O'Donohue	
Mr Pakula	
Mrs Petrovich	
Mrs Peulich	
Mr Rich-Phillips	
Mr Scheffer	
Mr Smith	
Mr Somyurek	
Mr Tee	
Mr Theophanous	
Mr Thornley	
Ms Tierney	
Mr Viney	
Mr Vogels	

Question agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 11 LEGISLATION REFORM (REPEALS NO. 2) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 12 ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2008** — Debate resumed on the question, That the Council take note of the Annual Statement of Government Intentions for 2008.

On the motion of Mr Koch, the debate was adjourned until the next day of meeting.

- 13 ADJOURNMENT** — Mr Madden moved, That the House do now adjourn.

Debate ensued and certain responses to Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.42 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 65 — Wednesday, 16 April 2008

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

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

Auditor-General — Report on Delivering HealthSMART — Victoria's whole-of-health ICT strategy, April 2008.

Statutory Rules under the following Acts of Parliament:

Liquor Control Reform Act 1998 — No. 20.

Subordinate Legislation Act 1994 — No. 21.

Firearms Act 1996 — No. 22.

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 21.

- 3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 4 **VICTORIAN WATER SUBSTITUTION TARGET BILL 2007** — Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Theophanous (for Mr Viney), the debate was adjourned for two weeks.

- 5 **ELECTORAL MATTERS COMMITTEE — POLITICAL DONATIONS** — Mr Barber moved, That this House requires the Electoral Matters Committee to inquire, consider and report no later than 30 April 2009 on —

(1) whether the *Electoral Act 2002* should be amended to create a system of political donations disclosure and/or restrictions on political donations; and

(2) the outcome resulting from similar legislative reforms introduced in Canada, the United Kingdom and other relevant jurisdictions.

Debate ensued.

Ms Broad moved, as an amendment, That all the words after “That this House” be omitted with the view of inserting in their place “notes the Green Paper process established by the Federal Government and requires the Electoral Matters Committee to inquire, consider and report no later than 30 September 2008 on —

- (1) how the *Electoral Act 2002* could be amended to fix loopholes in donation disclosure and modernise the Victorian electoral processes; and
- (2) the outcome resulting from similar legislative reforms introduced in other similar jurisdictions.”.

Debate ensued.

Question — That the amendment moved by Ms Broad be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18

Ms Broad
 Ms Darveniza
 Mr Eideh
 Mr Elasmarr
 Mr Jennings
 Mr Leane
 Mr Lenders (*Teller*)
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous (*Teller*)
 Mr Thornley
 Ms Tierney
 Mr Viney

NOES, 20

Mr Atkinson
 Mr Barber
 Mrs Coote (*Teller*)
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum (*Teller*)
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Hartland
 Mr Kavanagh
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

Amendment negatived.

Question — That this House requires the Electoral Matters Committee to inquire, consider and report no later than 30 April 2009 on —

- (1) whether the *Electoral Act 2002* should be amended to create a system of political donations disclosure and/or restrictions on political donations; and
- (2) the outcome resulting from similar legislative reforms introduced in Canada, the United Kingdom and other relevant jurisdictions.

— put and agreed to.

- 6 SCHOOL TEACHER SALARIES** — Mr Hall moved, That this House recognises the importance of education to Victoria's future and sustaining its economic prosperity, and calls on the Brumby Government to immediately increase Victorian Government school teacher salaries from the lowest paid to the highest paid in the nation.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 8 SCHOOL TEACHER SALARIES** — Debate continued on the question, That this House recognises the importance of education to Victoria's future and sustaining its economic prosperity, and calls on the Brumby Government to immediately increase Victorian Government school teacher salaries from the lowest paid to the highest paid in the nation.

Question — put and agreed to.

- 9 CONSTITUTION AMENDMENT (JUDICIAL PENSIONS) BILL 2007** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Constitution Act 1975, the County Court Act 1958, the Supreme Court Act 1986, the Attorney-General and Solicitor-General Act 1972, the Magistrates' Court Act 1989 and the Public Prosecutions Act 1994 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 10 COURTS LEGISLATION AMENDMENT (ASSOCIATE JUDGES) BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Constitution Act 1975, the Supreme Court Act 1986 and the County Court Act 1958 to replace the office of Master of the Supreme Court and master of the County Court with the office of Associate Judge, to consequentially amend other legislation and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 11 BUSINESS POSTPONED** —

Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

- 12 ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2008** — Debate resumed on the question, That the Council take note of the Annual Statement of Government Intentions for 2008.

Question — put and agreed to.

- 13 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and certain responses to Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 6.57 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 66 — Thursday, 17 April 2008

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

- 2 **PETITIONS** —

OFFICER AND BEACONSFIELD ELECTRONIC GAMING MACHINES — Mr O'Donohue presented a Petition bearing 65 signatures from certain citizens of Victoria requesting that the Government recognise without delay the effect their gaming policies are having on local communities and that the flawed State Government gaming policies be changed so that local communities such as Beaconsfield and Officer can remain free of electronic gaming machines.

Ordered to lie on the Table.

* * * * *

RAILWAY CROSSING, NEW STREET, BRIGHTON — Ms Pennicuik presented a Petition bearing 1,524 signatures from certain citizens of Victoria requesting that the Minister for Public Transport and the Minister for Roads and Ports ensure that railway safety systems at New Street, Brighton are upgraded at the earliest date so that the manual gate operation can be safely resumed in order to allow the reopening of New Street to full use.

Ordered to lie on the Table.

3 PAPERS —

COUNTY COURT OF VICTORIA — Mr Madden presented, by command of the Governor, the Report of the County Court of Victoria for the year 2006-07.

Ordered to lie on the Table.

* * * * *

AUSTRALIAN CATHOLIC UNIVERSITY REPORT, 2007 AND MELBOURNE COLLEGE OF DIVINITY REPORT, 2007 — Mr Theophanous moved, by leave, That there be laid before this House a copy of the Australian Catholic University Report, 2007 and the Melbourne College of Divinity Report, 2007.

Question — put and agreed to.

The said reports were presented by Mr Theophanous and ordered to lie on the Table.

* * * * *

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

Adult Multicultural Education Services — Report, 2007.

Australian Crime Commission — Report, 2006-07.

Bendigo Regional Institute of TAFE — Report, 2007.

Box Hill Institute of TAFE — Report, 2007.

Central Gippsland Institute of TAFE — Report, 2007.

Centre for Adult Education — Report, 2007.

Chisholm Institute of TAFE — Report, 2007.

Deakin University — Report, 2007.

Driver Education Centre of Australia Ltd — Report, 2007.

East Gippsland Institute of TAFE — Report, 2007.

Gordon Institute of TAFE — Report, 2007.

Goulburn Ovens Institute of TAFE — Report, 2007 (two papers).

Holmesglen Institute of TAFE — Report, 2007.

Kangan Batman Institute of TAFE — Report, 2007.

La Trobe University — Report, 2007.

Monash University — Report, 2007.

Northern Melbourne Institute of TAFE — Report, 2007.

Professional Standards Act 2003 — CPA Australia Limited (Victoria) Scheme, 14 February 2008.

Royal Melbourne Institute of Technology — Report, 2007.

South West Institute of TAFE — Report, 2007.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 20.

Sunraysia Institute of TAFE — Report, 2007.

Swinburne University of Technology — Report, 2007.

University of Ballarat — Report, 2007 (two papers).

University of Melbourne — Report, 2007.

Victoria University — Report, 2007 (two papers).

William Angliss Institute of TAFE — Report, 2007.

Wodonga Institute of TAFE — Report, 2007.

4 SITTING OF THE COUNCIL — Mr Lenders moved, That the Council, at its rising, adjourn until Wednesday, 7 May 2008.

Question — put and agreed to.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

7 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

- 8 COURTS LEGISLATION AMENDMENT (ASSOCIATE JUDGES) BILL 2008** — Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Madden, the second reading speech was incorporated into Hansard.
Mr Madden moved, That the Bill be now read a second time.
On the motion of Mr Koch (for Mr Rich-Phillips), the debate was adjourned for one week.
- 9 POLICE INTEGRITY BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.
Business having been interrupted at 12 noon pursuant to Sessional Orders —
- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 11 POLICE INTEGRITY BILL 2008** — Debate continued on the question, That the Bill be now read a second time.
On the motion of Ms Pennicuik, the debate was adjourned until the next day of meeting.
- 12 CO-OPERATIVES AND PRIVATE SECURITY ACTS AMENDMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 13 ESSENTIAL SERVICES COMMISSION AMENDMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.
Mr Rich-Phillips announced that he proposed to move an amendment in Committee and requested that it be circulated.
Accordingly, the amendment was circulated.
Debate continued.
Question — put and agreed to.
Bill read a second time and committed to a Committee of the whole.
House in Committee.
Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 14 ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Environment Protection Act 1970 to increase certain prescribed industrial waste landfill levies and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Lenders (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.
Mr Lenders moved, That the Bill be now read a second time.
On the motion of Mr Koch (for Mr D.M. Davis), the debate was adjourned for one week.
- 15 LAND (REVOCATION OF RESERVATIONS) BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to provide for the revocation of reservations of various parcels of land and to revoke the related Crown grant in relation to one of those parcels of land and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr D.M. Davis), the debate was adjourned for one week.

- 16 EDUCATION AND TRAINING REFORM AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Hall), the debate was adjourned for one week.

- 17 ADJOURNMENT** — Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.29 p.m., adjourned until Wednesday, 7 May 2008.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 64, 65 and 66

Thursday, 17 April 2008

1 ESSENTIAL SERVICES COMMISSION AMENDMENT BILL 2008

Clauses 1 to 4 — put and agreed to.

Clause 5 — Mr Rich-Phillips moved —

1. Clause 5 page 2, lines 28 to 34, and page 3, lines 1 to 4, omit all words and expressions on these lines and insert —

"In performing its functions and exercising its powers, the objective of the Commission is to promote the long term interests of Victorian consumers with regard to the price, quality and reliability of essential services."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17	NOES, 20
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum	Ms Hartland
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Koch	Mr Madden
Mr Kavanagh	Ms Mikakos
Mrs Kronberg (<i>Teller</i>)	Mr Pakula
Ms Lovell	Ms Pennicuik
Mr O'Donohue (<i>Teller</i>)	Ms Pulford (<i>Teller</i>)
Mrs Petrovich	Mr Scheffer
Mrs Peulich	Mr Smith
Mr Rich-Phillips	Mr Somyurek
Mr Vogels	Mr Theophanous
	Mr Thornley (<i>Teller</i>)
	Ms Tierney
	Mr Viney

Amendment negatived.

Clause 5 — put and agreed to.

Clauses 6 to 29 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 67, 68 and 69

No. 67 — Wednesday, 7 May 2008

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 23 April 2008, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - Co-operatives and Private Security Acts Amendment Act 2008*
 - Crown Land (Reserves) Amendment (Carlton Gardens) Act 2008*
 - Essential Services Commission Amendment Act 2008*
 - Legislation Reform (Repeals No. 2) Act 2008.*
- 3 **JUSTICE LEGISLATION AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Administration and Probate Act 1958, the Corrections Act 1986, the Firearms Act 1996, the Liquor Control Reform Act 1998, the Serious Sex Offenders Monitoring Act 2005 and the Summary Offences Act 1966 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Madden, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 4 **PETITION — WALLAN SECONDARY COLLEGE** — Mrs Petrovich presented a Petition bearing 70 signatures from certain citizens of Victoria requesting that the State Government provide immediate funding to allow Stage Three of the Wallan Secondary College to commence.
Ordered to lie on the Table.
- 5 **PAPERS** —
BUDGET PAPERS, 2008-09 — Mr Jennings moved, by leave, That there be laid before this House a copy of the following 2008-09 Budget Papers:
 - (a) Treasurer's Speech (Budget Paper No. 1);
 - (b) Strategy and Outlook (Budget Paper No. 2);
 - (c) Service Delivery (Budget Paper No. 3);
 - (d) Statement of Finances (incorporating Quarterly Financial Report No. 3) (Budget Paper No. 4); and
 - (e) Budget Overview.Question — put and agreed to.
The papers were presented by Mr Jennings and ordered to lie on the Table.
Mr Jennings moved, That the papers tabled pursuant to the foregoing Order be taken into consideration on the next day of meeting.
Question — put and agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 5 of 2008 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

Mr O'Donohue moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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

Auditor-General — Report on Victoria's Planning Framework for Land Use and Development, together with the Planning Permit Application: Assessment Checklist and Planning Scheme Amendment: Assessment Checklist, May 2008.

Auditor-General's Office — Annual Plan, 2008-09.

Major Events (Aerial Advertising) Act 2007 — Minister's order of 8 April 2008 in relation to Australian Rules Football matches.

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

Ballarat Planning Scheme — Amendments C92, C103 Part 1, C108 and C111.

Bass Coast Planning Scheme — Amendments C46 Part 2 and C74.

Baw Baw Planning Scheme — Amendment C53.

Boroondara Planning Scheme — Amendment C40.

Brimbank Planning Scheme — Amendment C109.

Casey Planning Scheme — Amendments C80 Part 2 and C84.

Glen Eira Planning Scheme — Amendment C58.

Greater Geelong Planning Scheme — Amendments C86 Part 1 and C136.

Greater Shepparton Planning Scheme — Amendments C83, C85, C86 and C104.

Maribyrnong Planning Scheme — Amendments C52 and C58.

Melton Planning Scheme — Amendments C52 and C73.

Moreland Planning Scheme — Amendment C49.

Northern Grampians Planning Scheme — Amendments C18 and C22.

Port Phillip Planning Scheme — Amendment C52.

Stonnington Planning Scheme — Amendments C73 and C81.

Surf Coast Planning Scheme — Amendment C42.

Warrnambool Planning Scheme — Amendment C40.

Wodonga Planning Scheme — Amendment C28.

Yarra Ranges Planning Scheme — Amendments C69 and C74.

Statutory Rules under the following Acts of Parliament:

Corrections Act 1986 — No. 30.

Dangerous Goods Act 1985 — No. 24.

Police Regulation Act 1958 — No. 25.

Road Safety Act 1986 — Nos. 26, 27 and 28.

Subordinate Legislation Act 1994 — No. 31.

Supreme Court Act 1986 — No. 32.

Victims of Crime Assistance Act 1996 — No. 23.

Water Act 1989 — No. 29.

Subordinate Legislation Act 1994 —

Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule No. 26.

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 29, 31 and 32.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 24, 25, 26, 27, 28, 29 and 30.

PROCLAMATIONS — Proclamations of the Governor or the Lieutenant-Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Energy Legislation Further Amendment Act 2007 — Section 26 — 25 April 2008 (*Gazette No. G17, 24 April 2008*).

Graffiti Prevention Act 2007 — Except sections 10, 11(2) and 11(5) — 17 April 2008; sections 10, 11(2), 11(5) — 30 June 2008 (*Gazette No. G16, 17 April 2008*).

Police Regulation Amendment Act 2007 — Sections 3, 4, 5, 7, 11 and 13 — 16 April 2008 (*Gazette No. S100, 15 April 2008*).

Road Legislation Further Amendment Act 2007 — Part 4 — 24 April 2008 (*Gazette No. G17, 24 April 2008*).

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

8 JOINT SITTING — SENATE VACANCY — The President announced the receipt of —

(a) a Message from the Governor transmitting a letter from the President of the Senate notifying that a vacancy had occurred in the Senate through the resignation of Senator the Honourable Robert Francis Ray; 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 Thursday, 8 May 2008 at 12.45 p.m., or at the conclusion of the Legislative Council Question Time, whichever is the later, and requesting the agreement of the Council.

Ordered — That the Assembly's Message be now taken into consideration.

Mr Theophanous moved, by leave, That the Council meet the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Robert Francis Ray and, as proposed by the Assembly, agree that the place and time of this meeting be the Legislative Assembly Chamber on Thursday, 8 May 2008 at 12.45 p.m., or at the conclusion of the Legislative Council Question Time, whichever is the later.

Question — put and agreed to.

Message sent to the Assembly acquainting them accordingly.

9 VICTORIAN WATER SUBSTITUTION TARGET BILL 2007 — The President having examined the Bill (the second reading having been given by Mr Hall on 16 April 2008), ruled that, in his view, the Bill infringed the provisions of sections 62 and 64 of the *Constitution Act 1975* because of the financial impact on the Consolidated Fund, and therefore the Bill could not proceed further in the Legislative Council.

Accordingly, the President ordered that the Bill be withdrawn.

10 VICTORIAN WATER SUBSTITUTION TARGET SCHEME — Mr Hall moved, by leave, That this House supports the introduction of legislation to establish a Victorian Water Substitution Target Scheme which seeks to —

(1) further reduce Melbourne's consumption of potable water by establishing targets for the use of alternative water supplies such as rainwater, recycled water or treated storm water in non potable uses;

(2) establish an overall target of substituting 30 per cent of Melbourne's current water consumption with alternative water supplies by 2020 with interim targets of 10 per cent by 2010 and 20 per cent by 2015;

(3) establish a mechanism for the creation of Water Substitution Certificates through activities resulting in the reduction in the use of potable water by substituting alternative supplies in non potable uses;

(4) empower the Essential Services Commission (ESC) to administer the scheme including the issue, registration, transfer and surrender of Water Substitution Certificates; and

(5) require Melbourne Water Retailers and large water consumers using more than 10 million litres of water a year to surrender to the ESC at each of the target dates Water

Substitution Certificates corresponding to their share of the overall water substitution target.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

11 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

12 VICTORIAN WATER SUBSTITUTION TARGET SCHEME — Debate continued on the question, That this House supports the introduction of legislation to establish a Victorian Water Substitution Target Scheme which seeks to —

- (1) further reduce Melbourne's consumption of potable water by establishing targets for the use of alternative water supplies such as rainwater, recycled water or treated storm water in non potable uses;
- (2) establish an overall target of substituting 30 per cent of Melbourne's current water consumption with alternative water supplies by 2020 with interim targets of 10 per cent by 2010 and 20 per cent by 2015;
- (3) establish a mechanism for the creation of Water Substitution Certificates through activities resulting in the reduction in the use of potable water by substituting alternative supplies in non potable uses;
- (4) empower the Essential Services Commission (ESC) to administer the scheme including the issue, registration, transfer and surrender of Water Substitution Certificates; and
- (5) require Melbourne Water Retailers and large water consumers using more than 10 million litres of water a year to surrender to the ESC at each of the target dates Water Substitution Certificates corresponding to their share of the overall water substitution target.

Question — put and agreed to.

13 ESSENTIAL SERVICES — Mr D.M. Davis moved, by leave, That this House notes that despite the massive increase in the State Government's budget over its almost nine year term and the strong national economic conditions enjoyed over that period the Victorian State Government has failed to deliver a commensurate increase in the essential services necessary for the Victorian community.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson
 Mrs Coote (*Teller*)
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum (*Teller*)
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

NOES, 19

Ms Broad
 Ms Darveniza
 Mr Eideh
 Mr Elasmarr (*Teller*)
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula (*Teller*)
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

Question negatived.

- 14 THE UNITING CHURCH IN AUSTRALIA AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend The Uniting Church in Australia Act 1977, to consequentially amend other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 15 ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000, the Electricity Safety Act 1998, the Electricity Safety Amendment Act 2007, the Geothermal Energy Resources Act 2005, the Mineral Resources (Sustainable Development) Act 1990, the Petroleum Act 1998 and the Pipelines Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Theophanous), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 16 PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Public Sector Employment (Award Entitlements) Act 2006 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Theophanous), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

Business having been interrupted by the President at 10.04 p.m.—

- 17 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and certain responses to Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.38 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 68 — Thursday, 8 May 2008

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

2 **PAPERS** —

SELECT COMMITTEE ON GAMING LICENSING — Mr Rich-Phillips presented the final report from the Select Committee on Gaming Licensing (including Appendices, Extracts of Proceedings and Minority Reports), together with Transcripts of Evidence.

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

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2006-07 FINANCIAL AND PERFORMANCE OUTCOMES — Mr Pakula presented a Report from the Public Accounts and Estimates Committee on the 2006-07 Financial and Performance Outcomes (including Appendices).

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

Mr Pakula moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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:

County Court Act 1958 — No. 33.

Subordinate Legislation Act 1994 — No. 34.

Subordinate Legislation Act 1994 — Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 33 and 34.

Business having been interrupted at 12.01 p.m. pursuant to Sessional Orders —

3 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

4 JOINT SITTING — SENATE VACANCY — The Acting President announced that the time had arrived for the Council to meet the Assembly in the Assembly Chamber to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Robert Francis Ray.

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

The Acting President reported that at the Joint Sitting Ms Jacinta Mary Ann Collins was chosen to hold the vacant place in the Senate.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

7 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed for one week.

8 CONSTITUTION AMENDMENT (JUDICIAL PENSIONS) BILL 2007 — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

9 JUSTICE LEGISLATION AMENDMENT BILL 2008 — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Dalla-Riva, the debate was adjourned for one week.

10 THE UNITING CHURCH IN AUSTRALIA AMENDMENT BILL 2008 — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

11 ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2008 — Mr Lenders (for Mr Theophanous) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Hall), the debate was adjourned for one week.

12 PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) AMENDMENT BILL 2008 — Mr Lenders (for Mr Theophanous) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

13 POLICE INTEGRITY BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Mr D.M. Davis moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until after the Scrutiny of Acts and Regulations Committee conducts a full public inquiry on this Bill”.

Debate ensued.

On the motion of Mr Pakula, the debate was adjourned until later this day.

14 JUSTICE LEGISLATION AMENDMENT (SEX OFFENCES PROCEDURE) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

15 CHILDREN’S LEGISLATION AMENDMENT BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Children's Services Act 1996 and the Child Wellbeing and Safety Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Jennings), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

16 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

17 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 9, be postponed until the next day of meeting.

18 ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted by the President at 10.00 p.m., the debate stood adjourned in the name of Mrs Peulich.

19 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and certain responses to Adjournment matters were circulated pursuant to Sessional Orders.

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

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 69 — Friday, 9 May 2008

- 1 The President took the Chair and read the Prayer.
- 2 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the directions of an Act of Parliament, was laid upon the Table by the Clerk:
Crown Land (Reserves) Act 1978 — Minister's Order of 18 April 2008 giving approval to the granting of a licence at Dromana Foreshore Reserve.
- 3 **SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 27 May 2008.
Question — put and agreed to.
- 4 **CHILDREN'S LEGISLATION AMENDMENT BILL 2008** — Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.
Mr Lenders moved, That the Bill be now read a second time.
On the motion of Ms Lovell, the debate was adjourned for one week.
- 5 **ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and committed to a Committee of the whole.
House in Committee.
Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 6 **POLICE INTEGRITY BILL 2008** — Debate resumed on the question, That the Bill be now read a second time and on the amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until after the Scrutiny of Acts and Regulations Committee conducts a full public inquiry on this Bill".
By leave, the reasoned amendment moved by Mr D.M. Davis was withdrawn.
Debate continued.
Question — That the Bill be now read a second time — put and agreed to.
Bill read a second time.
Mr D.M. Davis moved, That the Police Integrity Bill 2008 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report within one month of the passage of this Resolution.
Debate ensued.
Ms Pennicuik moved, as an amendment, That the word 'public' be inserted before the word 'inquiry'.
Debate ensued.
Question — That the amendment moved by Ms Pennicuik be agreed to — put and agreed to.
Question — That the Police Integrity Bill 2008 be referred to the Scrutiny of Acts and Regulations Committee for public inquiry, consideration and report within one month of the passage of this Resolution — put.
The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson
Mr Barber
Mrs Coote

NOES, 18

Ms Broad
Ms Darveniza
Mr Eideh (*Teller*)

Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland	Mr Pakula
Mr Kavanagh (<i>Teller</i>)	Mr Scheffer (<i>Teller</i>)
Mr Koch	Mr Smith
Mrs Kronberg	Mr Somyurek
Ms Lovell	Mr Tee
Mr O'Donohue	Mr Theophanous
Ms Pennicuik	Mr Thornley
Mrs Petrovich (<i>Teller</i>)	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

Ordered — That the Bill be committed to a Committee of the whole on the next day of meeting.

- 7 EDUCATION AND TRAINING REFORM AMENDMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 9 EDUCATION AND TRAINING REFORM AMENDMENT BILL 2008** — Debate continued on the question, That the Bill be now read a second time.

Ms Pennicuik announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 10 LAND (REVOCATION OF RESERVATIONS) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

- 11 ADJOURNMENT** — Business having been interrupted by the Acting President at 4.00 p.m., the House adjourned until Tuesday, 27 May 2008.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 67, 68 and 69

Thursday, 8 May 2008

1 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2008

Clauses 1 to 14 — put and agreed to.

Bill reported without amendment.

Friday, 9 May 2008

1 ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2008

Clauses 1 to 6 — put and agreed to.

Bill reported without amendment.

2 EDUCATION AND TRAINING REFORM AMENDMENT BILL 2008

Clauses 1 to 10 — put and agreed to.

Clause 11 — Ms Pennicuik moved —

1. Clause 11, page 13, after line 12 insert—

"Note

A statutory authority is required to comply with subsection (1) and this compliance can be enforced through the administrative law."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber (*Teller*)
Ms Hartland (*Teller*)
Mr Kavanagh
Ms Pennicuik

NOES, 34

Mr Atkinson
Ms Broad (*Teller*)
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Eideh
Mr Elasmarr
Mr Finn (*Teller*)
Mr Guy
Mr Hall
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders

Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negated.

Ms Pennicuik moved —

2. Clause 11, page 14, line 17, before "Despite" insert "(1)".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber
 Ms Hartland
 Mr Kavanagh (*Teller*)
 Ms Pennicuik (*Teller*)

NOES, 35

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy (*Teller*)
 Mr Hall
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee

Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney (*Teller*)
 Mr Vogels

Amendment negated.

Question — That clause 11 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Jennings
 Mr Koch (*Teller*)
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula (*Teller*)
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

NOES, 4

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Mr Kavanagh
 Ms Pennicuik

Question agreed to.

Clauses 12 to 19 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 70, 71 and 72

No. 70 — Tuesday, 27 May 2008

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - On 13 May 2008 —
 - Drugs, Poisons and Controlled Substances Amendment Act 2008.*
 - Justice Legislation Amendment (Sex Offences Procedure) Act 2008.*
 - On 21 May 2008 —
 - Education and Training Reform Amendment Act 2008.*
 - Environment Protection Amendment (Landfill Levies) Act 2008.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PAPERS** —
 - SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** —
 - ALERT DIGEST** — Mr Eideh presented Alert Digest No. 6 of 2008 from the Scrutiny of Acts and Regulations Committee (including Appendices).
 - Ordered to lie on the Table and to be printed.

* * * * *

LEGISLATION REFORM (REPEALS NO. 3) BILL 2008 — Mr Eideh presented the Report from the Scrutiny of Acts and Regulations Committee on the Legislation Reform (Repeals No. 3) Bill 2008 (including Appendices).

Ordered to lie on the Table and to be printed.

Mr Eideh moved, That the Council take note of the Report.

Question — put and agreed to.

* * * * *

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 of Victoria — Report, 2007.

Crown Land (Reserves) Act 1978 — Minister's Order of 7 May 2008 giving approval to the granting of a lease at Red Cliffs Court House Historic Purposes Reserve.

Parliamentary Committees Act 2003 — Government Response to the Education and Training Committee's Report on School Uniforms.

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

- Bass Coast Planning Scheme — Amendment C46 Part 1.
 - Baw Baw Planning Scheme — Amendment C47 Part 1.
 - Brimbank Planning Scheme — Amendments C83, C84 Part 1 and C102.
 - Buloke Planning Scheme — Amendment C17.
 - Cardinia Planning Scheme — Amendment C107.
 - Colac Otway Planning Scheme — Amendment C27 Part 1.
 - East Gippsland Planning Scheme — Amendment C60.
 - Frankston Planning Scheme — Amendment C44.
 - Gannawarra Planning Scheme — Amendments C19 and C20.
 - Greater Bendigo Planning Scheme — Amendment C88.
 - Greater Dandenong Planning Scheme — Amendment C92.
 - Greater Shepparton Planning Scheme — Amendment C97.
 - Hume Planning Scheme — Amendments C71, C88 and C102.
 - Knox Planning Scheme — Amendments C55 and C73.
 - Loddon Planning Scheme — Amendment C22.
 - Macedon Ranges Planning Scheme — Amendments C47 and C63.
 - Maribyrnong Planning Scheme — Amendment C62.
 - Moonee Valley Planning Scheme — Amendment C68.
 - Northern Grampians Planning Scheme — Amendment C28.
 - Stonnington Planning Scheme — Amendment C57.
 - Whitehorse Planning Scheme — Amendments C73 and C89.
 - Whittlesea Planning Scheme — Amendments C39 and C95.
 - Wodonga Planning Scheme — Amendment C59.
 - Yarra Ranges Planning Scheme — Amendment C75.
- Professional Standards Act 2003 — Victorian Bar Incorporated Scheme.
- Psychologists Registration Board of Victoria —
- Minister's report of failure to submit 2007 report to the Minister within the prescribed period and the reasons therefor.
 - Minister's report of receipt of 2007 report.
- Statutory Rules under the following Acts of Parliament:
- Parliamentary Salaries and Superannuation Act 1968 — No. 36.
 - Road Safety Act 1986 — No. 37.
 - Subordinate Legislation Act 1994 — No. 35.
- Subordinate Legislation Act 1994 —
- Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 35.
 - Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 36.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Fair Trading and Consumer Acts Further Amendment Act 2008 — Sections 4, 11 and 53 — 1 July 2008 (*Gazette No. G21, 22 May 2008*).
- Liquor Control Reform Amendment Act 2007 — remaining provisions — 22 May 2008 (*Gazette No. S134, 21 May 2008*).

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.
- 7 CONSTITUTION AMENDMENT (JUDICIAL PENSIONS) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 8 COURTS LEGISLATION AMENDMENT (ASSOCIATE JUDGES) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message 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 LAND (REVOCATION OF RESERVATIONS) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 11 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 5 to 7 inclusive, be postponed until later this day.

- 12 CHILDREN'S LEGISLATION AMENDMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 13 ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 14 PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) AMENDMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 15 ADJOURNMENT** — Mr Madden moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.32 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 71 — Wednesday, 28 May 2008

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
 - Auditor-General —
 - Report on Patient Safety in Public Hospitals, May 2008.
 - Report on Piping the System: Incorporating the Wimmera-Mallee Pipeline and the Goldfields Superpipe, May 2008.
 - Report on Project Rosetta (Streams 1 and 2), May 2008.
 - Report on Results of Audits for Entities with other than 30 June 2007 Balance Dates, May 2008.
 - Report on Review of South East Water's Works Alliance Agreement, May 2008.
 - Victorian Law Reform Commission — Civil Justice Review Report.
- 3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.
- 5 **PORT SERVICES AMENDMENT (DISPOSAL OF MATERIAL) BILL 2008** — Ms Pennicuik, pursuant to notice, introduced *A Bill for an Act to amend the Port Services Act 1995 and for other purposes*.

On the motion of Ms Pennicuik, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 6 **BUSINESS POSTPONED** —

Ordered — That the consideration of Notices of Motion, General Business, Nos. 4 to 24 inclusive, be postponed until later this day.

Ordered — That the consideration of Notice of Motion, General Business, No. 25, be postponed until the next day of meeting.
- 7 **PRODUCTION OF WATER INFRASTRUCTURE DOCUMENTS** — Mr D.M. Davis moved, That this House welcomes the Victorian Auditor-General's report on Planning for Water Infrastructure in Victoria tabled in this House on 9 April 2008 and —
 - (1) notes that the matters raised in the report relate to a very serious matter of public policy, namely the need for the Victorian community to, through appropriate supply and conservation measures, ensure that Victorian towns and regional cities and Melbourne are able to look forward with confidence and security to sufficient high quality water being available in the future;
 - (2) in welcoming the Auditor-General's report, the House is aware that the Auditor-General relied on a number of key documents and reports in reaching the many conclusions and in framing his recommendations to the Parliament and notes also that many of these documents are not publicly available;
 - (3) in noting these points, the House believes that given the seriousness of the matters and issues raised in the Auditor-General's report it is in the public interest that these critical documents are made available to the Parliament and the Victorian community at the earliest feasible opportunity; and

- (4) that in accordance with Sessional Order 21, there be tabled in the Council by 4.00 p.m. on 11 June 2008 the following documents:

Report page reference no.	Document
3	Catchment Management Authorities Operating reports
3	Catchment Management Authorities Compliance reports
21	Final business case covering the food bowl project
31	RMCG, The Food Bowl Alliance — Modernising the Goulburn Murray Irrigation District, final draft report prepared for the Department of Sustainability and Environment (DSE), 2007
36	PricewaterhouseCoopers, Desalination procurement options analysis — full report, prepared for DSE, Melbourne, 2007
41	Business Progress Reporting (BPR), DSE Database
42	DSE Internal departmental paper on the proposals to restructure the Office of Water, June 2007
45	Individual reports generated by water companies and Catchment Management Authorities tracking some aspects of the strategy including water conservation and recycling
45	Annual Review of the Central Region - referred to in PricewaterhouseCoopers and Snowy Mountains Engineering Corporation, DSE Central Region Sustainable Water Strategy Annual Review Framework, prepared for the DSE, Melbourne, 2007, page 6
46	Spreadsheet reviewed by the Auditor-General tracking all of the 129 strategy actions, October 2007
47	Draft text for inclusion in the DSE 2007 Annual Report in response to reporting requirements for regional sustainable water strategies under section 22J of the <i>Water Act 1989</i> .
47	Draft document from DSE setting out proposed reporting protocols
48	Mid 2006 Victorian Water Trust (VWT) evaluation report
48	VWT progress report to the VWT Advisory Council for period up to June 2007, assembled by the VWT secretariat within DSE
48	VWT project register, listing of actual expenditure by project produced by the DSE finance division covering the period up to June 2007
48	Business Progress Reporting (BPR) documents for VWT projects, November 2007
54	PricewaterhouseCoopers, DSE Water Industry Governance Review, draft report, prepared for DSE, Melbourne, 2006
65	DSE Draft Terms of Reference - Integration Working Group

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and an answer to a question on notice was circulated pursuant to Standing Order 8.10.
- 9 PRODUCTION OF WATER INFRASTRUCTURE DOCUMENTS** — Debate continued on the question, That this House welcomes the Victorian Auditor-General's report on Planning for Water Infrastructure in Victoria tabled in this House on 9 April 2008 and —
- (1) notes that the matters raised in the report relate to a very serious matter of public policy, namely the need for the Victorian community to, through appropriate supply and conservation measures, ensure that Victorian towns and regional cities and Melbourne are able to look forward with confidence and security to sufficient high quality water being available in the future;
 - (2) in welcoming the Auditor-General's report, the House is aware that the Auditor-General relied on a number of key documents and reports in reaching the many conclusions and in framing his recommendations to the Parliament and notes also that many of these documents are not publicly available;

- (3) in noting these points, the House believes that given the seriousness of the matters and issues raised in the Auditor-General's report it is in the public interest that these critical documents are made available to the Parliament and the Victorian community at the earliest feasible opportunity; and
- (4) that in accordance with Sessional Order 21, there be tabled in the Council by 4.00 p.m. on 11 June 2008 the following documents:

Report page reference no.	Document
3	Catchment Management Authorities Operating reports
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36	PricewaterhouseCoopers, Desalination procurement options analysis — full report, prepared for DSE, Melbourne, 2007
41	Business Progress Reporting (BPR), DSE Database
42	DSE Internal departmental paper on the proposals to restructure the Office of Water, June 2007
45	Individual reports generated by water companies and Catchment Management Authorities tracking some aspects of the strategy including water conservation and recycling
45	Annual Review of the Central Region - referred to in PricewaterhouseCoopers and Snowy Mountains Engineering Corporation, DSE Central Region Sustainable Water Strategy Annual Review Framework, prepared for the DSE, Melbourne, 2007, page 6
46	Spreadsheet reviewed by the Auditor-General tracking all of the 129 strategy actions, October 2007
47	Draft text for inclusion in the DSE 2007 Annual Report in response to reporting requirements for regional sustainable water strategies under section 22J of the <i>Water Act 1989</i> .
47	Draft document from DSE setting out proposed reporting protocols
48	Mid 2006 Victorian Water Trust (VWT) evaluation report
48	VWT progress report to the VWT Advisory Council for period up to June 2007, assembled by the VWT secretariat within DSE
48	VWT project register, listing of actual expenditure by project produced by the DSE finance division covering the period up to June 2007
48	Business Progress Reporting (BPR) documents for VWT projects, November 2007
54	PricewaterhouseCoopers, DSE Water Industry Governance Review, draft report, prepared for DSE, Melbourne, 2006
65	DSE Draft Terms of Reference - Integration Working Group

Ms Pulford moved, as an amendment —

In paragraph (4), after the words “following documents” insert “, subject to Government determinations regarding the status of the documents, including Cabinet in Confidence, Executive Privilege, Commercial in Confidence and legal professional privilege”.

Debate ensued.

Question — That the amendment be agreed to — put.

The Council divided — The President in the Chair.

AYES, 20

NOES, 20

Ms Broad
 Ms Darveniza (*Teller*)
 Mr Eideh
 Mr Elasmarr

Mr Atkinson
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva

Mr Jennings	Mr D.M. Davis
Mr Kavanagh	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Finn
Mr Madden	Mr Guy
Ms Mikakos (<i>Teller</i>)	Mr Hall
Mr Pakula	Ms Hartland
Ms Pulford	Mr Koch
Mr Scheffer	Mrs Kronberg (<i>Teller</i>)
Mr Smith	Ms Lovell
Mr Somyurek	Mr O'Donohue
Mr Tee	Ms Pennicuik
Mr Theophanous	Mrs Petrovich (<i>Teller</i>)
Mr Thornley	Mrs Peulich
Ms Tierney	Mr Rich-Phillips
Mr Viney	Mr Vogels

The Ayes and Noes being equal, the amendment was negated.

Question — That this House welcomes the Victorian Auditor-General's report on Planning for Water Infrastructure in Victoria tabled in this House on 9 April 2008 and —

- (1) notes that the matters raised in the report relate to a very serious matter of public policy, namely the need for the Victorian community to, through appropriate supply and conservation measures, ensure that Victorian towns and regional cities and Melbourne are able to look forward with confidence and security to sufficient high quality water being available in the future;
- (2) in welcoming the Auditor-General's report, the House is aware that the Auditor-General relied on a number of key documents and reports in reaching the many conclusions and in framing his recommendations to the Parliament and notes also that many of these documents are not publicly available;
- (3) in noting these points, the House believes that given the seriousness of the matters and issues raised in the Auditor-General's report it is in the public interest that these critical documents are made available to the Parliament and the Victorian community at the earliest feasible opportunity; and
- (4) that in accordance with Sessional Order 21, there be tabled in the Council by 4.00 p.m. on 11 June 2008 the following documents:

Report page reference no.	Document
3	Catchment Management Authorities Operating reports
3	Catchment Management Authorities Compliance reports
21	Final business case covering the food bowl project
31	RMCG, The Food Bowl Alliance — Modernising the Goulburn Murray Irrigation District, final draft report prepared for the Department of Sustainability and Environment (DSE), 2007
36	PricewaterhouseCoopers, Desalination procurement options analysis — full report, prepared for DSE, Melbourne, 2007
41	Business Progress Reporting (BPR), DSE Database
42	DSE Internal departmental paper on the proposals to restructure the Office of Water, June 2007
45	Individual reports generated by water companies and Catchment Management Authorities tracking some aspects of the strategy including water conservation and recycling
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46	Spreadsheet reviewed by the Auditor-General tracking all of the 129

	strategy actions, October 2007
47	Draft text for inclusion in the DSE 2007 Annual Report in response to reporting requirements for regional sustainable water strategies under section 22J of the <i>Water Act 1989</i> .
47	Draft document from DSE setting out proposed reporting protocols
48	Mid 2006 Victorian Water Trust (VWT) evaluation report
48	VWT progress report to the VWT Advisory Council for period up to June 2007, assembled by the VWT secretariat within DSE
48	VWT project register, listing of actual expenditure by project produced by the DSE finance division covering the period up to June 2007
48	Business Progress Reporting (BPR) documents for VWT projects, November 2007
54	PricewaterhouseCoopers, DSE Water Industry Governance Review, draft report, prepared for DSE, Melbourne, 2006
65	DSE Draft Terms of Reference - Integration Working Group

— put and agreed to.

- 10 MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL 2008** — Ms Hartland, pursuant to notice, introduced *A Bill for an Act to enable a mentally competent adult person suffering intolerably from a terminal or advanced incurable illness to exercise their right to end their life by requesting medical assistance from their doctors, to protect doctors who so assist, to prevent misuse of their ability to assist, and for other purposes.*

On the motion of Ms Hartland, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 11 LOCAL GOVERNMENT AND PLANNING SYSTEM** — Mr Guy moved, That this House notes with concern the Brumby Labor Government's proposed changes to the Victorian planning system and in particular —

- (1) the breaking of a 2006 election commitment not to remove or reduce local government's role in the planning system in Victoria;
- (2) the removal of council planning powers in the Coburg, Preston, Doncaster, Camberwell and Geelong activities areas;
- (3) the further intention to remove local government from the planning process in 22 other activities areas around Melbourne;
- (4) the failure to consult local government or communities on their removal from the planning process in these areas; and
- (5) the continued attack on local communities planning rights right across Victoria through the New Residential Zones proposal.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

NOES, 19

Mr Atkinson (*Teller*)
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy (*Teller*)
 Mr Hall
 Ms Hartland
 Mr Kavanagh
 Mr Koch

Ms Broad
 Ms Darveniza
 Mr Eideh
 Mr Elasmarr
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pulford
 Mr Scheffer (*Teller*)
 Mr Smith

Mrs Kronberg	Mr Somyurek (<i>Teller</i>)
Ms Lovell	Mr Tee
Mr O'Donohue	Mr Theophanous
Ms Pennicuik	Mr Thornley
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

12 BUSINESS POSTPONED —

Ordered — That the consideration of Notice of Motion, General Business, No. 29, and the Orders of the Day, General Business, be postponed until the next day of meeting.

Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

13 JUSTICE LEGISLATION AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

14 THE UNITING CHURCH IN AUSTRALIA AMENDMENT BILL 2008 — The Acting President ruled the Bill to be a Private Bill.

On the motion of Mr Lenders, the Bill was ordered to be dealt with as a Public Bill.

Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

Business having been interrupted by the President at 10.00 p.m. —

15 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.36 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 72 — Thursday, 29 May 2008

1 The President took the Chair and read the Prayer.

2 **PETITION — GOULBURN RIVER PIPELINE** — Ms Lovell presented a Petition bearing 10 signatures from certain citizens of Victoria requesting that the Government abandons its proposal to pipe water from the Goulburn River to Melbourne and instead addresses Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

Ordered to lie on the Table.

3 PAPERS —

CHILD DEATH REVIEW COMMITTEE — Mr Jennings moved, by leave, That there be laid before this House a copy of the Victorian Child Death Review Committee's Annual Report of Inquiries into the deaths of children known to Child Protection 2008.

Question — put and agreed to.

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

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2008-09 BUDGET ESTIMATES (PART ONE) — Mr Rich-Phillips presented a Report from the Public Accounts and Estimates Committee on the 2008-09 Budget Estimates — Part One (including Appendices and Transcripts of Evidence).

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

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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 2003 —

Government Response to the Drugs and Crime Prevention Committee's Report on the Misuse/Abuse of Benzodiazepines and other Pharmaceutical Drugs.

Government Response to the Public Accounts and Estimates Committee's Report on the Trustee arrangements for governing the Parliamentary Contributory Superannuation Fund.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 37.

Victorian Law Reform Commission — Final Report on the Law of Abortion.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

6 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

7 BUDGET PAPERS, 2008-09 — Mr Jennings moved, That the Council take note of the Budget Papers, 2008-09.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

8 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

9 BUDGET PAPERS, 2008-09 — Debate resumed on the question, That the Council take note of the Budget Papers, 2008-09.

On the motion of Mr Thornley, the debate was adjourned until the next day of meeting.

10 SITTING OF THE COUNCIL — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 10 June 2008.

Question — put and agreed to.

11 NATIONAL GAS (VICTORIA) BILL 2008 — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to establish a framework to enable third parties to gain access to certain natural gas pipeline services, to repeal the Gas Pipelines Access (Victoria) Act 1998, to consequentially amend the Federal Courts (State Jurisdiction) Act 1999, the Gas Industry Act 2001, the Interpretation of Legislation Act 1984 and the Pipelines Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Theophanous), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

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

On the motion of Mr Koch (for Mr Hall), the debate was adjourned for one week.

- 12 STATE TAXATION ACTS AMENDMENT BILL 2008** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 2005 and the Payroll Tax Act 2007 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.

- 13 DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (REPEAL) BILL 2008** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to repeal the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Hall), the debate was adjourned for one week.

- 14 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 5.18 p.m., adjourned until Tuesday, 10 June 2008.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 70, 71 and 72

Tuesday, 27 May 2008

1 LAND (REVOCATION OF RESERVATIONS) BILL 2008

Clauses 1 to 11 — put and agreed to.

Schedules 1 to 6 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 73, 74 and 75

No. 73 — Tuesday, 10 June 2008

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - On 2 June 2008 —
Justice Legislation Amendment Act 2008.
 - On 3 June 2008 —
Children's Legislation Amendment Act 2008.
Constitution Amendment (Judicial Pensions) Act 2008.
Courts Legislation Amendment (Associate Judges) Act 2008.
Energy and Resources Legislation Amendment Act 2008.
Land (Revocation of Reservations) Act 2008.
Public Sector Employment (Award Entitlements) Amendment Act 2008.
The Uniting Church in Australia Amendment Act 2008.
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITION — MAFFRA SECONDARY COLLEGE** — Mr P.R. Davis presented a Petition bearing 646 signatures from certain citizens of Victoria requesting that the Maffra Secondary College redevelopment be included in the current round of funding to bring the facilities up to the standard of twenty-first century education requirements.
Ordered to lie on the Table.
- 5 **PAPERS** —
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —
ALERT DIGEST — Mr Eideh presented Alert Digest No. 7 of 2008 from the Scrutiny of Acts and Regulations Committee (including Appendices).
Ordered to lie on the Table and to be printed.

* * * * *

POLICE INTEGRITY BILL 2008 — Mr Eideh presented a Report from the Scrutiny of Acts and Regulations Committee on the Police Integrity Bill 2008 (including Appendices, Extracts from the Proceedings and a Minority report) together with Transcripts of Evidence.
Ordered to lie on the Table and the Report to be printed.
Mr O'Donohue moved, That the Council take note of the Report.
Debate ensued.

Question — put and agreed to.

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

Crown Land (Reserves) Act 1978 — Minister's Order of 28 May 2008 giving approval to the granting of a lease at Mordialloc-Mentone Beach Park Reserve.

Major Events (Crowd Management) Act 2003 — Minister's Order of 21 May 2008 in relation to land surrounding Bob Jane Stadium.

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

Bass Coast Planning Scheme — Amendment C84.

Greater Bendigo Planning Scheme — Amendment C106.

Greater Shepparton Planning Scheme — Amendment C79.

South Gippsland Planning Scheme — Amendment C44.

Statutory Rules under the following Acts of Parliament:

Conveyancers Act 2006 — Nos. 48 and 49.

Estate Agents Act 1980 — Nos. 39 and 46.

Fair Trading Act 1999 — No. 45.

Magistrates' Court Act 1989 — No. 43.

Public Transport Competition Act 1995 — No. 42.

Sale of Land Act 1962 — No. 47.

Trade Measurement Act 1995 — Trade Measurement (Administration) Act 1995 — No. 38.

Transport Act 1983 — Nos. 40 and 41.

Travel Agents Act 1986 — No. 44.

Wildlife Act 1975 — No. 50.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 43.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 38, 39, 44, 45, 46, 47, 49 and 50.

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PROCLAMATION — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Justice Legislation Amendment Act 2008 — Sections 6, 13(2), 17, 18, 21, 22 and 25 — 3 June 2008 (*Gazette No. S148, 3 June 2008*).

6 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 11 June 2008:

- (1) Order of the Day No. 3, relating to the second reading of the Port Services Amendment (Disposal of Material) Bill 2008 by Ms Pennicuik;
- (2) Order of the Day No. 4, relating to the second reading of the Medical Treatment (Physician Assisted Dying) Bill 2008 by Ms Hartland;
- (3) Order of the Day No. 2, relating to the second reading of the Tobacco (Control of Tobacco Effects on Minors) Bill 2007 by Mr Drum;
- (4) the Notice of Motion given this day by Mr D.M. Davis relating to a change to the reporting date for the Select Committee on Public Land Development;
- (5) Notice of Motion No. 19 standing in the name of Mr Hall relating to an electoral review of the City of Melbourne;
- (6) the Notice of Motion given this day by Ms Lovell relating to the Premier's response to the 'Plug the Pipe' protest; and
- (7) the Notice of Motion given this day by Mr Finn in relation to government services in the western suburbs.

Question — put and agreed to.

7 ELECTORAL MATTERS COMMITTEE — Mr Madden moved, by leave, That Mr P.R. Davis be a member of the Electoral Matters Committee.

Question — put and agreed to.

- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 9 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.
- 10 POLICE INTEGRITY BILL 2008** — The Order of the Day having been read for the committal of this Bill, Mr Kavanagh moved, That the consideration of Order of the Day, Government Business, No. 1 be postponed for one week.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva (*Teller*)
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Hartland
 Mr Kavanagh (*Teller*)
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

NOES, 19

Ms Broad (*Teller*)
 Ms Darveniza
 Mr Eideh
 Mr Elasmarr
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos (*Teller*)
 Mr Pakula
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

Question agreed to.

- 11 NATIONAL GAS (VICTORIA) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 12 DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (REPEAL) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 13 ADJOURNMENT** — Mr Theophanous moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 6.52 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 74 — Wednesday, 11 June 2008

- 1 The President took the Chair and read the Prayer.
- 2 **APPROPRIATION (PARLIAMENT 2008/2009) BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2008/2009 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 3 **PETITION — NORTH-SOUTH PIPELINE** — Ms Lovell presented a Petition bearing 385 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the construction of the North-South pipeline.

Ordered to lie on the Table.

- 4 **PAPERS** —

SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT — Mr D.M. Davis presented the Second Interim Report from the Select Committee on Public Land Development (including Appendices, Extracts from the Proceedings and a Minority Report).

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

Mr D.M. Davis moved, by leave, That the Report be taken into consideration later this day.

Question — put and agreed to.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — INQUIRY INTO VICTORIA'S PUBLIC FINANCE PRACTICES AND LEGISLATION — Mr Dalla-Riva presented a Report from the Public Accounts and Estimates Committee on notification of a new inquiry into Victoria's public finance practices and legislation.

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 Implementation of the Criminal Justice Enhancement Program (CJEP), June 2008.

Report on Performance Reporting in Local Government, June 2008, together with Local Government Performance Reporting: Turning Principles into Practice.

Report on Services to Young Offenders, June 2008.

National Parks Act 1975 — Advice of National Parks Advisory Council to Minister on several proposed excisions from existing parks.

Ombudsman — Report on Investigation into contraband entering a prison and related issues, June 2008.

- 5 **COGNATE SUBJECTS** — Mr Tee moved, by leave, That this House authorises and requires the President to permit the notice of motion standing in the name of Mr D.M. Davis relating to a change to the reporting date for the Select Committee on Public Land Development and a motion to take note of the Second Interim Report of the Public Land Development Select Committee, to be moved and debated concurrently.

Question — put and agreed to.

6 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

7 PORT SERVICES AMENDMENT (DISPOSAL OF MATERIAL) BILL 2008 — Ms Pennicuik laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Pennicuik moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

8 MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL 2008 — Ms Hartland laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Hartland moved, That the Bill be now read a second time.

On the motion of Ms Broad, the debate was adjourned for one week.

9 TOBACCO (CONTROL OF TOBACCO EFFECTS ON MINORS) BILL 2007 — Mr Drum laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Drum moved, That the Bill be now read a second time.

On the motion of Ms Darveniza, the debate was adjourned for one week.

10 SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT — Pursuant to the Order of the Council this day —

1. Mr D.M. Davis, moved, That the Resolution of the Council of 2 May 2007 requiring the Select Committee on Public Land Development to present its final report to the Council no later than 30 June 2008 be amended so as to now require the Committee to present its final report by 11 September 2008.

2. Mr D.M. Davis moved, That the Council take note of the Second Interim Report of the Select Committee on Public Land Development.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

11 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

12 SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT — Debate continued on the motion relating to an extension to the reporting date for the Select Committee on Public Land Development and the motion to take note of the Second Interim Report of that Committee.

Question — That the Resolution of the Council of 2 May 2007 requiring the Select Committee on Public Land Development to present its final report to the Council no later than 30 June 2008 be amended so as to now require the Committee to present its final report by 11 September 2008 — put and agreed to.

Question — That the Council take note of the Second Interim Report of the Select Committee on Public Land Development — put and agreed to.

13 CITY OF MELBOURNE ELECTORAL REVIEW — Mr Hall moved, That this House calls on the State Government to undertake, as a matter of urgency, an electoral review of the City of Melbourne in line with the Electoral Representation Reviews being undertaken of all other Victorian councils, with the results to be declared by 26 September 2008 to allow time to implement any changes recommended before the 29 November 2008 elections, and consider in particular —

(a) the number of councillors and the electoral structure that provides fair and equitable representation for the persons who are entitled to vote at the general election of the Council;

(b) whether the municipal district should be divided into wards and, if so, the boundaries for the wards;

(c) whether the system of voting should be by postal ballot or by attendance voting with appropriate provision for absentee ballots;

- (d) whether a candidate for Lord Mayor or Deputy Lord Mayor should also be eligible (in the event that they are not successful) to be elected as a Councillor;
- (e) the operation of Section 9 of the *City of Melbourne Act 2001*;
- (f) the operation of Section 17 of the *City of Melbourne Act 2001*; and
- (g) any other matters relevant to the structure of the Council.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis (*Teller*)
 Mr Drum
 Mr Finn (*Teller*)
 Mr Guy
 Mr Hall
 Ms Hartland
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

NOES, 19

Ms Broad
 Ms Darveniza (*Teller*)
 Mr Eideh
 Mr Elasmar (*Teller*)
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

Question agreed to.

- 14 'PLUG THE PIPE' ORGANISATION** — Ms Lovell moved, That the Legislative Council expresses its disappointment at the Premier's intemperate response towards the 'Plug the Pipe' organisation and their peaceful protest which was held on the steps of Parliament on Tuesday, 3 June 2008.

Debate ensued.

Business having been interrupted by the President —

- 15 PAPERS — PRODUCTION OF WATER INFRASTRUCTURE DOCUMENTS** — Pursuant to an Order of the Council of 28 May 2008, the following documents were laid upon the Table by the Clerk:

- (1) Catchment Management Authorities Operating reports;
- (2) Catchment Management Authorities Compliance reports;
- (3) RMCG, The Food Bowl Alliance — Modernising the Goulburn Murray Irrigation District, final draft report prepared for the Department of Sustainability and Environment (DSE), 2007;
- (4) Business Progress Reporting (BPR), DSE Database;
- (5) DSE Internal departmental paper on the proposals to restructure the Office of Water, June 2007;
- (6) Individual reports generated by water companies and Catchment Management Authorities tracking some aspects of the strategy including water conservation and recycling;

- (7) Annual Review of the Central Region referred to in PricewaterhouseCoopers and Snowy Mountains Engineering Corporation, DSE Central Region Sustainable Water Strategy Annual Review Framework, prepared for the DSE, Melbourne, 2007;
- (8) Spreadsheet reviewed by the Auditor-General tracking all of the 129 strategy actions, October 2007;
- (9) Draft text for inclusion in the DSE 2007 Annual Report in response to reporting requirements for regional sustainable water strategies under section 22J of the *Water Act 1989*;
- (10) Draft document from DSE setting out proposed reporting protocols;
- (11) Mid 2006 Victorian Water Trust (VWT) evaluation report;
- (12) VWT progress report to the VWT Advisory Council for period up to June 2007, assembled by the VWT secretariat within DSE;
- (13) VWT project register, listing of actual expenditure by project produced by the DSE finance division covering the period up to June 2007;
- (14) Business Progress Reporting (BPR) documents for VWT projects, November 2007;
- (15) PricewaterhouseCoopers, DSE Water Industry Governance Review, draft report, prepared for DSE, Melbourne, 2006; and
- (16) DSE Draft Terms of Reference - Integration Working Group.

The Clerk also laid on the Table a letter from the Attorney-General on behalf of the Executive Government received on 11 June 2008 —

- (1) claiming Executive privilege in relation to the PricewaterhouseCoopers, Desalination procurement options analysis, full report, prepared for DSE, Melbourne, 2007 in which the Attorney-General stated that the document would not be produced to the Legislative Council; and
- (2) advising that one of the documents referred to in the resolution of the Council, the Final business case covering the food bowl project, could not be identified and therefore had not been provided.

16 'PLUG THE PIPE' ORGANISATION — Debate continued on the question, That the Legislative Council expresses its disappointment at the Premier's intemperate response towards the 'Plug the Pipe' organisation and their peaceful protest which was held on the steps of Parliament on Tuesday, 3 June 2008.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

NOES, 19

Mr Atkinson
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Hartland
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik (*Teller*)
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips (*Teller*)

Ms Broad
 Ms Darveniza
 Mr Eideh
 Mr Elasmarr
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula (*Teller*)
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee (*Teller*)
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

Mr Vogels

Question agreed to.

- 17 GOVERNMENT SERVICES IN WESTERN SUBURBS** — Mr Finn moved, That this House condemns the Brumby Government for its failure to provide the people of Melbourne's western suburbs with the government services they deserve.

Debate ensued.

On the motion of Ms Hartland, the debate was adjourned until the next day of meeting.

- 18 ADJOURNMENT** — Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.21 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 75 — Thursday, 12 June 2008

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

- 2 PAPER — PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2008-09 BUDGET ESTIMATES (PART TWO)** — Mr Pakula presented a Report from the Public Accounts and Estimates Committee on the 2008-09 Budget Estimates (Part Two) (including Appendices and Transcripts of Evidence).

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

Mr Pakula moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

- 3 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 24 June 2008.

Question — put and agreed to.

- 4 DRUGS AND CRIME PREVENTION COMMITTEE** — Mr Lenders moved, by leave, That Mrs Coote be a member of the Drugs and Crime Prevention Committee.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 6 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

- 8 APPROPRIATION (PARLIAMENT 2008/2009) BILL 2008** — Mr Jennings (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 9 STATE TAXATION ACTS AMENDMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

11 STATE TAXATION ACTS AMENDMENT BILL 2008 — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

12 GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Gambling Regulation Act 2003 with respect to certain gambling licences and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Guy), the debate was adjourned for one week.

13 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 3.04 p.m., adjourned until Tuesday, 24 June 2008.

W.R. TUNNECLIFFE
Clerk of the Legislative Council



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 76, 77 and 78

No. 76 — Tuesday, 24 June 2008

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Administrator of Victoria, as the Governor's Deputy, informing the Council that he had, on 17 June 2008, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

Drugs, Poisons and Controlled Substances (Volatile Substances) (Repeal) Act 2008.
National Gas (Victoria) Act 2008.
State Taxation Acts Amendment Act 2008.

- 3 **APPROPRIATION (2008/2009) BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2008/2009 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 5 **PETITIONS** —

NORTH-SOUTH PIPELINE — Ms Lovell presented a Petition bearing 120 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the construction of the North-South pipeline.

Ordered to lie on the Table.

* * * * *

DECRIMINALISATION OF ABORTION — Mr Finn presented a Petition bearing 824 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria oppose the proposed amendments to the *Crimes Act 1958* that will decriminalise abortion in the State of Victoria.

Ordered to lie on the Table.

- 6 **PAPERS** —

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION — PORT PHILLIP BAY CHANNEL DEEPENING — Mr Rich-Phillips presented the First Interim Report from the Standing Committee on Finance and Public Administration into Port Phillip Bay Channel Deepening (including Appendices).

Ordered to lie on the Table and to be printed.

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 8 of 2008 from the Scrutiny of Acts and Regulations Committee (including 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:

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

- Ararat Planning Scheme — Amendment C16.
- Baw Baw Planning Scheme — Amendments C18 and C47 (Part 2).
- Campaspe Planning Scheme — Amendments C58 and C59.
- Central Goldfields Planning Scheme — Amendment C14.
- Greater Bendigo Planning Scheme — Amendment C77.
- Greater Shepparton Planning Scheme — Amendment C77.
- Hume Planning Scheme — Amendment C97.
- Melbourne Planning Scheme — Amendment C139.
- Melton Planning Scheme — Amendments C53 (Part 2), C61 and C72.
- Victoria Planning Provisions — Amendment VC48.
- Wangaratta Planning Scheme — Amendment C26 (Part 2).
- Yarra Planning Scheme — Amendment C87.

Statutory Rules under the following Acts of Parliament:

- Introduction Agents Act 1997 — No. 54.
- Residential Tenancies Act 1997 — No. 55.
- Rural Finance Act 1988 — No. 52.
- Serious Sex Offenders Monitoring Act 2005 — No. 51.
- Transfer of Land Act 1958 — No. 56.
- Working with Children Act 2005 — No. 53.

Subordinate Legislation Act 1994 —

- Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 56.
- Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 51, 54 and 55.
- Minister's infringements offence consultation certificates under section 6A(3) in respect of Statutory Rule Nos. 38, 54 and 55.

Victorian Environmental Assessment Council Act 2001 —

- Minister's response to submissions on the proposed Terms of Reference for the Investigation into Metropolitan Melbourne, pursuant to section 16(2) of the Act.
- Minister's response to submissions on the proposed Terms of Reference for the Investigation into Remnant Native Vegetation, pursuant to section 16(2) of the Act.

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

8 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

9 POLICE INTEGRITY BILL 2008 — Bill committed to a Committee of the whole.

Bill reported 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 10 APPROPRIATION (2008/2009) BILL 2008** — Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.
Mr Lenders moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned until later this day.
- 11 COGNATE DEBATE** — Mr Lenders moved, by leave, That this House authorises and requires the President to permit the second reading debate on the Appropriation (2008/2009) Bill 2008 to be taken concurrently with further debate on the motion to take note of the Budget Papers, 2008-09.
Question — put and agreed to.
- 12 BUSINESS POSTPONED** — Ordered — That the consideration of Government Business, Order of the Day, No. 2, be postponed until later this day.
- 13 APPROPRIATION (PARLIAMENT 2008/2009) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 14 APPROPRIATION (2008/2009) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2008-09** having been authorised to be debated concurrently pursuant to an Order of the Council this day].
- Business having been interrupted by the President at 10.00 p.m. —*
- 15 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.
And then the Council, at 10.43 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 77 — Wednesday, 25 June 2008

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — DECRIMINALISATION OF ABORTION** — Mr Finn presented a Petition bearing 420 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria oppose the proposed amendments to the *Crimes Act 1958* that will decriminalise abortion in the State of Victoria.
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 Coordinating Services and Initiatives for Aboriginal People, June 2008.
Report on Maintaining the State's Regional Arterial Road Network, June 2008.
Report on the New Royal Women's Hospital — a public private partnership, June 2008.
Report on Performance Reporting by Public Financial Corporations, June 2008.
Statutory Rules under the following Acts of Parliament:
Confiscation Act 1997 — No. 57.
Evidence Act 1958 — No. 58.
Magistrates' Court Act 1989 — No. 64.
Road Safety Act 1986 — Nos. 59, 60, 61, 62 and 63.

- Victorian Civil and Administrative Tribunal Act 1998 — No. 65.
 Subordinate Legislation Act 1994 —
 Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 40, 41, 42, 57 and 58.
 Minister's infringements offence consultation certificates under section 6A(3) in respect of Statutory Rule Nos. 57 and 58.

4 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 25 June 2008:

- (1) Notice of Motion No. 27 standing in the name of Mr Barber relating to the introduction of the Local Government Amendment (Disclosure) Bill 2008;
- (2) Notice of Motion No. 26 standing in the name of Mr Rich-Phillips relating to a change to the reporting date for the Standing Committee on Finance and Public Administration inquiry into the Port Phillip Bay Channel Deepening Project;
- (3) Order of the Day No. 5, relating to the resumption of debate on the motion condemning the Government for its failure to provide government services in Melbourne's western suburbs;
- (4) Order of the Day No. 4, relating to the resumption of debate on the second reading of the Tobacco (Control of Tobacco Effects on Minors) Bill 2007; and
- (5) Order of the Day No. 2, relating to the resumption of debate on the second reading of the Port Services Amendment (Disposal of Material) Bill 2008.

Question — put and agreed to.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 LOCAL GOVERNMENT AMENDMENT (DISCLOSURE) BILL 2008 — Mr Barber, pursuant to notice, introduced *A Bill for an Act to amend the Local Government Act 1989 to strengthen the disclosure of gifts provisions and for other purposes.*

On the motion of Mr Barber, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

7 STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION — Mr Rich-Phillips moved, That the Resolution of the Council on 27 February 2008 requiring the Standing Committee on Finance and Public Administration to inquire into the Port Phillip Bay Channel Deepening Project and to present its final report to the Council no later than 30 June 2008 be amended so as to now require the Committee to present its final report by 11 September 2008.

Question — put and agreed to.

8 GOVERNMENT SERVICES IN WESTERN SUBURBS — Debate resumed on the question, That this House condemns the Brumby Government for its failure to provide the people of Melbourne's western suburbs with the government services they deserve.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 19
Mr Atkinson	Ms Broad
Mrs Coote	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis (<i>Teller</i>)	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall (<i>Teller</i>)	Ms Mikakos
Mr Koch	Mr Pakula
Mrs Kronberg	Ms Pulford (<i>Teller</i>)

Ms Lovell	Mr Scheffer
Mr O'Donohue	Mr Smith
Mrs Petrovich	Mr Somyurek
Mrs Peulich	Mr Tee (<i>Teller</i>)
Mr Rich-Phillips	Mr Theophanous
Mr Vogels	Mr Thornley
	Ms Tierney
	Mr Viney

Question negatived.

- 9 TOBACCO (CONTROL OF TOBACCO EFFECTS ON MINORS) BILL 2007** — Debate resumed on the question, That the Bill be now read a second time.

Mr Viney moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the House has had the opportunity to consider the Victorian Tobacco Control Strategy 2008-13 to be released by the Government this year”.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 11 TOBACCO (CONTROL OF TOBACCO EFFECTS ON MINORS) BILL 2007** — Debate continued on the question, That the Bill be now read a second time and on the amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the House has had the opportunity to consider the Victorian Tobacco Control Strategy 2008-13 to be released by the Government this year”.

Question — That the reasoned amendment moved by Mr Viney be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber
Mr Eideh	Mrs Coote
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Mr Leane (<i>Teller</i>)	Mr P.R. Davis
Mr Lenders	Mr Drum
Mr Madden	Mr Finn (<i>Teller</i>)
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pulford	Ms Hartland (<i>Teller</i>)
Mr Scheffer	Mr Kavanagh
Mr Smith	Mr Koch
Mr Somyurek	Mrs Kronberg
Mr Tee	Ms Lovell
Mr Theophanous	Mr O'Donohue
Mr Thornley	Ms Pennicuik
Ms Tierney (<i>Teller</i>)	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Rich-Phillips
	Mr Vogels

Amendment negatived.

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

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

Bill transmitted to the Assembly with a Message requesting their agreement.

12 PORT SERVICES AMENDMENT (DISPOSAL OF MATERIAL) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair

AYES, 5

Mr Atkinson (*Teller*)
Mr Barber
Ms Hartland
Mr Kavanagh
Ms Pennicuik (*Teller*)

NOES, 35

Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr (*Teller*)
Mr Finn
Mr Guy
Mr Hall
Mr Jennings
Mr Koch (*Teller*)
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney
Mr Vogels

Question negatived.

13 BUSINESS POSTPONED — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

14 CANCER AMENDMENT (HPV) BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Cancer Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Jennings), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

15 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

16 APPROPRIATION (2008/2009) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2008-09** having

been authorised to be debated concurrently pursuant to an Order of the Council on 24 June 2008].

On the motion of Ms Mikakos, the debate was adjourned until the next day of meeting.

- 17 WILDLIFE AMENDMENT (MARINE MAMMALS) BILL 2008** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Wildlife Act 1975 to further provide for marine mammals and other matters, to amend the Crimes (Controlled Operations) Act 2004, and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Theophanous (for Mr Jennings), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 18 ADJOURNMENT** — Mr Theophanous moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 9.20 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 78 — Thursday, 26 June 2008

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

- 2 **APPOINTMENT OF OFFICERS** — The President advised the Council that, pursuant to section 18 of the *Parliamentary Administration Act 2005*, the Clerk had appointed Dr Stephen Redenbach as Assistant Clerk – Committees and Mr Andrew Young as Assistant Clerk – House and Usher of the Black Rod, effective from 1 July 2008.

- 3 **PETITION — DECRIMINALISATION OF ABORTION** — Mr Finn presented a Petition bearing 1,282 signatures from certain citizens of Victoria requesting that the Legislative Council rejects any move to decriminalise abortion in Victoria.

Ordered to lie on the Table.

- 4 **PAPERS** —

MINISTERIAL INTERVENTION IN PLANNING MATTERS — Mr Madden moved, by leave, That there be laid before this House a copy of the Statement on Ministerial Interventions in Planning Matters for the period May 2007 to April 2008.

Question — put and agreed to.

The said Statement was presented by Mr Madden and ordered to lie on the Table.

* * * * *

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — Mr Viney presented a Report from the Environment and Natural Resources Committee on the Impact of Public Land Management Practices on Bushfires in Victoria (including Appendices), together with Transcripts of Evidence.

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

Mr Viney moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

ELECTORAL MATTERS COMMITTEE — Mr Somyurek presented a Report from the Electoral Matters Committee on the Conduct of the 2006 Victorian State Election, and matters related thereto (including Appendices), together with Transcripts of Evidence.

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

Mr Somyurek moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 9 October 2007 and 25 June 2008.

Multicultural Affairs — Whole of Government Report, 2006-07.

Office of Police Integrity — Report on investigation into Operation Clarendon, June 2008.

Special Investigations Monitor — Report pursuant to section 62 of the Major Crime (Investigative Powers) Act 2004.

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 65.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

7 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

8 CANCER AMENDMENT (HPV) BILL 2008 — Mr Theophanous (for Mr Jennings) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Theophanous, the second reading speech was incorporated into Hansard.

Mr Theophanous moved, That the Bill be now read a second time.

On the motion of Mr D.M. Davis, the debate was adjourned for one week.

9 WILDLIFE AMENDMENT (MARINE MAMMALS) BILL 2008 — Mr Theophanous (for Mr Jennings) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Theophanous, the second reading speech was incorporated into Hansard.

Mr Theophanous moved, That the Bill be now read a second time.

On the motion of Mr D.M. Davis, the debate was adjourned for one week.

10 APPROPRIATION (2008/2009) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2008-09** having been authorised to be debated concurrently pursuant to an Order of the Council on 24 June 2008].

Business having been interrupted at 12 noon pursuant to Sessional Orders —

11 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

12 APPROPRIATION (2008/2009) BILL 2008 — Debate continued on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2008-09** having been authorised to be debated concurrently pursuant to an Order of the Council on 24 June 2008] and, after further debate, the question was agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 13 BUDGET PAPERS, 2008-09** — The concurrent debate having concluded —
Question — That the Council take note of the Budget Papers, 2008-09 — put and agreed to.
- 14 TOBACCO (CONTROL OF TOBACCO EFFECTS ON MINORS) BILL 2007** — The President announced the receipt of a Message from the Assembly returning the Bill and informing the Legislative Council that they refused to entertain the Bill as it sought to force an appropriation from the Consolidated Fund which is unlawful, being the exclusive power of the Legislative Assembly as set out in the *Constitution Act 1975*.
Ordered — That the Message be taken into consideration on the next day of meeting.
- 15 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 29 July 2008.
Question — put and agreed to.
- 16 LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Local Government Act 1989 and the City of Melbourne Act 2001 to facilitate the holding of local government elections and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.
Mr Lenders moved, That the Bill be now read a second time.
On the motion of Ms Lovell (for Mr Hall), the debate was adjourned for one week.
- 17 UNCLAIMED MONEY BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to re-enact with amendments the law relating to unclaimed money, to repeal the Unclaimed Moneys Act 1962 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Jennings (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
Mr Jennings moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 18 CRIMES (CONTROLLED OPERATIONS) AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Crimes (Controlled Operations) Act 2004 to repeal provisions relating to the Australian Crime Commission and to make consequential amendments to the Major Crime Legislation (Office of Police Integrity) Act 2004 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
Mr Jennings moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 19 MELBOURNE CRICKET GROUND AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Melbourne Cricket Ground Act 1933 to provide for the reservation of a stratum of land at the*

Melbourne Cricket Ground and for other purposes and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Dalla-Riva, the debate was adjourned for one week.

20 COURTS LEGISLATION AMENDMENT (JURIES AND OTHER MATTERS) BILL 2008 —

The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Constitution Act 1975, the Juries Act 2000 and the Magistrates' Court Act 1989 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

21 PUBLIC HEALTH AND WELLBEING BILL 2008 —

The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to enact a new legislative scheme which promotes and protects public health and wellbeing in Victoria, to amend the Health Act 1958, the Food Act 1984 and certain other Acts, to repeal the Health Act 1958 and consequentially amend certain other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

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

On the motion of Mr D.M. Davis, the debate was adjourned for one week.

22 ADJOURNMENT — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 6.35 p.m., adjourned until Tuesday, 29 July 2008.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 76, 77 and 78

Tuesday, 24 June 2008

1 POLICE INTEGRITY BILL 2008

Clauses 1 and 2 — put and agreed to.

Clause 3 — Ms Pennicuik moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

1. Clause 3, page 6, after line 18 insert—

"**Parliamentary Committee** means the Drugs and Crime Prevention Committee under the **Parliamentary Committees Act 2003**";.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber (*Teller*)
Ms Hartland
Mr Kavanagh (*Teller*)
Ms Pennicuik

NOES, 36

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos (*Teller*)
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek (*Teller*)
Mr Tee
Mr Theophanous

Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negated.

Clause 3 — put and agreed to.

Clauses 4 to 46 — put and agreed to.

Clause 47 — Ms Pennicuik moved —

1. Clause 47, page 41, after line 11 insert—

"() Before the Director gives a direction under subsection (1), the Director must inform the member of the effect of subsection (2)."

Question — That the amendment be agreed to — put and negated.

Clause 47 — put and agreed to.

Clauses 48 to 57 — put and agreed to.

Clause 58 — Ms Pennicuik moved —

2. Clause 58, after line 18 insert—

"(ab) the privacy of a person; or"

Question — That the amendment be agreed to — put and negated.

Clause 58 — put and agreed to.

Clauses 59 to 101 — put and agreed to.

Clause 102 — Ms Pennicuik moved —

3. Clause 102, after line 32 insert—

"() The Director must give a written report to the Special Investigations Monitor within 3 days after the making of an authorisation under this section setting out—

(a) the name of the member of staff of the Office of Police Integrity who is authorised to possess, carry and use defensive equipment; and

(b) the type of defensive equipment to which the authorisation applies."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Mr Kavanagh
 Ms Pennicuik

NOES, 34

Mr Atkinson
 Ms Broad
 Mrs Coote (*Teller*)
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane

Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee (*Teller*)
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negated.

Clause 102 — put and agreed to.

Clause 103 — Ms Pennicuik moved —

4. Clause 103, after line 28 insert—

"() The Director must give a written report to the Special Investigations Monitor within 3 days after the making of an authorisation under this section setting out—

(a) the name of the member of staff of the Office of Police Integrity who is authorised to possess, carry and use a firearm; and

(b) the type of firearm to which the authorisation applies."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber
 Ms Hartland (*Teller*)
 Mr Kavanagh (*Teller*)
 Ms Pennicuik

NOES, 35

Mr Atkinson
 Ms Broad (*Teller*)
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr (*Teller*)
 Mr Finn
 Mr Guy
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich

Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney
Mr Vogels

Amendment negated.

Clause 103 — put and agreed to.

Clauses 104 to 144 — put and agreed to.

Schedules 1 and 2 — put and agreed to.

Bill reported without amendment.

Thursday, 26 June 2008

1 APPROPRIATION (2008/2009) BILL 2008

Clauses 1 to 8 — put and agreed to.

Schedules 1 to 3 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 79, 80 and 81

No. 79 — Tuesday, 29 July 2008

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE LINDSAY HAMILTON SIMPSON THOMPSON, AO, CMG** — Mr Lenders moved, That this House expresses its sincere sorrow at the death, on 16 July 2008, of the Honourable Lindsay Hamilton Simpson Thompson, AO, CMG, 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 Higinbotham Province from 1955 to 1967 and Monash Province from 1967 to 1970, Member of the Legislative Assembly for the electoral district of Malvern from 1970 to 1982, Minister without Portfolio from 1958 to 1961, Minister of Housing and Minister of Forests from 1961 to 1967, Minister of Education from 1967 to 1979, Deputy Premier from 1972 to 1981, Chief Secretary, 1980, Minister for Police and Emergency Services from 1979 to 1981, Treasurer from 1979 to 1982 and Premier of Victoria from 1981 to 1982.
And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places for one minute.
- 3 **ADJOURNMENT** — Mr Lenders moved, That as a further mark of respect to the memory of the late Honourable Lindsay Hamilton Simpson Thompson, AO, CMG, the House do now adjourn.
Question — put and agreed to.
And then the Council, at 3.36 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 80 — Wednesday, 30 July 2008

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from —
The Administrator of the State of Victoria, as the Governor's Deputy, informing the Council that he had, on 27 June 2008, given the Royal Assent to the following Acts presented to him by the Speaker of the Legislative Assembly:
Appropriation (2008/2009) Act 2008.
Appropriation (Parliament 2008/2009) Act 2008.

The Governor, that he had, on 1 July 2008, given the Royal Assent to the following Act presented to him by the Clerk of the Parliaments:

Police Integrity Act 2008.

3 PETITIONS —

WIND FARM DEVELOPMENT — Mr Koch presented a Petition bearing 345 signatures from certain citizens of Victoria requesting that the State Government immediately review the current policy and planning guidelines for development of wind energy facilities based on new data, new science, environmental, social and economic viability.

Ordered to lie on the Table.

* * * * *

BEACH ROAD, BEAUMARIS — SAFETY SECTION EXTENSION — Mrs Coote presented a Petition bearing 599 signatures from certain citizens of Victoria requesting that the Minister for Roads and Ports moves to ensure that the current two lane safety section of Beach Road is extended to include the section of Beach Road up to Cromer Road, Beaumaris.

Ordered to lie on the Table.

* * * * *

NORTH-SOUTH PIPELINE — Mr Drum and Ms Lovell presented Petitions bearing 113 and 149 signatures, respectively, from certain citizens of Victoria requesting that the Legislative Council oppose the construction of the North-South pipeline.

Ordered to lie on the Table.

* * * * *

GOULBURN RIVER PIPELINE — Ms Lovell presented a Petition bearing 144 signatures from certain citizens of Victoria requesting that the Government abandons its proposal to pipe water from the Goulburn River to Melbourne and instead addresses Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

Ordered to lie on the Table.

4 PAPERS —

VICTORIAN COMPETITION AND EFFICIENCY COMMISSION — WATER WAYS: INQUIRY INTO REFORM OF THE METROPOLITAN RETAIL WATER SECTOR — Mr Lenders moved, by leave, That there be laid before this House a copy of the Victorian Competition and Efficiency Commission's Report on Water Ways: Inquiry into Reform of the Metropolitan Retail Water Sector, February 2008 and the Government Response to that Report.

Question — put and agreed to.

The said papers were presented by Mr Lenders and ordered to lie on the Table.

* * * * *

RURAL AND REGIONAL COMMITTEE — RURAL AND REGIONAL TOURISM — Mr Drum presented a Report from the Rural and Regional Committee on Rural and Regional Tourism (including Appendices), together with Transcripts of Evidence.

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

Mr Drum moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 9 of 2008 from the Scrutiny of Acts and Regulations Committee (including Appendices), together with Transcripts of Evidence.

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

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

Auditor-General —

Report on Investing Smarter in Public Sector ICT: Turning Principles into Practice, July 2008.

Report on Managing Complaints against Ticket Inspectors, July 2008.

Report on Records Management Checklist: A Tool to Improve Records Management, July 2008.

Crown Land (Reserves) Act 1978 —

Minister's Order of 27 June 2008 giving approval to the granting of a lease and licence at Phillip Island Nature Park Reserve.

Minister's Order of 4 July 2008 giving approval to the granting of a lease at Fennell Reserve.

Minister's Order of 4 July 2008 giving approval to the granting of a lease at Kennett River Caravan Park Reserve.

Minister's Order of 17 July 2008 giving approval to the granting of a lease at Geelong Botanical Gardens and Eastern Park Reserve.

Minister's Order of 18 July 2008 giving approval to the granting of licences at Anglesea Foreshore Reserve, Lorne Foreshore Reserve and Torquay and Jan Juc Foreshore Reserve.

EastLink Project Act 2004 — Variation Statement Nos. 29 to 39, pursuant to section 21(3) of the Act (11 papers).

Environment Protection Act 1970 — Order in Council of 23 July 2008 varying the Industrial Waste Management Policy (Movement of Controlled Waste between States and Territories).

Interpretation of Legislation Act 1984 —

Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 48.

Notice pursuant to section 32(3)(a)(iii) in relation to State Environment Protection Policy (Air Quality Management).

Notice pursuant to section 32(4)(a)(iii) in relation to Waste Management Policy (Ships' Ballast Water).

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

Ararat Planning Scheme — Amendment C21.

Ballarat Planning Scheme — Amendment C88 Part 2.

Banyule Planning Scheme — Amendment C56.

Bass Coast Planning Scheme — Amendment C75.

Baw Baw Planning Scheme — Amendment C62.

Bayside Planning Scheme — Amendments C56 (Part 1) and C70.

Boroondara Planning Scheme — Amendments C77 and C81.

Brimbank Planning Scheme — Amendment C100.

Campaspe Planning Scheme — Amendment C63.

Cardinia Planning Scheme — Amendments C105 (Part 1) and C116.

Colac Otway Planning Scheme — Amendment C48.

Glen Eira Planning Scheme — Amendment C61.

Greater Bendigo Planning Scheme — Amendment C113.

Greater Geelong Planning Scheme — Amendments C86 Part 2, C116 and C128.

Knox Planning Scheme — Amendment C68.

Maribyrnong Planning Scheme — Amendment C44.

Maroondah Planning Scheme — Amendments C58 and C80.

Melbourne Planning Scheme — Amendments C131 and C134.

Melton Planning Scheme — Amendments C74 and C79.

Monash Planning Scheme — Amendments C75 and C76.

Moonee Valley Planning Scheme — Amendments C66, C73 and C87.

Moreland Planning Scheme — Amendments C88 and C91.

Mornington Peninsula Planning Scheme — Amendments C102, C104 and C110.

- Northern Grampians Planning Scheme — Amendments C24, C25, C26 and C27.
 Stonnington Planning Scheme — Amendment C74.
 Surf Coast Planning Scheme — Amendments C32, C39 (Part 1) and C40.
 Warrnambool Planning Scheme — Amendment C44 (Part 1).
 Wellington Planning Scheme — Amendments C26 Part 1, C37 and C44.
 West Wimmera Planning Scheme — Amendment C15.
 Whittlesea Planning Scheme — Amendments C81 (Part 1), C101 and C103.
 Wodonga Planning Scheme — Amendments C40 and C60.
 Wyndham Planning Scheme — Amendments C98, C100 and C117.
 Yarra Ranges Planning Scheme — Amendments C70 and C72.
- Special Investigations Monitor's Office — Report for the period ended 30 June 2008, pursuant to section 30Q of the Surveillance Devices Act 1999.
- Statutory Rules under the following Acts of Parliament:
- Catchment and Land Protection Act 1994 — No. 91.
 City of Melbourne Act 2001 — Local Government Act 1989 — No. 70.
 Country Fire Authority Act 1958 — No. 89.
 Domestic (Feral and Nuisance) Animals Act 1994 — No. 67.
 Drugs, Poisons and Controlled Substances Act 1981 — No. 71.
 Eastlink Project Act 2004 — No. 81.
 Fair Trading Act 1999 — Nos. 86 and 88.
 Impounding of Livestock Act 1994 — No.66.
 Infringements Act 2006 — No. 85.
 Magistrates' Court Act 1989 — Nos. 83 and 84.
 Prevention of Cruelty to Animals Act 1986 — No. 68.
 Professional Boxing and Combat Sports Act 1985 — No. 82.
 Road Safety Act 1986 — Nos. 77, 78, 79 and 80.
 State Superannuation Act 1988 — No. 69.
 Subordinate Legislation Act 1994 — No. 90.
 Transport Act 1983 — Nos. 72, 73, 74, 75 and 76.
 Zoological Parks and Gardens Act 1995 — No. 87.
- Subordinate Legislation Act 1994 —
 Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 62, 63, 64, 83, 84, 87 and 89.
 Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 59, 60, 61, 70, 71, 77, 79, 80, 85, 86, 88 and 91.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Education and Training Reform Amendment Act 2008 — remaining provisions — 1 July 2008 (*Gazette No. S186, 1 July 2008*).
- Energy Legislation Further Amendment Act 2007 — sections 23, 25(1) and 33 — 25 July 2008 (*Gazette No. G30, 24 July 2008*).
- Essential Services Commission Amendment Act 2008 — 1 July 2008 (*Gazette No. G26, 26 June 2008*).
- Firearms Amendment Act 2007 — other than sections 3(1)(b), 3(3), 9 to 11, 13, 20 to 24, 28, 29, 31, 36 to 39, 54 and 56 — 30 June 2008 (*Gazette No. G26, 26 June 2008*).
- Infringements and Other Acts Amendment Act 2008 — except for section 11 — 1 July 2008 (*Gazette No. S172, 27 June 2008*).
- National Gas (Victoria) Act 2008 — 1 July 2008 (*Gazette No. S184, 1 July 2008*).

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion and Orders of the Day, General Business, Nos. 1 and 2, be postponed until later this day.

- 7 LOCAL GOVERNMENT AMENDMENT (DISCLOSURE) BILL 2008** — Mr Barber laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Barber moved, That the Bill be now read a second time.

On the motion of Ms Mikakos, the debate was adjourned for two weeks.

- 8 CATHOLIC SCHOOLS FUNDING** — Mr Hall moved, by leave, That this House calls on the Brumby Labor Government to increase the funding provided for Victorian students in Catholic schools using a needs based formula from the lowest per student funding of any State in Australia to funding at around 25 per cent of the costs of educating a government school student.

Debate ensued.

Ms Darveniza moved, as an amendment, That all the words after “That this House” be omitted with the view of inserting in their place “acknowledges the important contribution which the Catholic Education Sector provides in the State of Victoria and calls on the Government to continue to support this contribution through —

- (1) the Non-Government Schools Financial Assistance Model;
- (2) the Needs Based Capital Assistance Funding for Non-Government Schools;
- (3) providing access for teachers to professional development and curriculum planning materials;
- (4) access for low income parents to the Education Maintenance Allowance; and
- (5) assistance to families through the School Start Bonus.”.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 10 CATHOLIC SCHOOLS FUNDING** — Debate continued on the question, That this House calls on the Brumby Labor Government to increase the funding provided for Victorian students in Catholic schools using a needs based formula from the lowest per student funding of any State in Australia to funding at around 25 per cent of the costs of educating a government school student and on the amendment moved by Ms Darveniza (see item 8).

On the motion of Ms Pennicuik, the debate was adjourned for one week.

- 11 MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Guy, the debate was adjourned until the next day of meeting.

- 12 BUSINESS POSTPONED** —

Ordered — That the consideration of Order of the Day, General Business, No. 4, be postponed until the next day of meeting.

Ordered — That the consideration of the Notices of Motion, Government Business, and Order of the Day, Government Business, No.1 be postponed until the next day of meeting.

- 13 SUPERANNUATION LEGISLATION AMENDMENT BILL 2008** — The Deputy President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Emergency Services Superannuation Act 1986, the State Superannuation Act 1988, the Transport Superannuation Act 1988 and the Victorian Managed Insurance Authority Act 1996 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Lenders), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 14 LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Mr Barber announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

On the motion of Mr Viney, the debate was adjourned until the next day of meeting.

Business having been interrupted by the President at 9.57 p.m. —

15 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.49 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 81 — Thursday, 31 July 2008

1 The President took the Chair and read the Prayer.

2 NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS AMENDMENT BILL 2008 —

The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the National Parks Act 1975, the Crown Land (Reserves) Act 1978, the Forests Act 1958 and the Mineral Resources (Sustainable Development) Act 1990 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

3 LAND (REVOCATION OF RESERVATIONS) (CONVENTION CENTRE LAND) BILL 2008 —

The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to provide for the revocation of reservations of various parcels of land in the Yarra River Wharf and Polly Woodside areas and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

4 PETITIONS —

DECRIMINALISATION OF ABORTION — Mr Finn presented a Petition bearing 2,001 signatures from certain citizens of Victoria requesting that the Legislative Council rejects any move to decriminalise abortion in Victoria.

Ordered to lie on the Table.

* * * * *

WIND FARM DEVELOPMENT — Mr Koch presented a Petition bearing 359 signatures from certain citizens of Victoria requesting that the State Government immediately review the current policy and planning guidelines for development of wind energy facilities based on new data, new science, environmental, social and economic viability.

Ordered to lie on the Table.

* * * * *

MONASH FREEWAY NOISE BARRIERS — Mr D.M. Davis presented a Petition bearing 345 signatures from certain citizens of Victoria requesting that the Victorian Government takes action to reduce the increased noise impact on local residents of the Monash Freeway expansion by the installation of state-of-the-art noise abatement barriers to a standard equivalent to that required of CityLink and EastLink.

Ordered to lie on the Table.

* * * * *

MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL 2008 — Mrs Peulich presented a Petition bearing 1,103 signatures from certain citizens of Victoria requesting that the Legislative Council does not support the Medical Treatment (Physician Assisted Dying) Bill 2008, which would legalise euthanasia in Victoria.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

EXTENSION OF CLEARWAYS — Mrs Coote presented a Petition bearing 22,540 signatures from certain citizens of Victoria requesting that the proposed extension of clearways in Melbourne be withdrawn and abandoned.

Ordered to lie on the Table.

5 PAPERS —

CHILDREN'S COURT OF VICTORIA — Mr Madden presented, by command of the Governor, the Report of the Children's Court of Victoria for the year 2006-07.

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:

Forensic Leave Panel — Report, 2007.

Freedom of Information Act 1982 — Statement of reasons for seeking leave to appeal pursuant to section 65AB(2) of the Act.

Office of Police Integrity — Report on Improving Victorian policing services through effective complaint handling, July 2008.

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 90.

6 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

7 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

8 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, and Order of the Day, Government Business, No. 1, be postponed until later this day.

9 LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

10 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

11 LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2008 — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

12 HERITAGE AMENDMENT BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Heritage Act 1995 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

13 GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Mr Guy moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this Bill be withdrawn and redrafted to ensure that the probity

requirements of the licensing process are protected by prohibiting lobbying activities as recommended by the Gambling and Lotteries Licence Review Panel”.

Debate ensued.

Ms Pulford announced that Mr Madden proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — That the reasoned amendment moved by Mr Guy be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson
Mrs Coote (*Teller*)
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Guy
Mr Hall
Mr Koch
Ms Lovell
Mr O’Donohue
Mrs Petrovich (*Teller*)
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

NOES, 22

Mr Barber
Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmarr
Ms Hartland
Mr Jennings
Mr Kavanagh
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos (*Teller*)
Mr Pakula
Ms Pennicuik
Ms Pulford
Mr Scheffer (*Teller*)
Mr Smith
Mr Somyurek
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney

Amendment negatived.

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

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

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

- 14 BUILDING AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Building Act 1993 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Guy, the debate was adjourned for one week.

- 15 SUMMARY OFFENCES AMENDMENT (TATTOOING AND BODY PIERCING) BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Summary Offences Act 1966 with respect to tattooing and body piercing and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Madden, the second reading speech was incorporated into Hansard.
Mr Madden moved, That the Bill be now read a second time.
On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.
- 16 EVIDENCE BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act about the law of evidence and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Madden, the second reading speech was incorporated into Hansard.
Mr Madden moved, That the Bill be now read a second time.
On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.
- 17 SUPERANNUATION LEGISLATION AMENDMENT BILL 2008** — Mr Madden (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Madden, the second reading speech was incorporated into Hansard.
Mr Madden moved, That the Bill be now read a second time.
On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.
- 18 NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS AMENDMENT BILL 2008** — Mr Madden (for Mr Jennings) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Madden, the second reading speech was incorporated into Hansard.
Mr Madden moved, That the Bill be now read a second time.
On the motion of Mr Koch (for Mr D.M. Davis), the debate was adjourned for one week.
- 19 LAND (REVOCAION OF RESERVATIONS) (CONVENTION CENTRE LAND) BILL 2008** — Mr Madden (for Mr Jennings) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Madden, the second reading speech was incorporated into Hansard.
Mr Madden moved, That the Bill be now read a second time.
On the motion of Mr Koch (for Mr D.M. Davis), the debate was adjourned for one week.
- 20 HERITAGE AMENDMENT BILL 2008** — Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Madden, the second reading speech was incorporated into Hansard.
Mr Madden moved, That the Bill be now read a second time.
On the motion of Mr Guy, the debate was adjourned for one week.
- 21 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 19 August 2008.
Question — put and agreed to.
- 22 ADJOURNMENT** — Mr Lenders moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 7.07 p.m., adjourned until Tuesday, 19 August 2008.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 79, 80 and 81

Thursday, 31 July 2008

1 LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2008

Clauses 1 to 40 — put and agreed to.

Clause 41 — Mr Barber moved —

1. Clause 41, after line 21 insert—

'() In section 9C(1) of the **City of Melbourne Act 2001** after "may appoint" insert "up to".'

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber
Ms Hartland
Mr Kavanagh (*Teller*)
Ms Pennicuik (*Teller*)

NOES, 35

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum (*Teller*)
Mr Eideh (*Teller*)
Mr Elasmar
Mr Finn
Mr Guy
Mr Hall
Mr Jennings
Mr Koch
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney

Mr Vogels

Amendment negatived.

Clause 41 — put and agreed to.

Clauses 42 to 49 — put and agreed to.

Bill reported without amendment.

2 GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2008

Clause 1 — Mr Madden moved —

1. Clause 1, page 2, lines 1 and 2, omit paragraph (c).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22	NOES, 16
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Mr Dalla-Riva
Mr Eideh	Mr D.M. Davis
Mr Elasmarr	Mr P.R. Davis
Ms Hartland	Mr Drum (<i>Teller</i>)
Mr Jennings	Mr Finn
Mr Kavanagh	Mr Guy
Mr Leane	Mr Hall
Mr Madden	Mr Koch (<i>Teller</i>)
Ms Mikakos	Mrs Lovell
Mr Pakula	Mr O'Donohue
Ms Pennicuik	Mrs Petrovich
Ms Pulford	Mrs Peulich
Mr Scheffer	Mr Rich-Phillips
Mr Smith	Mr Vogels
Mr Somyurek	
Mr Tee (<i>Teller</i>)	
Mr Theophanous	
Mr Thornley	
Ms Tierney (<i>Teller</i>)	
Mr Viney	

Amendment agreed to.

Question — That clause 1, as amended, stand part of the Bill — put and agreed to.

Clauses 2 to 4 — put and agreed to.

Clause 5 — Question — That clause 5 stand part of the Bill — put and negatived.

Clause omitted.

Clauses 6 to 8 — put and agreed to.

Clause 9 — Mr Madden moved —

3. Clause 9, page 9, line 7, after "registrant" insert "and a registration of interest".

4. Clause 9, page 9, after line 9 insert—
 - "(d) requirements for a registrant or an applicant to have protocols or procedures to prevent an interested person from improperly interfering with the preparation or making of a recommendation or report under this Act in relation to a registration of interest or an application for a wagering and betting licence; and
 - (e) reporting requirements for a registrant, an applicant or an associate of a registrant or of an applicant in relation to the protocols or procedures specified under paragraph (d); and
 - (f) any other requirements specified by the Minister in relation to registrants or registrations of interest; and".
5. Clause 9, page 9, line 10, omit "(d)" and insert "(g)".
6. Clause 9, page 9, after line 12, insert—

"(3) The notice published under subsection (1) may require any matter in, or in relation to, the registration of interest to be verified by statutory declaration by a registrant, an applicant or an associate of a registrant or of an applicant."
7. Clause 9, page 9, line 13, omit "(3)" and insert "(4)".
8. Clause 9, page 9, line 25, omit "(4)" and insert "(5)".
9. Clause 9, page 9, line 31, omit "(5)" and insert "(6)".
10. Clause 9, page 10, line 3, omit "(6)" and insert "(7)".
11. Clause 9, page 10, line 15, omit "(7)" and insert "(8)".
12. Clause 9, page 10, after line 15 insert—

"applicant means applicant for a wagering and betting licence;
interested person means—

 - (a) a registrant or an applicant; or
 - (b) an associate of a registrant or of an applicant; or
 - (c) an officer, servant, agent or contractor of—
 - (i) a registrant or an applicant; or
 - (ii) an associate of a registrant or of an applicant;"
13. Clause 9, page 10, line 28, omit "member." and insert "member;"
14. Clause 9, page 10, after line 28 insert—

"registrant means a person who registers interest in the grant of a wagering and betting licence."
15. Clause 9, page 11, line 9, omit "(6)" and insert "(7)".
16. Clause 9, page 11, omit lines 10 and 11 and insert—

"a wagering and betting licence—

 - (a) may apply to the Minister for the licence; and
 - (b) if the person applies for the licence, must comply with—
 - (i) requirements specified by the Minister for an applicant to have protocols or procedures to prevent an interested person from improperly interfering with the preparation or making of a recommendation or report under this Act in relation to an application for a wagering and betting licence; and
 - (ii) reporting requirements specified by the Minister for an applicant or an associate of an applicant in relation to the protocols or procedures specified under subparagraph (i); and
 - (iii) any other requirements specified by the Minister in relation to applicants or applications for a licence."
17. Clause 9, page 11, after line 22 insert—

"(4) The Minister may require any matter in, or in relation to, the application to be verified by statutory declaration by an applicant or an associate of an applicant."
18. Clause 9, page 11, line 23, omit "(4)" and insert "(5)".
19. Clause 9, page 11, line 26, omit "(5) If a requirement made by" and insert "(6) If a requirement made by or specified under".
20. Clause 9, page 11, line 28, after "consider" insert "or further consider".
21. Clause 9, page 11, after line 29 insert—

"(7) In this section—
interested person has the same meaning as in section 4.3A.3."
22. Clause 9, page 12, after line 9 insert—

"(b) stating whether or not, in the Secretary's opinion, the requirements made by or specified under section 4.3A.5 have been complied with; and".
23. Clause 9, page 12, line 10, omit "(b)" and insert "(c)".

24. Clause 9, page 15, after line 20, insert—

"4.3A.7A Prohibition on improper interference

- (1) An interested person in relation to a registration of interest or an application for a wagering and betting licence must not improperly interfere with the preparation or making of a recommendation or report under this Act in relation to the registration of interest or application.
- (2) If an interested person in relation to a registration of interest or an application for a wagering and betting licence improperly interferes with the preparation or making of a recommendation or report under this Act in relation to the registration of interest or application, the Minister may refuse to consider, or consider further, the registration of interest or application.
- (3) In this section—
interested person has the same meaning as in section 4.3A.3."

Question — That the amendments be agreed to — put and agreed to.

Question — That clause 9, as amended, stand part of the Bill — put and agreed to.

Clauses 10 to 17 — put and agreed to.

Clause 18 — Mr Madden moved —

25. Clause 18, page 69, line 17, after "registrant" insert "and a registration of interest".

26. Clause 18, page 69, after line 19, insert—

- "(d) requirements for a registrant or an applicant to have protocols or procedures to prevent an interested person from improperly interfering with the preparation or making of a recommendation or report under this Act in relation to a registration of interest or an application for a keno licence; and
- (e) reporting requirements for a registrant or an applicant or an associate of a registrant or of an applicant in relation to the protocols or procedures specified under paragraph (d); and
- (f) any other requirements specified by the Minister in relation to registrants or registrations of interest; and".

27. Clause 18, page 69, line 20, omit "(d)" and insert "(g)".

28. Clause 18, page 69, after line 22, insert—

- "(3) The notice published under subsection (1) may require any matter in, or in relation to, the registration of interest to be verified by statutory declaration by a registrant or an applicant or an associate of a registrant or of an applicant."

29. Clause 18, page 69, line 23, omit "(3)" and insert "(4)".

30. Clause 18, page 70, line 4, omit "(4)" and insert "(5)".

31. Clause 18, page 70, line 10, omit "(5)" and insert "(6)".

32. Clause 18, page 70, line 15, omit "(6)" and insert "(7)".

33. Clause 18, page 70, after line 24 insert—

"(8) In this section—

"applicant means applicant for a keno licence;

interested person means—

- (a) a registrant or an applicant; or
- (b) an associate of a registrant or of an applicant; or
- (c) an officer, servant, agent or contractor of—
 - (i) a registrant or an applicant; or
 - (ii) an associate of a registrant or of an applicant;

registrant means a person who registers interest in the grant of a keno licence."

34. Clause 18, page 71, line 3, omit "(6)" and insert "(7)".

35. Clause 18, page 71, omit lines 4 and 5 and insert—

"a keno licence—

- (a) may apply to the Minister for the licence; and
- (b) if the person applies for the licence, must comply with—
 - (i) requirements specified by the Minister for an applicant to have protocols or procedures to prevent an interested person from improperly interfering with the preparation or making of a recommendation or report under this Act in relation to an application for a keno licence; and
 - (ii) reporting requirements specified by the Minister for an applicant or an associate of an applicant in relation to the protocols or procedures specified under subparagraph (i); and

- (iii) any other requirements specified by the Minister in relation to applicants or applications for a licence."
36. Clause 18, page 71, after line 16 insert—
"(4) The Minister may require any matter in, or in relation to, the application to be verified by statutory declaration by an applicant or an associate of an applicant."
37. Clause 18, page 71, line 17, omit "(4)" and insert "(5)".
38. Clause 18, page 71, line 20, omit "(5) If a requirement made by" and insert "(6) If a requirement made by or specified under".
39. Clause 18, page 71, line 22, after "consider" insert "or further consider".
40. Clause 18, page 71, after line 23 insert—
"(7) In this section—
interested person has the same meaning as in section 6A.3.3."
41. Clause 18, page 72, after line 2 insert—
"(b) stating whether or not, in the Secretary's opinion, the requirements made by or specified under section 6A.3.5 have been complied with; and".
42. Clause 18, page 72, line 3, omit "(b)" and insert "(c)".
43. Clause 18, page 73, after line 30 insert—
"6A.3.7A Prohibition on improper interference
(1) An interested person in relation to a registration of interest or an application for a keno licence must not improperly interfere with the preparation or making of a recommendation or report under this Act in relation to the registration of interest or application.
(2) If an interested person in relation to a registration of interest or an application for a keno licence improperly interferes with the preparation or making of a recommendation or report under this Act in relation to the registration of interest or application, the Minister may refuse to consider, or consider further, the registration of interest or application.
(3) In this section—
interested person has the same meaning as in section 6A.3.3."

Question — That the amendments be agreed to — put and agreed to.

Question — That clause 18, as amended, stand part of the Bill — put and agreed to.

Clauses 19 to 23 — put and agreed to.

Clause 24 — Mr Madden moved —

44. Clause 24, page 114, line 9, omit "Secretary" and insert "Commission".

Question — That the amendment be agreed to — put and agreed to.

Question — That clause 24, as amended, stand part of the Bill — put and agreed to.

Clauses 25 to 35 — put and agreed to.

Bill reported with amendments.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 82, 83 and 84

No. 82 — Tuesday, 19 August 2008

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACT** — The President read a Message from the Governor informing the Council that he had, on 5 August 2008, given the Royal Assent to the following Act presented to him by the Clerk of the Legislative Council:

Local Government Amendment (Elections) Act 2008.

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
SURF COAST PLANNING SCHEME AMENDMENT C44 — Mr Madden having given an answer to a question without notice relating to Amendment C44 to the Surf Coast Planning Scheme —

On the motion of Mr Vogels, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

QUESTIONS — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 4 **PETITIONS** —

MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL 2008 — Mrs Peulich presented a Petition bearing 2,800 signatures from certain citizens of Victoria requesting that the Legislative Council does not support the Medical Treatment (Physician Assisted Dying) Bill 2008, which would legalise euthanasia in Victoria.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

NORTH-SOUTH PIPELINE — Ms Lovell presented a Petition bearing 48 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the construction of the North-South pipeline.

Ordered to lie on the Table.

* * * * *

ABORTION LAW REFORM — Ms Pennicuik (for Ms Hartland) presented a Petition bearing 172 signatures from certain citizens of Victoria requesting that the Legislative Council support Model C for abortion law reform in Victoria.

Ordered to lie on the Table.

MONASH FREEWAY NOISE BARRIERS — Mr D.M. Davis presented a Petition bearing 128 signatures from certain citizens of Victoria requesting that the Victorian Government takes action to reduce the increased noise impact on local residents of the Monash Freeway expansion by the installation of state of-the-art noise abatement barriers to a standard equivalent to that required of CityLink and EastLink.

Ordered to lie on the Table.

* * * * *

WIND FARM DEVELOPMENT — Mr Koch presented a Petition bearing 78 signatures from certain citizens of Victoria requesting that the State Government immediately review the current policy and planning guidelines for development of wind energy facilities based on new data, new science, environmental, social and economic viability.

Ordered to lie on the Table.

* * * * *

DECRIMINALISATION OF ABORTION — Mr Finn presented a Petition bearing 1,026 signatures from certain citizens of Victoria requesting that the Legislative Council rejects any move to decriminalise abortion in Victoria.

Ordered to lie on the Table.

5 PAPERS —

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — SMALL AND MEDIUM SIZE BUSINESS INVOLVEMENT IN CORPORATE SOCIAL RESPONSIBILITY — Mr Scheffer presented a Report from the Family and Community Development Committee on the Involvement of Small and Medium Size Business in Corporate Social Responsibility, together with Transcripts of Evidence.

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

Mr Scheffer moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

REGULATIONS ANNUAL REVIEW — Mr Eideh presented the Annual Review 2007 from the Scrutiny of Acts and Regulations Committee on Regulations 2007 (including Appendices).

Ordered to lie on the Table and to be printed.

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ALERT DIGEST — Mr Eideh presented Alert Digest No. 10 of 2008 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

* * * * *

ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — MANDATORY ETHANOL AND BIOFUELS TARGETS IN VICTORIA — Pursuant to section 36(2) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Economic Development and Infrastructure Committee's Report on Mandatory Ethanol and Biofuels Targets in Victoria.

* * * * *

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

Crown Land (Reserves) Act 1978 —

Minister's Order of 18 July 2008 giving approval to the granting of a license at Sandringham Beach Park Reserve.

Minister's Order of 19 July 2008 giving approval to the granting of a lease at Tasma Terrace Reserve.

Minister's Orders of 22 July 2008 giving approval to the granting of a leases at Rosebud Tennis Club Reserve (two papers).

Interpretation of Legislation Act 1984 —

Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 86.

Notice pursuant to section 32(4)(a)(iii) in relation to the Building Code of Australia 2008.

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Seventeenth Amending Deed, 24 July 2008, pursuant to section 15B(5) of the Act.

Exhibition Street Extension Twelfth Amending Deed, 24 July 2008, pursuant to section 15D(6) of the Act.

Melbourne City Link Twenty-sixth Amending Deed, 24 July 2008, pursuant to section 15(2) of the Act.

Melbourne Cricket Ground Trust — Report for the year ended 31 March 2008.

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

Bass Coast Planning Scheme — Amendments C57 and C69.

Boroondara Planning Scheme — Amendments C72 and C84.

Campaspe Planning Scheme — Amendment C49.

Casey Planning Scheme — Amendment C109.

East Gippsland Planning Scheme — Amendment C55.

Greater Shepparton Planning Scheme — Amendment C89.

Hepburn Planning Scheme — Amendment C16.

Hindmarsh Planning Scheme — Amendment C6.

Hume Planning Scheme — Amendment C105.

Indigo Planning Scheme — Amendment C46.

Kingston Planning Scheme — Amendment C91.

Knox Planning Scheme — Amendment C75.

Maribyrnong Planning Scheme — Amendment C54.

Melton Planning Scheme — Amendment C66.

Monash Planning Scheme — Amendment C77.

Moonee Valley Planning Scheme — Amendment C89.

Moreland Planning Scheme — Amendment C86.

Northern Grampians Planning Scheme — Amendment C10.

Towong Planning Scheme — Amendment C16.

Warrnambool Planning Scheme — Amendments C46 and C59.

Whittlesea Planning Scheme — Amendment C110.

Wyndham Planning Scheme — Amendments C101 and C106.

Yarra Planning Scheme — Amendment C87.

Retail Leases Act 2003 — Minister's determination of 22 July 2008 relating to premises not constituting retail premises, pursuant to section 5(1)(e) of the Act.

Statutory Rules under the following Acts of Parliament:

Estate Agents Act 1980 — No. 97.

Fisheries Act 1995 — No. 92.

Local Government Act 1989 — No. 96.

National Parks Act 1975 — No. 93.

Supreme Court Act 1986 — Nos. 94 and 95.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 93, 94 and 95.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 72, 76, 92, 93, 96 and 97.

Minister's infringements offence consultation certificates under section 6A(3) in respect of Statutory Rule Nos. 73, 74 and 75.

Water Act 1989 — Reasons for Determination to restructure First Mildura Irrigation Trust and Lower Murray Urban and Rural Water Corporation pursuant to section 87(2)(b)(ii) of the Act.

6 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 20 August 2008:

- (1) Order of the Day No. 4, resumption of debate on motion and amendment to motion relating to catholic school funding;
- (2) the Notice of Motion given this day by Mr Dalla-Riva relating to manufacturing industry strategies;
- (3) Order of the Day No. 5, resumption of debate on the second reading of the Local Government Amendment (Disclosure) Bill 2008;
- (4) Notice of Motion No. 20 standing in the name of Mr Barber relating to the production of certain documents; and
- (5) Order of the Day No. 2, resumption of debate on the second reading of the Medical Treatment (Physician Assisted Dying) Bill 2008.

Question — put and agreed to.

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

8 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

9 CANCER AMENDMENT (HPV) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

10 WILDLIFE AMENDMENT (MARINE MAMMALS) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

11 UNCLAIMED MONEY BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

12 MELBOURNE CRICKET GROUND AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

13 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.

14 SUPERANNUATION LEGISLATION AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

15 PUBLIC HEALTH AND WELLBEING BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted by the President at 9.59 p.m. —

16 ADJOURNMENT — The President proposed the question, That the House do now adjourn. Debate ensued and certain responses to Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.35 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 83 — Wednesday, 20 August 2008

1 The President took the Chair and read the Prayer.

2 LEGISLATION REFORM (REPEALS NO. 3) BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to repeal certain spent Acts* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

3 GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2008 — The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.

4 PETITIONS —

RESIDENTIAL ZONES THIRD PARTY APPEAL RIGHTS AND MINIMUM HEIGHT LIMITS — Mr Guy presented a Petition bearing 900 signatures from certain citizens of Victoria requesting that the Legislative Council reject any proposal to remove third party appeal rights that currently exist for all Victorians and reject any attempt to mandate minimum height levels of 3 or 4 storeys in low density areas, as proposed in the Government's New Residential Zones Discussion Paper.

Ordered to lie on the Table.

On the motion of Mr Guy, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

DECRIMINALISATION OF ABORTION — Mr Finn presented a Petition bearing 571 signatures from certain citizens of Victoria requesting that the Legislative Council rejects any move to decriminalise abortion in Victoria.

Ordered to lie on the Table.

* * * * *

HIGH RISE AND HIGH DENSITY PLANNING LAWS — Mrs Peulich presented a Petition bearing 218 signatures from certain citizens of Victoria requesting that the Brumby Government and Minister for Planning scrap Labor's new planning policies which will cram more high rise into local streets, aggravate traffic congestion and open the planning system to possible abuse and corruption.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL 2008 — Mrs Peulich presented a Petition bearing 475 signatures from certain citizens of Victoria requesting that the Legislative Council does not support the Medical Treatment (Physician Assisted Dying) Bill 2008, which would legalise euthanasia in Victoria.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

5 PAPERS —

ROAD SAFETY COMMITTEE — VEHICLE SAFETY — Mr Koch presented a Report from the Road Safety Committee on Vehicle Safety (including Appendices), together with Transcripts of Evidence.

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

Mr Koch moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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

Ombudsman — Report on Probity controls in public hospitals for the procurement of non-clinical goods and services, August 2008.

6 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

7 CATHOLIC SCHOOLS FUNDING — Debate resumed on the question, That this House calls on the Brumby Labor Government to increase the funding provided for Victorian students in Catholic schools using a needs based formula from the lowest per student funding of any State in Australia to funding at around 25 per cent of the costs of educating a government school student and on the amendment moved by Ms Darveniza, That all the words after "That this House" be omitted with the view of inserting in their place "acknowledges the important contribution which the Catholic Education Sector provides in the State of Victoria and calls on the Government to continue to support this contribution through —

- (1) the Non-Government Schools Financial Assistance Model;
- (2) the Needs Based Capital Assistance Funding for Non-Government Schools;
- (3) providing access for teachers to professional development and curriculum planning materials;
- (4) access for low income parents to the Education Maintenance Allowance; and
- (5) assistance to families through the School Start Bonus."

Question — That the amendment moved by Ms Darveniza be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Ms Broad	Mr Atkinson
Ms Darveniza (<i>Teller</i>)	Mr Barber
Mr Eideh	Mrs Coote
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Mr Leane	Mr P.R. Davis
Mr Lenders	Mr Drum
Mr Madden	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pulford (<i>Teller</i>)	Ms Hartland
Mr Scheffer	Mr Kavanagh
Mr Smith	Mr Koch
Mr Somyurek	Mrs Kronberg (<i>Teller</i>)
Mr Tee	Ms Lovell
Mr Theophanous	Mr O'Donohue
Mr Thornley	Ms Pennicuik

Ms Tierney
Mr Viney

Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips (*Teller*)
Mr Vogels

Amendment negated.

Question — That this House calls on the Brumby Labor Government to increase the funding provided for Victorian students in Catholic schools using a needs based formula from the lowest per student funding of any State in Australia to funding at around 25 per cent of the costs of educating a government school student — put and agreed to.

8 MANUFACTURING INDUSTRY STRATEGIES — Mr Dalla-Riva moved, That this House —

- (1) notes that on 21 December 2006 the Minister for Industry and Trade promised in an answer to a question without notice the “release and implementation of a number of manufacturing industry strategies and action plans, including a Victorian manufacturing strategy”;
- (2) notes that despite repeating that promise and setting an implementation date of January 2007, in the Department of Innovation, Industry and Regional Development’s Strategic Directions 2005-08 and Annual Business Plan 2006-07, the Minister has to date failed to deliver the Manufacturing Strategy which is now 600 days behind schedule;
- (3) condemns the Minister for his failure to fulfil his promises thereby contributing in substantial part to job losses within the Victorian manufacturing sector; and
- (4) calls on the Minister to release a Manufacturing Strategy complete with measurable targets and objectives by the end of August 2008.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

9 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

10 MANUFACTURING INDUSTRY STRATEGIES — Debate continued on the question, That this House —

- (1) notes that on 21 December 2006 the Minister for Industry and Trade promised in an answer to a question without notice the “release and implementation of a number of manufacturing industry strategies and action plans, including a Victorian manufacturing strategy”;
- (2) notes that despite repeating that promise and setting an implementation date of January 2007, in the Department of Innovation, Industry and Regional Development’s Strategic Directions 2005-08 and Annual Business Plan 2006-07, the Minister has to date failed to deliver the Manufacturing Strategy which is now 600 days behind schedule;
- (3) condemns the Minister for his failure to fulfil his promises thereby contributing in substantial part to job losses within the Victorian manufacturing sector; and
- (4) calls on the Minister to release a Manufacturing Strategy complete with measurable targets and objectives by the end of August 2008.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Guy
Mr Hall (*Teller*)

NOES, 19

Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmarr
Mr Jennings
Mr Leane (*Teller*)
Mr Lenders
Mr Madden
Ms Mikakos

Mr Koch (*Teller*)
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

Mr Pakula (*Teller*)
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

Question negatived.

11 LOCAL GOVERNMENT AMENDMENT (DISCLOSURE) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 4

Mr Barber (*Teller*)
 Ms Hartland
 Mr Kavanagh (*Teller*)
 Ms Pennicuik

NOES, 35

Mr Atkinson
 Ms Broad
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmar
 Mr Finn
 Mr Guy (*Teller*)
 Mr Hall
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden (*Teller*)
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

Question negatived.

12 PRODUCTION OF DEPARTMENT OF TRANSPORT DOCUMENT — Mr Barber moved, That in accordance with Sessional Order 21, there be tabled in the Council by 4.00 p.m. on 9 September 2008 a copy of the "Expression of Interest Brief" document prepared by the

Department of Transport, provided to those expressing interest in bidding for metropolitan rail and tram franchises.

Debate ensued.

Question — put and agreed to.

13 MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Mr P.R. Davis moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “Standing Order 16.06 be suspended to enable the contents of the Bill to be referred to the Legislation Committee for inquiry, consideration and report and that the Bill not be read a second time until the Council has considered the final report of the Committee on the Bill” and that —

- (1) Standing Order 16.14 be suspended to enable the Committee to present its final report to the Council no later than 31 March 2009;
- (2) the Committee present such interim reports as it deems necessary on the Bill to the Council to inform the Council of its progress in the inquiry but that any such reports will not recommend any amendments to the Bill;
- (3) Standing Order 16.16(2) be suspended to enable the Chair of the Committee, upon the presentation of any interim report, to move without notice, “That the Council take note of the report”;
- (4) Standing Order 16.11(3) be suspended and that the Member in charge of the Bill, and such other persons nominated by the Member or determined by the Committee may give evidence to the Committee; and
- (5) the Committee’s inquiry be advertised and written submissions sought on the Bill.

Debate ensued.

Business having been interrupted by the President at 10.00 p.m. —

14 COUNTY COURT AMENDMENT (KOORI COURT) BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the County Court Act 1958 to establish a Koori Court Division of the County Court, to provide for the jurisdiction and procedure of that Division and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

15 LABOUR AND INDUSTRY (REPEAL) BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to repeal the Labour and Industry Act 1958, to amend the ANZAC Day Act 1958, to re-enact certain provisions relating to the closure of factories and warehouses on ANZAC Day and to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Theophanous), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

16 WHISTLEBLOWERS PROTECTION AMENDMENT BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Whistleblowers Protection Act 2001 in relation to certain reports by the Ombudsman to be laid before each House of Parliament and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

17 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Sessional Orders.

And then the Council, at 10.36 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 84 — Thursday, 21 August 2008

- 1 The President took the Chair and read the Prayer.
- 2 **CORRECTIONS AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Corrections Act 1986 to provide for the creation of prisoner compensation quarantine funds for the purpose of paying into them certain damages awarded to prisoners and to provide for the payment out of them of certain amounts recoverable by victims and others from prisoners and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

3 PETITIONS —

DECRIMINALISATION OF ABORTION — Mr Finn presented a Petition bearing 943 signatures from certain citizens of Victoria requesting that the Legislative Council rejects any move to decriminalise abortion in Victoria.

Ordered to lie on the Table.

* * * * *

MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL 2008 — Mrs Peulich presented a Petition bearing 721 signatures from certain citizens of Victoria requesting that the Legislative Council does not support the Medical Treatment (Physician Assisted Dying) Bill 2008, which would legalise euthanasia in Victoria.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

- 4 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:
Auditor-General's Office — Report, 2007-08.

- 5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 6 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 7 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

- 8 **LEGISLATION REFORM (REPEALS NO. 3) BILL 2008** — Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr O'Donohue), the debate was adjourned for one week.

- 9 **COUNTY COURT AMENDMENT (KOORI COURT) BILL 2008** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Rich-Phillips), the debate was adjourned for one week.

- 10 LABOUR AND INDUSTRY (REPEAL) BILL 2008** — Mr Lenders (for Mr Theophanous) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Rich-Phillips), the debate was adjourned for one week.

- 11 WHISTLEBLOWERS PROTECTION AMENDMENT BILL 2008** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Rich-Phillips), the debate was adjourned for one week.

- 12 CORRECTIONS AMENDMENT BILL 2008** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Dalla-Riva), the debate was adjourned for one week.

- 13 PUBLIC HEALTH AND WELLBEING BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question put and agreed to.

Bill read a second time 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 14 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 15 VICTORIA LAW FOUNDATION BILL 2008** — The Deputy President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to provide for the continuation of the Victoria Law Foundation and to repeal the Victoria Law Foundation Act 1978 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 16 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 9 September 2008.

Question — put and agreed to.

- 17 COURTS LEGISLATION AMENDMENT (JURIES AND OTHER MATTERS) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question put and agreed to.

Bill read a second time 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 18 CRIMES (CONTROLLED OPERATIONS) AMENDMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

19 LAND (REVOCAION OF RESERVATIONS) (CONVENTION CENTRE LAND) BILL 2008 —

Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, and the Report was adopted.

Mr Jennings moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 37

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Hartland (*Teller*)

Mrs Coote

Ms Pennicuik

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmarr (*Teller*)

Mr Finn

Mr Guy

Mr Hall

Mr Jennings

Mr Kavanagh

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders (*Teller*)

Ms Lovell

Mr Madden

Ms Mikakos

Mr O'Donohue

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Rich-Phillips

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Mr Theophanous

Mr Thornley

Ms Tierney

Mr Viney

Mr Vogels

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

20 BUILDING AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 21 ROAD SAFETY AMENDMENT (FATIGUE MANAGEMENT) BILL 2008** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Road Legislation Further Amendment Act 2007 and Road Safety Act 1986 to reflect changes to the Fatigue Management Scheme, to provide for oversight of the Scheme by the Australian Transport Council and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Theophanous), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch, the debate was adjourned for one week.

- 22 PUBLIC HOLIDAYS AMENDMENT BILL 2008** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Public Holidays Act 1993 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Theophanous), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Guy (for Mr Dalla-Riva), the debate was adjourned for one week.

- 23 FAMILY VIOLENCE PROTECTION BILL 2008** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to make provision for a system of family violence intervention orders and other matters relating to the prevention of family violence, to repeal the Crimes (Family Violence) Act 1987 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Rich-Phillips), the debate was adjourned for one week.

- 24 VICTORIA LAW FOUNDATION BILL 2008** — Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Rich-Phillips), the debate was adjourned for one week.

- 25 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.11 p.m., adjourned until Tuesday, 9 September 2008.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 82, 83 and 84

Thursday, 21 August 2008

1 LAND (REVOCAION OF RESERVATIONS) (CONVENTION CENTRE LAND) BILL 2008

Clauses 1 to 9 — put and agreed to.

Schedules 1 to 3 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 85, 86, 87 and 88

No. 85 — Tuesday, 9 September 2008

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

On 26 August 2008 —

Building Amendment Act 2008.

Cancer Amendment (HPV) Act 2008.

Courts Legislation Amendment (Juries and Other Matters) Act 2008.

Crimes (Controlled Operations) Amendment Act 2008.

Gambling Regulation Amendment (Licensing) Act 2008.

Land (Revocation of Reservations) (Convention Centre Land) Act 2008.

Melbourne Cricket Ground Amendment Act 2008.

Superannuation Legislation Amendment Act 2008.

Unclaimed Money Act 2008.

Wildlife Amendment (Marine Mammals) Act 2008.

On 2 September 2008 —

Public Health and Wellbeing Act 2008.

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 4 **PETITIONS** —

NORTH-SOUTH PIPELINE — Ms Lovell presented a Petition bearing 134 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the construction of the North-South pipeline.

Ordered to lie on the Table.

* * * * *

CAREFUL COBBER PROGRAM — Ms Lovell presented a Petition bearing 1,012 signatures from certain citizens of Victoria requesting that the Government immediately reinstate funding for the Careful Cobber Program.

Ordered to lie on the Table.

* * * * *

DECRIMINALISATION OF ABORTION — Ms Lovell, Mr Finn and Mr Kavanagh presented Petitions bearing 32, 74 and 11,215 signatures respectively from certain citizens of Victoria requesting that the Legislative Council vote against amendments to the Crimes Act 1958 that will decriminalise abortion in Victoria.

Ordered to lie on the Table.

On the motion of Mr Kavanagh, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

DECRIMINALISATION OF ABORTION — Mr Hall presented a Petition bearing 28 signatures from certain citizens of Victoria requesting that the Legislative Council rejects any move to decriminalise abortion in Victoria.

Ordered to lie on the Table.

* * * * *

WALLAN-KILMORE BYPASS — Mrs Petrovich presented a Petition bearing 458 signatures from certain citizens of Victoria requesting that the Minister for Roads and Ports takes action to ensure that —

- (1) the proposed duplication of the Highway between Wallan and Kilmore is abandoned;
- (2) the bypass options are pursued without using internal roads within either township; and
- (3) adequate funding is provided immediately to achieve the community requirements of a bypass of Wallan and Kilmore.

Ordered to lie on the Table.

On the motion of Mrs Petrovich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

WIND FARM DEVELOPMENT — Mr Koch presented a Petition bearing 28 signatures from certain citizens of Victoria requesting that the State Government immediately review the current policy and planning guidelines for development of wind energy facilities based on new data, new science and environmental, social and economic viability.

Ordered to lie on the Table.

* * * * *

MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL 2008 — Mrs Peulich presented a Petition bearing 451 signatures from certain citizens of Victoria requesting that the Legislative Council does not support the Medical Treatment (Physician Assisted Dying) Bill 2008, which would legalise euthanasia in Victoria.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

5 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

ALERT DIGEST — Mr Eideh presented Alert Digest No. 11 of 2008 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

* * * * *

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

Crown Land (Reserves) Act 1978 — Minister's Order of 29 August 2008 giving approval to the granting of a lease at Lorne Foreshore Reserve.

Major Events (Aerial Advertising) Act 2007 — Minister's Order of 2 September 2008 in relation to the 2008 AFL Finals Series.

Murray-Darling Basin Act 1993 — Revised Schedule F — Cap on Diversions pursuant to section 28(b) of the Act.

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on Strengthening Government and Parliamentary Accountability in Victoria.

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

- Bass Coast Planning Scheme — Amendments C77 and C81.
- Bayside Planning Scheme — Amendments C56 (Part 2) and C63.
- Baw Baw Planning Scheme — Amendments C43 and C52.
- Boroondara Planning Scheme — Amendment C79.
- Campaspe Planning Scheme — Amendment C66.
- Colac Otway Planning Scheme — Amendment C27 (Part 2).
- Corangamite Planning Scheme — Amendment C16 (Part 2).
- Glen Eira Planning Scheme — Amendment C54.
- Glenelg Planning Scheme — Amendment C39.
- Greater Geelong Planning Scheme — Amendment C143.
- Greater Shepparton Planning Scheme — Amendment C70.
- Indigo Planning Scheme — Amendment C45.
- Latrobe Planning Scheme — Amendment C49.
- Macedon Ranges Planning Scheme — Amendment C65.
- Manningham Planning Scheme — Amendment C79.
- Moonee Valley Planning Scheme — Amendment C50.
- Moreland Planning Scheme — Amendments C66 and C72.
- Stonnington Planning Scheme — Amendment C59.
- Surf Coast Planning Scheme — Amendment C44.
- Whitehorse Planning Scheme — Amendments C82, C95, C97 and C98.
- Whittlesea Planning Scheme — Amendments C105 and C106.

Statutory Rules under the following Acts of Parliament:

- Drugs, Poisons and Controlled Substances Act 1981 — No. 98.
- Fair Trading Act 1999 — No. 99.
- Supreme Court Act 1986 — No. 100.

Subordinate Legislation Act 1994 —

- Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 18 and 100.
- Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 52, 66, 67, 68, 69, 78 and 81.

Terrorism (Community Protection) Act 2003 — Report under section 13 and section 13ZR of the Act, 2007-08.

Victorian Environmental Assessment Council — Final Report on River Red Gum Forests Investigation, July 2008.

Victorian Environmental Assessment Council Act 2001 —

- Minister's request for the Victorian Environmental Assessment Council to investigate Metropolitan Melbourne, pursuant to section 16(1)(a) of the Act.
- Minister's request for the Victorian Environmental Assessment Council to investigate Remnant Native Vegetation, pursuant to section 16(1)(a) of the Act.

* * * * *

PROCLAMATION — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Gambling Legislation Amendment (Problem Gambling and Other Measures) Act 2007 — Sections 5, 6 and 50 — 4 September 2008 (*Gazette No. G36, 4 September 2008*).

6 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 10 September 2008:

- (1) Notice of Motion No. 32 standing in the name of Ms Pennicuik relating to a reference to the Standing Orders Committee;
- (2) Notice of Motion No. 33 standing in the name of Mr Barber relating to the production of certain documents;
- (3) Notice of Motion No. 34 standing in my name relating to the production of certain documents;

- (4) Order of the Day No. 1, resumption of debate on the second reading of the Medical Treatment (Physician Assisted Dying) Bill 2008 and on the reasoned amendment moved by Mr P.R. Davis;
- (5) Notice of Motion No. 16 standing in the name of Mr O'Donohue relating to the potential route for power lines and connection from the grid to the proposed desalination plant; and
- (6) the Notice of Motion given this day by Mr Hall relating to skills reforms.

Question — put and agreed to.

7 COMMITTEE MEMBERSHIP — Mr Theophanous moved, by leave, That —

- (1) Mr P.R. Davis be discharged from the Standing Orders Committee and that Mr D.M. Davis be a member of that Committee in his place; and
- (2) Mr P.R. Davis be discharged from the Dispute Resolution Committee and that Mr D.M. Davis be a member of that Committee in his place.

Question — put and agreed to.

8 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

9 PAPERS — PRODUCTION OF DEPARTMENT OF TRANSPORT DOCUMENTS — Pursuant to a Resolution of the Council of 20 August 2008, the following documents were laid on the Table by the Clerk:

- (1) Expression of Interest Brief — Melbourne Metropolitan Tram (MR3 014) and Train (MR3 015) Franchises; and
- (2) Expression of Interest Brief Appendix A+B — Melbourne Metropolitan Tram (MR3 014) and Train (MR3 015) Franchises.

10 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

11 SUMMARY OFFENCES AMENDMENT (TATTOOING AND BODY PIERCING) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Mr Rich-Phillips announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

12 EVIDENCE BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

13 HERITAGE AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Mr Barber moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this Bill be withdrawn and redrafted to incorporate stronger provisions for access to information about and community participation in the process for listing of heritage properties and for the issuing of permits for works on these properties."

Debate ensued.

Question — That the reasoned amendment moved by Mr Barber be agreed to — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)
Ms Hartland (*Teller*)
Ms Pennicuik

NOES, 36

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Hall
Mr Jennings (*Teller*)
Mr Kavanagh
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders (*Teller*)
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney
Mr Vogels

Amendment negatived.

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

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

14 NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS AMENDMENT BILL 2008 —
Debate resumed on the question, That the Bill be now read a second time.

Mr D.M. Davis moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this Bill be withdrawn and redrafted to take into account —

- (1) the outcome of further consultation with the wider community about —
 - (a) the negative effects of the proposed amendments relating to the Cobboboonee National Park and the Cobboboonee Forest Park;
 - (b) the proposed amendments relating to Devilbend and the need to ensure the proper protection of this vital natural asset; and

(c) appropriate management and development of the Frankston Natural Features Reserve; and

(2) the wide community support for the expansion of Warrandyte State Park.”.

Debate ensued.

Business having been interrupted by the President at 10.00 p.m., the debate stood adjourned in the name of Mr D.M. Davis.

15 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and certain responses to Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.54 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 86 — Wednesday, 10 September 2008

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

MONASH FREEWAY NOISE BARRIERS — Mr D.M. Davis presented a Petition bearing 156 signatures from certain citizens of Victoria requesting that the Victorian Government takes action to reduce the increased noise impact on local residents of the Monash Freeway expansion by the installation of state-of-the-art noise abatement barriers to a standard equivalent to that required of CityLink and EastLink.

Ordered to lie on the Table.

* * * * *

NUNAWADING BUS SERVICE — Mr Atkinson presented a Petition bearing 134 signatures from certain citizens of Victoria requesting that (1) the Minister for Public Transport abandons plans to remove or replace the bus stop at the corner of Station Street and Springvale Road, Nunawading, forcing users of the service to cross Springvale Road to access Nunawading Railway Station; and (2) the Nunawading to Chelsea 888/889 SmartBus service continues to operate along Station Street, Nunawading to Mount Pleasant Road, on to Heather Grove and then turn left into Springvale Road, as it has done for the last 35 years.

Ordered to lie on the Table.

* * * * *

MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL 2008 — Mrs Peulich presented a Petition bearing 421 signatures from certain citizens of Victoria requesting that the Legislative Council does not support the Medical Treatment (Physician Assisted Dying) Bill 2008, which would legalise euthanasia in Victoria.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

ABORTION LAW REFORM BILL 2008 — Mr Finn presented a Petition bearing 1,111 signatures from certain citizens of Victoria requesting that the Legislative Council rejects the Abortion Law Reform Bill 2008.

Ordered to lie on the Table.

On the motion of Mr Finn, the petition was ordered to be taken into consideration on the next day of meeting.

HOON DRIVING IN HAMPTON PARK — Mrs Peulich presented a Petition bearing 99 signatures from certain citizens of Victoria requesting that the State Government combat hoon driving in Hampton Park with an increased visible police presence and by imposing the same penalties as for drunk and drug affected drivers.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

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

Crown Land (Reserves) Act 1978 — Minister's Order of 29 August 2008 giving approval to the granting of lease at Lake Wendouree Reserve.

Duties Act 2000 — Treasurer's report of exemptions and refunds arising out of corporate consolidations for 2007-08.

Ombudsman's Office — Report, 2007-08.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 STANDING ORDERS COMMITTEE REFERENCE — Ms Pennicuik moved, That the Standing Orders Committee be required to inquire into and report no later than 30 November 2008 on the establishment of new standing committees for the Legislative Council, including —

(1) the number, composition, structure and functions of those committees; and

(2) the staffing and resources required for the effective operation of those committees.

Debate ensued.

Mr Lenders moved, as an amendment, After paragraph (2) insert “;

and further that the Committee also inquire into the efficiency of the current Sessional Orders as adopted by the Legislative Council during the 56th Parliament.”.

Debate ensued.

Question — That the amendment moved by Mr Lenders be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 19
Ms Darveniza	Mr Atkinson
Mr Eideh	Mr Barber
Mr Elasmarr	Mrs Coote
Mr Jennings	Mr Dalla-Riva
Mr Kavanagh	Mr D.M. Davis
Mr Leane	Mr P.R. Davis (<i>Teller</i>)
Mr Lenders	Mr Drum (<i>Teller</i>)
Mr Madden	Mr Finn
Ms Mikakos	Mr Hall
Mr Pakula	Ms Hartland
Ms Pulford (<i>Teller</i>)	Mr Koch
Mr Scheffer	Mrs Kronberg
Mr Smith	Ms Lovell
Mr Somyurek (<i>Teller</i>)	Mr O'Donohue
Mr Tee	Ms Pennicuik
Mr Theophanous	Mrs Petrovich
Mr Thornley	Mrs Peulich
Ms Tierney	Mr Rich-Phillips
Mr Viney	Mr Vogels

The Ayes and Noes being equal, the amendment was negated.

Question — That the Standing Orders Committee be required to inquire into and report no later than 30 November 2008 on the establishment of new standing committees for the Legislative Council, including —

(1) the number, composition, structure and functions of those committees; and

(2) the staffing and resources required for the effective operation of those committees.
— put and agreed to.

6 PAPERS — METROPOLITAN RAIL AND TRAM FRANCHISE TENDER DOCUMENTS —

Mr Barber moved, That in accordance with Sessional Order 21, there be tabled in the Council by 4.00 p.m. on 7 October 2008 a copy of the “Invitation to Tender” documents prepared by the Department of Transport, provided to those invited to tender for metropolitan rail and tram franchises.

Debate ensued.

Question — put and agreed to.

7 PAPERS — BARWON HEALTH AND MELBOURNE HEALTH REPORTS ON DELIVERABLES AND KEY PERFORMANCE INDICATORS DOCUMENTS — Mr D.M.

Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 4.00 p.m. on 7 October 2008 a copy of the report or reports detailing the outcome of deliverables and key performance indicators as stated in the 2007-08 Statement of Priorities for Barwon Health and for Melbourne Health as reported to the Minister for Health and the Department of Human Services.

Debate ensued.

Question — put and agreed to.

8 MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time, and on the amendment, That all the words after “That” be omitted with the view of inserting in their place “Standing Order 16.06 be suspended to enable the contents of the Bill to be referred to the Legislation Committee for inquiry, consideration and report and that the Bill not be read a second time until the Council has considered the final report of the Committee on the Bill” and that —

- (1) Standing Order 16.14 be suspended to enable the Committee to present its final report to the Council no later than 31 March 2009;
- (2) the Committee present such interim reports as it deems necessary on the Bill to the Council to inform the Council of its progress in the inquiry but that any such reports will not recommend any amendments to the Bill;
- (3) Standing Order 16.16(2) be suspended to enable the Chair of the Committee, upon the presentation of any interim report, to move without notice, “That the Council take note of the report”;
- (4) Standing Order 16.11(3) be suspended and that the Member in charge of the Bill, and such other persons nominated by the Member or determined by the Committee may give evidence to the Committee; and
- (5) the Committee’s inquiry be advertised and written submissions sought on the Bill.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

9 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

10 MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL 2008 — Debate continued on the question, That the Bill be now read a second time and on the amendment, That all the words after “That” be omitted with the view of inserting in their place “Standing Order 16.06 be suspended to enable the contents of the Bill to be referred to the Legislation Committee for inquiry, consideration and report and that the Bill not be read a second time until the Council has considered the final report of the Committee on the Bill” and that —

- (1) Standing Order 16.14 be suspended to enable the Committee to present its final report to the Council no later than 31 March 2009;
- (2) the Committee present such interim reports as it deems necessary on the Bill to the Council to inform the Council of its progress in the inquiry but that any such reports will not recommend any amendments to the Bill;
- (3) Standing Order 16.16(2) be suspended to enable the Chair of the Committee, upon the presentation of any interim report, to move without notice, “That the Council take note of the report”;

- (4) Standing Order 16.11(3) be suspended and that the Member in charge of the Bill, and such other persons nominated by the Member or determined by the Committee may give evidence to the Committee; and
- (5) the Committee's inquiry be advertised and written submissions sought on the Bill.

Mr Barber (for Ms Pennicuik) moved, That the debate be adjourned for nine months.

Debate ensued.

Question — That the debate be adjourned for nine months — put.

The Council divided — The President in the Chair.

AYES, 9	NOES, 30
Mr Atkinson	Ms Broad
Mr Barber (<i>Teller</i>)	Mrs Coote
Mr D.M. Davis	Mr Dalla-Riva
Mr P.R. Davis	Ms Darveniza
Mr Hall (<i>Teller</i>)	Mr Drum
Mr Hartland	Mr Eideh
Mr O'Donohue	Mr Elasmarr
Ms Pennicuik	Mr Finn
Mr Rich-Phillips	Mr Jennings
	Mr Kavanagh
	Mr Koch
	Mr Kronberg
	Mr Leane
	Mr Lenders
	Ms Lovell
	Mr Madden
	Ms Mikakos
	Mr Pakula
	Mrs Petrovich
	Mrs Peulich
	Ms Pulford
	Mr Scheffer
	Mr Smith
	Mr Somyurek
	Mr Tee
	Mr Theophanous
	Mr Thornley
	Ms Tierney (<i>Teller</i>)
	Mr Viney
	Mr Vogels (<i>Teller</i>)

Question negatived.

Question — That the reasoned amendment moved by Mr P.R. Davis be agreed to — put.

The Council divided — The President in the Chair.

AYES, 9	NOES, 30
Mr Atkinson	Ms Broad
Mr Barber	Mr Dalla-Riva
Mrs Coote (<i>Teller</i>)	Ms Darveniza
Mr P.R. Davis	Mr D.M. Davis
Mr Hartland	Mr Drum
Mr O'Donohue	Mr Eideh
Ms Pennicuik	Mr Elasmarr
Mrs Petrovich (<i>Teller</i>)	Mr Finn
Mr Rich-Phillips	Mr Hall
	Mr Jennings
	Mr Kavanagh (<i>Teller</i>)

Mr Koch
 Mr Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Mrs Peulich
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley (*Teller*)
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negatived.

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

The Council divided — The President in the Chair.

AYES, 13

Mr Barber
 Ms Broad (*Teller*)
 Mrs Coote
 Mr P.R. Davis (*Teller*)
 Mr Hall
 Ms Hartland
 Mr Jennings
 Mr Koch
 Mr Leane
 Mr O'Donohue
 Ms Pennicuik
 Mr Scheffer
 Ms Tierney

NOES, 25

Mr Atkinson (*Teller*)
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Kavanagh
 Mr Kronberg
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos (*Teller*)
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Mr Viney
 Mr Vogels

Question negatived.

- 11 DESALINATION PLANT POWER LINES ROUTE** — Mr O'Donohue moved, That this House expresses its extreme concern with the process by which the Government has identified the potential route for power lines and connection from the grid to the proposed desalination plant (as one of three options), and notes that —

- (1) the proposed route from or near Tynong North, through Cora Lynn, Catani, Yannathan, Nyora, Woodleigh, Kernot, Almurta, Glen Forbes, Woolamai and Kilcunda travels through some of the most productive farm land in Australia;
- (2) affected land owners and community members have had little or no input into the proposed route and minimal consultation from the State Government or its departments;
- (3) the proposed route includes part of the highly productive "Horticultural Preservation Zone" created by the Shire of Cardinia;
- (4) the proposed route includes many farms that rely on irrigation and the use of lateral and travelling gun irrigators in the vicinity of the power lines may not be permitted and consequently may affect the productivity and profitability of the farming community;
- (5) part of the proposed route is within a Potato Cyst Nematode (PCN) area, with strict controls preventing the free flow of vehicles, people, produce and soil, and the construction and maintenance of power lines will make it more difficult to manage the PCN area;
- (6) the proposed route will reduce visual amenity and affect land values and impact upon local tourism;
- (7) the proposed route may cause disturbance to underground irrigation and drainage piping;
- (8) the farmers of the Bass Coast, West Gippsland and South Gippsland have been struggling over recent years as a result of drought, their needs and those of their communities have not been adequately considered within planning for the proposed route; and
- (9) the proposed linking of the desalination plant to the brown coal based grid calls into question the claim by the then Minister for Water in his press release dated 19 June 2007 which states that the desalination plant will be carbon neutral.

Debate ensued.

Question — put and agreed to.

12 SKILLS REFORMS AND VOCATIONAL TRAINING IN VICTORIA — Mr Hall moved, That in respect of the recently announced skills reforms, this House calls on the Government to explain to the Parliament and the people of Victoria the following —

- (1) the number of Victorian students that missed out on a funded training place last year;
- (2) how increasing student fees will attract more people to participate in vocational training particularly at the Diploma and Advanced Diploma level;
- (3) how much revenue is expected to be raised by increased fees and the purpose to which that revenue will be put;
- (4) whether the \$139 million designated as "contestable funding" is new money or whether it is a transference of current money already allocated to the delivery of Diploma and Advanced Diploma places;
- (5) how an income contingent loan system will encourage more students to take up training;
- (6) how the Government intends to address the predicted shortfall of 123,000 Diploma and Advanced Diploma qualified workers by 2015;
- (7) how the Government expects to find an additional 900 TAFE staff and 500 non-teaching staff when TAFE teaching salaries are almost \$20,000 lower than their counterparts in NSW and well below that of teachers in the schools sector;
- (8) how a competitive training system will work and its impact on training providers;
- (9) why the cost of training is being transferred from the State to the student;
- (10) why the Government continues to under-fund training in Victoria by 15 per cent compared with the Australian States average;
- (11) why those who have to retrain will be ineligible for a Government funded place;
- (12) why the Government is abolishing concessional fees for Diploma and Advanced Diploma courses; and

(13) how much is being spent on television advertising to promote the reform package.

Debate ensued.

On the motion of Ms Pennicuik, the debate was adjourned for one week.

13 WALKING SCHOOL BUS PROGRAMS — Mrs Kronberg moved, That this House condemns the Brumby State Government for its failure to ensure the long-term viability of the Walking School Bus programs in Victoria by —

- (1) steadily reducing funding levels to local councils since 2003-04;
- (2) refusing to fund existing programs beyond June 2008;
- (3) ignoring the appeals from community groups;
- (4) directly impacting on the health and well-being of school children;
- (5) sending conflicting preventative health messages to the community;
- (6) failing to recognise the value of the Walking School Bus as an important community activity in numerous neighbourhoods;
- (7) failing to take into account the importance of intergenerational encounters which are created by the regular passage of children in their walking school buses, thus alleviating the loneliness of senior citizens;
- (8) failing to support the development of an appreciation of neighbourhood character and the local environment by local children;
- (9) failing to recognise the value of Walking School Bus program as an important means of educating children in road and pedestrian safety; and
- (10) placing undue financial pressure on local government with this cynical cost shifting exercise.

Debate ensued.

14 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Sessional Orders.

And then the Council, at 10.37 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 87 — Thursday, 11 September 2008

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL 2008 — Mrs Peulich presented a Petition bearing 496 signatures from certain citizens of Victoria requesting that the Legislative Council does not support the Medical Treatment (Physician Assisted Dying) Bill 2008, which would legalise euthanasia in Victoria.

Ordered to lie on the Table.

* * * * *

PEDESTRIAN SAFETY — BORONIA — Mr O'Donohue presented a Petition bearing 534 signatures from certain citizens of Victoria requesting that the Government provide funding for pedestrian safety at the intersection of Mountain Highway, Albert Avenue and Colchester Roads, Boronia, by way of pedestrian crossings, school crossing supervisors or traffic lights.

Ordered to lie on the Table.

* * * * *

DECRIMINALISATION OF ABORTION — Mr Vogels presented a Petition bearing 122 signatures from certain citizens of Victoria requesting that the Legislative Council vote against amendments to the Crimes Act 1958 that will decriminalise abortion in Victoria.

Ordered to lie on the Table.

ABORTION LAW REFORM BILL 2008 — Mr Finn presented a Petition bearing 1,333 signatures from certain citizens of Victoria requesting that the Legislative Council rejects the Abortion Law Reform Bill 2008.

Ordered to lie on the Table.

On the motion of Mr Finn, the petition was ordered to be taken into consideration on the next day of meeting.

3 PAPERS —

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION — PORT PHILIP BAY CHANNEL DEEPENING — Mr Rich-Phillips presented a Report from the Standing Committee on Finance and Public Administration on Port Phillip Bay Channel Deepening (including Appendices, Extracts of Proceedings and a Minority Report), together with Transcripts of Evidence.

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

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT — Mr D.M. Davis presented a Report from the Select Committee on Public Land Development (including Appendices, Extracts of Proceedings and a Minority Report), together with Transcripts of Evidence.

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

Mr D.M. Davis moved, That the Council take note of the Report.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

4 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

CASEY LANDFILL GAS LEAKS — Mr Madden having given an answer to a question without notice relating to Casey landfill gas leaks —

On the motion of Mr D.M. Davis, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

QUESTIONS — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

5 SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT — Debate continued on the question, That the Council take note of the Report.

Question — put and agreed to.

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

Major Events (Aerial Advertising) Act 2007 — Minister's Order of 9 September 2008 in relation to the 2008 AFL Finals Series.

Office of Police Integrity — Report on Associations that compromise Victoria Police – risks and remedies, September 2008.

Statutory Rules under the following Acts of Parliament:

Gambling Regulation Act 2003 — No. 103.

Liquor Control Reform Act 1998 — No. 102.

Road Safety Act 1986 — No. 104.

Subordinate Legislation Act 1994 — No. 101.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 101.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 104.

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

8 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

9 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

10 ROAD SAFETY AMENDMENT (FATIGUE MANAGEMENT) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Mr Koch announced that he proposed to move an amendment in Committee and requested that it be circulated.

Accordingly, the amendment was circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

11 COURTS LEGISLATION AMENDMENT (COSTS COURT AND OTHER MATTERS) BILL 2008 — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989, the Victorian Civil and Administrative Tribunal Act 1998 and the Legal Profession Act 2004 to establish the Costs Court and provide for its operation, to consequentially amend other legislation, to make other amendments to the Supreme Court Act 1986 and the Courts Legislation Amendment (Associate Judges) Act 2008 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

12 MEDICAL RESEARCH INSTITUTES REPEAL BILL 2008 — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to repeal the Baker Medical Research Institute Act 1980, the Prince Henry's Institute of Medical Research Act 1988 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

13 NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time and on the amendment, That all the words after "That" be omitted with the view of inserting in their place "this Bill be withdrawn and redrafted to take into account —

(1) the outcome of further consultation with the wider community about —

- (a) the negative effects of the proposed amendments relating to the Cobboboonee National Park and the Cobboboonee Forest Park;
- (b) the proposed amendments relating to Devilbend and the need to ensure the proper protection of this vital natural asset; and
- (c) appropriate management and development of the Frankston Natural Features Reserve; and

(2) the wide community support for the expansion of Warrandyte State Park."

Business having been interrupted by the President at 10.00 p.m. —

Mr Lenders moved, That the sitting be extended.

Question — put and agreed to.

Debate continued on the question, That the Bill be now read a second time and on the reasoned amendment.

On the motion of Mr Jennings, the debate was adjourned until the next day of meeting.

- 14 PUBLIC HOLIDAYS AMENDMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Ordered — That the Bill be committed to a Committee of the whole on the next day of meeting.

- 15 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until the next day of meeting.

- 16 WHISTLEBLOWERS PROTECTION AMENDMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 17 LEGISLATION REFORM (REPEALS NO. 3) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

And the Council having continued to sit after 12 midnight —

FRIDAY, 12 SEPTEMBER 2008

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 18 COUNTY COURT AMENDMENT (KOORI COURT) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Ms Pennicuik, the debate was adjourned until the next day of meeting.

- 19 ABORTION LAW REFORM BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to reform the law relating to abortion, to amend the Crimes Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 20 ADJOURNMENT** — Mr Lenders moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 1.33 a.m., adjourned until this day at 9.30 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 88 — Friday, 12 September 2008

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

- 2 **PETITIONS** —

MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL 2008 — Mr Kavanagh presented a Petition bearing 22 signatures from certain citizens of Victoria requesting that the Legislative Council vote against the Medical Treatment (Physician Assisted Dying) Bill 2008 which will legalise euthanasia in Victoria.

Ordered to lie on the Table.

ABORTION LAW REFORM — Ms Pulford presented a Petition bearing 113 signatures from certain citizens of Victoria requesting that the Legislative Council support the passage of a Bill to decriminalise abortion in a way which both safeguards women and medical practitioners and ensures that services are of high quality, accessible and safe.

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:

Duties Act 2000 — Treasurer's report of exemptions and refunds arising out of corporate reconstructions for 2007-08.

4 SITTING OF THE COUNCIL — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 7 October 2008.

Question — put and agreed to.

5 BUSINESS POSTPONED —

Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

6 MEDICAL RESEARCH INSTITUTES REPEAL BILL 2008 — Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr D.M. Davis (for Mr Dalla-Riva) the debate was adjourned for one week.

7 COURTS LEGISLATION AMENDMENT (COSTS COURT AND OTHER MATTERS) BILL 2008 — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Rich-Phillips) the debate was adjourned for one week.

8 NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time and on the amendment, That all the words after "That" be omitted with the view of inserting in their place "this Bill be withdrawn and redrafted to take into account —

(1) the outcome of further consultation with the wider community about —

- (a) the negative effects of the proposed amendments relating to the Cobboboonee National Park and the Cobboboonee Forest Park;
- (b) the proposed amendments relating to Devilbend and the need to ensure the proper protection of this vital natural asset; and
- (c) appropriate management and development of the Frankston Natural Features Reserve; and

(2) the wide community support for the expansion of Warrandyte State Park."

Question — That the reasoned amendment moved by Mr D.M. Davis be agreed to — put.

The Council divided — The President in the Chair

AYES, 17

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis (*Teller*)
Mr P.R. Davis
Mr Drum
Mr Finn

NOES, 21

Mr Barber (*Teller*)
Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmarr (*Teller*)
Ms Hartland
Mr Jennings

Mr Hall	Mr Leane
Mr Kavanagh	Mr Lenders
Mr Koch	Mr Madden
Mrs Kronberg	Ms Mikakos
Ms Lovell	Mr Pakula
Mr O'Donohue (<i>Teller</i>)	Ms Pennicuik
Mrs Petrovich	Ms Pulford
Mrs Peulich	Mr Scheffer
Mr Rich-Phillips	Mr Smith
Mr Vogels	Mr Somyurek
	Mr Tee
	Mr Theophanous
	Ms Tierney
	Mr Viney

Amendment negatived.

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

The Council divided — The President in the Chair.

AYES, 22

Mr Barber (*Teller*)
 Ms Broad
 Ms Darveniza
 Mr Eideh
 Mr Elasmarr (*Teller*)
 Ms Hartland
 Mr Jennings
 Mr Kavanagh
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney

NOES, 16

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis (*Teller*)
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Hall
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue (*Teller*)
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

Question agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 9 ABORTION LAW REFORM BILL 2008** — Mr Jennings advised the Council that under section 48 of the *Charter of Human Rights and Responsibilities Act 2006* a statement of compatibility was not required.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell, the debate was adjourned for one week.

- 10 PUBLIC HOLIDAYS AMENDMENT BILL 2008** — Bill committed to a Committee of the whole. Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

11 COUNTY COURT AMENDMENT (KOORI COURT) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

12 CORRECTIONS AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Ms Pennicuik moved, That the Bill be referred to the Legislation Committee.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 4

Mr Barber
Ms Hartland (*Teller*)
Mr Kavanagh
Ms Pennicuik (*Teller*)

NOES, 33

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Hall (*Teller*)
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden (*Teller*)
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney
Mr Vogels

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

13 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

14 CORRECTIONS AMENDMENT BILL 2008 — Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

15 FAMILY VIOLENCE PROTECTION BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Mr Rich-Phillips announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

16 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

Question — put and agreed to.

And then the Council, at 3.05 p.m., adjourned until Tuesday, 7 October 2008.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 85, 86, 87 and 88

Tuesday, 9 September 2008

1 SUMMARY OFFENCES AMENDMENT (TATTOOING AND BODY PIERCING) BILL 2008

Clause 1 — Ms Hartland moved —

1. Clause 1, lines 10 and 11, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)
Ms Hartland
Ms Pennicuik (*Teller*)

NOES, 33

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Hall
Mr Kavanagh
Mr Koch
Mrs Kronberg
Mr Leane
Ms Lovell
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich (*Teller*)
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley (*Teller*)
Ms Tierney
Mr Viney
Mr Vogels

Amendment negatived.

Clause 1 — put and agreed to.

Clauses 2 and 3 — put and agreed to.

Clause 4 — Mr Rich-Phillips moved —

1. Clause 4, lines 7 to 15, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17	NOES, 21
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmar
Mr Drum	Ms Hartland
Mr Finn	Mr Jennings
Mr Hall	Mr Leane
Mr Kavanagh	Mr Lenders
Mr Koch	Mr Madden
Mrs Kronberg (<i>Teller</i>)	Ms Mikakos
Ms Lovell	Ms Pennicuik
Mr O'Donohue	Ms Pulford (<i>Teller</i>)
Mrs Petrovich	Mr Scheffer
Mrs Peulich	Mr Smith
Mr Rich-Phillips	Mr Somyurek
Mr Vogels (<i>Teller</i>)	Mr Tee
	Mr Theophanous
	Mr Thornley (<i>Teller</i>)
	Ms Tierney
	Mr Viney

Amendment negatived.

Clause 4 — put and agreed to.

Clauses 5 and 6 — put and agreed to.

Bill reported without amendment.

Thursday, 11 September 2008

1 ROAD SAFETY AMENDMENT (FATIGUE MANAGEMENT) BILL 2008

Clauses 1 to 47 — put and agreed to.

New clause — Mr Koch moved —

1. Insert the following New Clause to follow clause 30—

'AA New section 191ZZAB inserted

In section 20 of the **Road Legislation Further Amendment Act 2007**, after proposed section 191ZZA insert—

"191ZZAB Livestock exemption

- (1) This section applies—
 - (a) to a driver of a fatigue-regulated heavy vehicle who is carrying livestock as a primary load; and
 - (b) only when the welfare of the livestock is at risk.
- (2) Section 191O applies to a driver to whom this section applies as if a reference—
 - (a) in Column 2 of Table 1 of Schedule 4 to 14 hours were a reference to 16 hours; and
 - (b) in Column 4 of Table 1 of Schedule 4 to 14¾ hours were a reference to 16¾ hours; and
 - (c) in Column 4 of Table 1 of Schedule 4 to 15¾ hours were a reference to 17¾ hours.

(3) In this section—

livestock includes cattle, sheep, goats and pigs.".!

Question — That the new clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson
Mrs Coote (*Teller*)
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn (*Teller*)
Mr Koch
Mrs Kronberg
Ms Lovell
Mr O'Donohue
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

NOES, 21

Mr Barber
Ms Broad
Ms Darveniza (*Teller*)
Mr Eideh
Mr Elasmarr
Ms Hartland
Mr Kavanagh
Mr Jennings
Mr Leane
Mr Madden
Ms Mikakos
Mr Pakula
Ms Pennicuik
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Thornley
Ms Tierney
Mr Viney (*Teller*)

Question negatived.

Bill reported without amendment.

Friday, 12 September 2008

1 PUBLIC HOLIDAYS AMENDMENT BILL 2008

Clauses 1 to 4 — put and agreed to.

Clause 5 — Mr Dalla-Riva moved —

1. Clause 5, lines 14 to 17, omit paragraphs (a) and (b) and insert—

"(a) 1 January (New Year's Day) or the Monday after New Year's Day when New Year's Day is a Saturday or Sunday;".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Hall
Mr Koch
Mrs Kronberg
Ms Lovell

NOES, 21

Mr Barber
Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmarr
Ms Hartland
Mr Kavanagh
Mr Jennings
Mr Leane
Mr Lenders

Mr O'Donohue (*Teller*)
 Mrs Petrovich (*Teller*)
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

Mr Madden
 Mr Pakula
 Ms Pennicuik (*Teller*)
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek (*Teller*)
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney

Amendment negatived.

Clause 5 — put and agreed to.

Clause 6 — put and agreed to.

Clause 7 — Mr Dalla-Riva moved —

12. Clause 7, page 4, line 32, after "district" insert ", or a part of the municipal district,".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 19
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Finn	Ms Hartland
Mr Hall	Mr Jennings
Mr Kavanagh	Mr Leane (<i>Teller</i>)
Mr Koch	Mr Madden
Mrs Kronberg	Mr Pakula
Ms Lovell	Ms Pennicuik
Mr O'Donohue	Ms Pulford (<i>Teller</i>)
Mrs Petrovich	Mr Scheffer
Mrs Peulich (<i>Teller</i>)	Mr Smith
Mr Rich-Phillips	Mr Somyurek
Mr Vogels (<i>Teller</i>)	Mr Tee
	Mr Theophanous
	Ms Tierney
	Mr Viney

Amendment negatived.

Clause 7 — put and agreed to.

Clauses 8 and 9 — put and agreed to.

Bill reported without amendment.

2 CORRECTIONS AMENDMENT BILL 2008

Clauses 1 to 8 — put and agreed to.

Bill reported without amendment.

3 FAMILY VIOLENCE PROTECTION BILL 2008

Preamble — Consideration of Preamble postponed.

Clauses 1 to 232 — put and agreed to.

Clause 233 — Mr Rich-Phillips moved —

1. Clause 233, lines 7 and 8, omit "against section 37 or 123 of the **Family Violence Protection Act 2008**".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 20
Mr Atkinson	Mr Barber (<i>Teller</i>)
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmar
Mr Finn (<i>Teller</i>)	Ms Hartland
Mr Hall (<i>Teller</i>)	Mr Jennings
Mr Kavanagh	Mr Leane
Mr Koch	Mr Madden
Mrs Kronberg	Ms Mikakos
Ms Lovell	Mr Pakula
Mr O'Donohue	Ms Pennicuik
Mrs Petrovich	Ms Pulford
Mrs Peulich	Mr Scheffer
Mr Rich-Phillips	Mr Smith
Mr Vogels	Mr Somyurek
	Mr Tee
	Mr Thornley
	Ms Tierney (<i>Teller</i>)
	Mr Viney

Amendment negatived.

Clause 233 — put and agreed to.

Clauses 234 to 272 — put and agreed to.

Preamble (postponed) — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 89, 90, 91 and 92

No. 89 — Tuesday, 7 October 2008

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - On 15 September 2008 —
 - Evidence Act 2008*
 - Heritage Amendment Act 2008*
 - Summary Offences Amendment (Tattooing and Body Piercing) Act 2008.*
 - On 23 September 2008 —
 - Corrections Amendment Act 2008*
 - County Court Amendment (Koori Court) Act 2008*
 - Family Violence Protection Act 2008*
 - Legislation Reform (Repeals No 3) Act 2008*
 - National Parks and Crown Land (Reserves) Acts Amendment Act 2008*
 - Public Holidays Amendment Act 2008*
 - Road Safety Amendment (Fatigue Management) Act 2008*
 - Whistleblowers Protection Amendment Act 2008.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITIONS** —
 - DECRIMINALISATION OF ABORTION** — Mr Kavanagh, Mr Vogels and Ms Lovell each presented Petitions bearing 1,690, 178 and 117 signatures, respectively, from certain citizens of Victoria requesting that the Legislative Council vote against amendments to the Crimes Act 1958 that will decriminalise abortion in Victoria.Ordered to lie on the Table.
On the motion of Mr Kavanagh, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

ABORTION LAW REFORM BILL 2008 — Mr Hall and Mr Finn each presented Petitions bearing 433 and 2,530 signatures respectively from certain citizens of Victoria requesting that the Legislative Council rejects the Abortion Law Reform Bill 2008.
Ordered to lie on the Table.

On the motion of Mr Finn, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

PEDESTRIAN SAFETY, BORONIA — Mr O'Donohue presented a Petition bearing 22 signatures from certain citizens of Victoria requesting that the Government provide funding for pedestrian safety at the intersection of Mountain Highway, Albert Avenue and Colchester Roads, Boronia, by way of pedestrian crossings, school crossing supervisors or traffic lights.

Ordered to lie on the Table.

* * * * *

CLEARWAYS — Mr Barber presented a Petition bearing 1,566 signatures from certain citizens of Victoria requesting that the Government abandon its Clearway proposal and instead direct all money saved into improving public transport which is the best option for combating traffic congestion and the perceived need for Clearways.

Ordered to lie on the Table.

* * * * *

NORTH-SOUTH PIPELINE — Ms Lovell presented a Petition bearing 76 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the construction of the North-South pipeline.

Ordered to lie on the Table.

On the motion of Ms Lovell, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

CAREFUL COBBER PROGRAM — Ms Lovell presented a Petition bearing 1,062 signatures from certain citizens of Victoria requesting that the Government immediately reinstate funding for the Careful Cobber Program.

Ordered to lie on the Table.

On the motion of Ms Lovell, the petition was ordered to be taken into consideration on the next day of meeting.

5 PAPERS —

COMMONWEALTH CLASSIFICATION GUIDELINES — Mr Madden moved, by leave, That there be laid before this House a copy of —

- (1) Guidelines for the Classification of Publications (as amended), March 2008; and
- (2) Guidelines for the Classification of Films and Computer Games (as amended), March 2008.

Question — put and agreed to.

The said paper was presented by Mr Madden and ordered to lie on the Table.

* * * * *

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — LOCAL ECONOMIC DEVELOPMENT IN OUTER SUBURBAN MELBOURNE —

Ms Hartland presented a Report from the Outer Suburban/Interface Services and Development Committee on Local Economic Development in Outer Suburban Melbourne (including Appendices), together with Transcripts of Evidence.

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

Ms Hartland moved, That the Council take note of the Report.

Question — put and agreed to.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 12 of 2008 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

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

Agricultural Industry Development Act 1990 —

Murray Valley Citrus Industry Development Order 2008, pursuant to section 8(3) of the Act.

Northern Victorian Fresh Tomato Industry Development Order 2008, pursuant to section 8(3) of the Act.

Crown Land (Reserves) Act 1978 —

Minister's Order of 29 August 2008 giving approval to the granting of a licence at Lorne Foreshore Reserve.

Minister's Order of 5 September 2008 giving approval to the granting of a licence at Winchelsea Park Reserve.

Dairy Food Safety Victoria — Minister's report of receipt of 2007-08 report.

Essential Services Commission — Taxi Fare Review 2007-08 Final Report, August 2008.

Gambling Regulation Act 2003 — Amendment to Category 1 Public Lottery Licence, pursuant to section 5.3.19(4)(b)(ii) of the Act.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 14 September 2008 pursuant to section 7(4) of the Act.

Major Events (Aerial Advertising) Act 2007 — Minister's Order of 15 September 2008 in relation to the 2008 AFL Finals Series.

Major Events (Crowd Management) Act 2003 —

Minister's Order of 15 September 2008 declaring a managed access area.

Minister's Order of 30 September 2008 in relation to Caulfield, Moonee Valley and Flemington Racecourses.

Melbourne City Link Act 1995 —

CityLink and Extension Projects Integration and Facilitation Agreement Eighteenth Amending Deed, 26 August 2008, pursuant to section 15B(5) of the Act.

Freeway Management System Coordination Agreement Amending Deed, 26 August 2008, pursuant to section 15(2) of the Act.

M1 Corridor Redevelopment Deed Second Amending Deed, 26 August 2008, pursuant to section 15(2) of the Act.

Melbourne City Link Twenty-seventh Amending Deed, 26 August 2008, pursuant to section 15(2) of the Act.

Occupational Health and Safety Act 2004 — Minister's Orders of 11 September 2008 approving compliance codes (eight papers).

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

Banyule Planning Scheme — Amendment C65.

Benalla Planning Scheme — Amendment C24.

Boroondara Planning Scheme — Amendment C73.

Campaspe Planning Scheme — Amendments C57, C61 and C62.

Casey Planning Scheme — Amendments C74, C100 and C111.

Glenelg Planning Scheme — Amendment C38.

Greater Dandenong Planning Scheme — Amendment C36.

Greater Shepparton Planning Scheme — Amendment C65, C99, C100, C102 and C113.

Hepburn Planning Scheme — Amendment C42.

Hobsons Bay Planning Scheme — Amendment C69.

Hume Planning Scheme — Amendment C75.

Latrobe Planning Scheme — Amendment C48.

Manningham Planning Scheme — Amendments C52 and C100.

Maribyrnong Planning Scheme — Amendment C75.

Maroondah Planning Scheme — Amendment C62.

Melbourne Planning Scheme — Amendment C123.

Moira Planning Scheme — Amendments C32, C45 and C46.

Moonee Valley Planning Scheme — Amendment C84.

Moyne Planning Scheme — Amendment C13.
 Nillumbik Planning Scheme — Amendment C56.
 Northern Grampians Planning Scheme — Amendment C2.
 Pyrenees Planning Scheme — Amendment C22.
 South Gippsland Planning Scheme — Amendment C43.
 Strathbogie Planning Scheme — Amendment C38.
 Victoria Planning Provisions — Amendment VC49.
 West Wimmera Planning Scheme — Amendment C13.
 Whitehorse Planning Scheme — Amendments C74(Part 2) and C104.
 Yarra Planning Scheme — Amendments C100 and C122.

Statutory Rules under the following Acts of Parliament:

Births, Deaths and Marriages Registration Act 1996 — No. 114.
 Chattel Securities Act 1987 — Nos. 109 and 112.
 Country Fire Authority Act 1958 — No. 106.
 Health Act 1958 — No. 105.
 Infringements Act 2006 — Nos. 107 and 108.
 Marine Act 1988 — No. 113.
 Mental Health Act 1986 — No. 111.
 Road Safety Act 1986 — Nos. 115 and 116.
 Transport Superannuation Act 1988 — No. 110.

Subordinate Legislation Act 1994 —

Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule Nos. 113 and 115.

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 23.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 5, 103, 105, 106, 107, 108, 109, 110, 111, 113, 115 and 116.

Surveyor-General — Report on the Administration of the Survey Co-ordination Act 1958, 2007-08.

Victorian Broiler Industry Negotiation Committee — Minister's report of receipt of 2007-08 report.

* * * * *

PROCLAMATION — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Road Legislation Further Amendment Act 2007 — Sections 3, 4 and 18 to 29 — 29 September 2008 (*Gazette No. G39, 25 September 2008*).

6 RESTORATION OF DROPPED ORDER OF THE DAY — Mr D.M. Davis moved, That pursuant to Standing Order 6.15, the resumption of the debate on the motion moved by Mrs Kronberg relating to Walking School Bus Programs be restored to the Notice Paper.

Question — put and agreed to.

7 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 8 October 2008:

- (1) the Notice of Motion given this day by Mrs Peulich relating to the Cranbourne landfill gas leak; and
- (2) the Notice of Motion given this day by Mr Kavanagh relating to the the deterioration in the quality of services available to Victorians.

Question — put and agreed to.

8 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

9 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

10 ABORTION LAW REFORM BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Drum.

11 ADJOURNMENT — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.28 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 90 — Wednesday, 8 October 2008

1 The President took the Chair and read the Prayer.

2 PETITIONS —

DECriminalISATION OF ABORTION — Mr Kavanagh, Mr Rich-Phillips, Mr Vogels, Ms Darveniza, Mr Atkinson and Mrs Petrovich each presented Petitions bearing 79, 362, 135, 48, 45 and 351 signatures, respectively, from certain citizens of Victoria requesting that the Legislative Council vote against amendments to the Crimes Act 1958 that will decriminalise abortion in Victoria.

Ordered to lie on the Table.

On the motion of Mr Kavanagh, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

ABORTION LAW REFORM — Ms Hartland presented a Petition bearing 39 signatures from certain citizens of Victoria requesting that the Legislative Council oppose any amendments to the Abortion Law Reform Bill 2008 that further erode women's rights.

Ordered to lie on the Table.

* * * * *

ABORTION LAW REFORM — MODEL C — Ms Hartland presented a Petition bearing 41 signatures from certain citizens of Victoria requesting that the Legislative Council support Model C for abortion law reform in Victoria.

Ordered to lie on the Table.

* * * * *

ABORTION LAW REFORM BILL 2008 — Mr Finn presented a Petition bearing 2,360 signatures from certain citizens of Victoria requesting that the Legislative Council rejects the Abortion Law Reform Bill 2008.

Ordered to lie on the Table.

* * * * *

NORTH-SOUTH PIPELINE — Ms Lovell presented a Petition bearing 5 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the construction of the North-South pipeline.

Ordered to lie on the Table.

* * * * *

TAFE FEES — Ms Pennicuik presented a Petition bearing 16 signatures from certain citizens of Victoria requesting that the Legislative Council pass the 'Securing Jobs for Your Future-Skills for Victoria' reform package only if the Legislative Assembly amends the package to keep the TAFE fee structure as it is in its current form.

Ordered to lie on the Table.

LICENSED VENUE LOCKOUT REVIEW — Mrs Coote presented a Petition bearing 138 signatures from certain citizens of Victoria requesting that the Government conducts a comprehensive assessment of the 2.00 a.m. lockout trial and all results be openly and transparently debated with all relevant stakeholders.

Ordered to lie on the Table.

* * * * *

WALLAN-KILMORE BYPASS — Mrs Petrovich presented a Petition bearing 331 signatures from certain citizens of Victoria requesting that the Minister for Roads and Ports takes action to ensure that —

- (1) the proposed duplication of the highway between Wallan and Kilmore is abandoned;
- (2) the bypass options are pursued without using internal roads within either township; and
- (3) adequate funding is provided immediately to achieve the community requirements of a bypass of Wallan and Kilmore.

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:

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 98.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 CRANBOURNE LANDFILL — Mrs Peulich moved, That this House acknowledges the man made disaster caused by methane gas leaking from the Stevensons Road landfill in Cranbourne, the devastating effect of this event on residents living in homes built on or near the buffer adjacent to the landfill and the lack of a coordinated response by the State Government to this crisis and therefore calls on the State Government to immediately provide leadership and establish —

- (1) a high level response and coordination of Government agencies and services to the crisis caused by the migration of methane gas from the Stevensons Road landfill to abutting homes to ensure effective support for affected residents of the Brooklands Green estate;
- (2) a fund to assist in the emergency response measures and rectification of the problem; and
- (3) an independent and public inquiry with powers to investigate all factors which led to this crisis, including the role of the State Government instrumentalities.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

6 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

7 CRANBOURNE LANDFILL — Debate continued on the question, That this House acknowledges the man made disaster caused by methane gas leaking from the Stevensons Road landfill in Cranbourne, the devastating effect of this event on residents living in homes built on or near the buffer adjacent to the landfill and the lack of a coordinated response by the State Government to this crisis and therefore calls on the State Government to immediately provide leadership and establish —

- (1) a high level response and coordination of Government agencies and services to the crisis caused by the migration of methane gas from the Stevensons Road landfill to abutting homes to ensure effective support for affected residents of the Brooklands Green estate;
- (2) a fund to assist in the emergency response measures and rectification of the problem; and
- (3) an independent and public inquiry with powers to investigate all factors which led to this crisis, including the role of the State Government instrumentalities.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson
Mr Barber
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Guy (*Teller*)
Mr Hall
Ms Hartland
Mr Kavanagh
Mr Koch
Mrs Kronberg
Ms Lovell
Mr O'Donohue
Ms Pennicuik
Mrs Petrovich
Mrs Peulich (*Teller*)
Mr Rich-Phillips
Mr Vogels

NOES, 19

Ms Broad
Ms Darveniza
Mr Eideh (*Teller*)
Mr Elasmarr
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos (*Teller*)
Mr Pakula
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Mr Thornley
Ms Tierney
Mr Viney

Question agreed to.

8 BUSINESS POSTPONED —

Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

9 ABORTION LAW REFORM BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Finn.

10 ENERGY LEGISLATION AMENDMENT (RETAIL COMPETITION AND OTHER MATTERS) BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000, the Gas Industry Act 2001, the Gas Safety Act 1997, the Electricity Safety Act 1998, the National Electricity (Victoria) Amendment Act 2007, the National Gas (Victoria) Act 2008 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Theophanous), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

11 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.45 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 91 — Thursday, 9 October 2008

1 The President took the Chair and read the Prayer.

- 2 RESEARCH INVOLVING HUMAN EMBRYOS BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to regulate certain activities involving the use of human embryos, and for related purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 3 PROHIBITION OF HUMAN CLONING FOR REPRODUCTION BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to prohibit human cloning for reproduction and other unacceptable practices associated with reproductive technology, and for related purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

4 PETITIONS —

DECRIMINALISATION OF ABORTION — Mr Kavanagh presented a Petition bearing 51 signatures from certain citizens of Victoria requesting that the Legislative Council vote against amendments to the Crimes Act 1958 that will decriminalise abortion in Victoria.

Ordered to lie on the Table.

* * * * *

ABORTION LAW REFORM BILL 2008 — Mr Finn presented a Petition bearing 1,136 signatures from certain citizens of Victoria requesting that the Legislative Council rejects the Abortion Law Reform Bill 2008.

Ordered to lie on the Table.

* * * * *

VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL RECOMMENDATIONS — Mr Drum presented a Petition bearing 113 signatures from certain citizens of Victoria requesting that the Government does not adopt the recommendations proposed by the Victorian Environment Assessment Council, which would have a profound effect on the camping, fishing, boating and other like activities currently enjoyed by Victorian residents.

Ordered to lie on the Table.

* * * * *

NORTH-SOUTH PIPELINE — Mr Drum presented a Petition bearing 80 signatures from certain citizens of Victoria requesting that the Government stop building the North-South Pipeline which will steal water from country Victorian farmers and communities and the environment and pipe this water to Melbourne, because there are better alternatives to increase Melbourne's water supply such as recycled water and storm water capture for industry, parks and gardens.

Ordered to lie on the Table.

5 PAPERS —

SUPREME COURT JUDGES — Mr Madden presented, by command of the Governor, the Report of the Supreme Court Judges for the year 2006-07.

Ordered to lie on the Table.

* * * * *

REPORT OF INSPECTOR OF MUNICIPAL ADMINISTRATION — BALLARAT CITY COUNCIL — Mr Madden moved, by leave, That there be laid before this House a copy of the Report of the Inspector of Municipal Administration, relating to an investigation into Ballarat City Council, September 2008.

The said paper was presented by Mr Madden and ordered to lie on the Table.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2007-08 ANNUAL REPORT — Mr Pakula presented the 2007-08 Annual Report from the Public Accounts and Estimates Committee.

Ordered to lie on the Table and the Report to be printed.
 Mr Pakula moved, That the Council take note of the Report.
 Debate ensued.
 Question — put and agreed to.

* * * * *

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

Greyhound Racing Victoria — Report, 2007-08.

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns, June 2008, Summary of Variations notified between 26 June 2008 and 8 October 2008 and Summary of Primary Return, July 2008.

Office of Police Integrity — Report, 2007-08.

PrimeSafe — Minister's report of receipt of 2007-08 report.

Public Record Office Victoria — Report, 2007-08.

- 6 ROAD SAFETY COMMITTEE** — Mr Lenders moved, by leave, That the Resolution of the Council of 18 July 2007 and amended on 20 November 2007 requiring the Road Safety Committee to inquire into and report by 31 October 2008 on existing, new and developing technologies for implementation to improve safety at level crossings be further amended so as to now require the Committee to present its report by 31 December 2008.

Question — put and agreed to.

- 7 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — Mr Lenders moved, by leave, That the Resolution of the Council of 19 September 2007 requiring the Environment and Natural Resources Committee to inquire into and report by 31 December 2008 on the relative merits of supplementing Melbourne's water supply be amended so as to now require the Committee to present its report by 30 April 2009.

Question — put and agreed to.

- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 9 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 10 ENERGY LEGISLATION AMENDMENT (RETAIL COMPETITION AND OTHER MATTERS) BILL 2008** — Mr Jennings (for Mr Theophanous) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Hall), the debate was adjourned for one week.

- 11 ABORTION LAW REFORM BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 13 ABORTION LAW REFORM BILL 2008** — Debate continued on the question, That the Bill be now read a second time.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

Mr Lenders moved, That the sitting be extended.

Question — put and agreed to.

Debate continued on the question, That the Bill be now read a second time.

And the Council having continued to sit after 12 midnight —

FRIDAY, 10 OCTOBER 2008

On the motion of Mr Scheffer, the debate was adjourned until the next day of meeting.

14 LOCAL GOVERNMENT AMENDMENT (COUNCILLOR CONDUCT AND OTHER MATTERS) BILL 2008 — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Local Government Act 1989, the City of Melbourne Act 2001 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

15 POLICE REGULATION AMENDMENT BILL 2008 — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Police Regulation Act 1958 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

16 ASSISTED REPRODUCTIVE TREATMENT BILL 2008 — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to regulate assisted reproductive treatment and artificial insemination, to make provision with respect to surrogacy arrangements, to repeal the Infertility Treatment Act 1995, to amend the Status of Children Act 1974 and the Births, Deaths and Marriages Registration Act 1996 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

17 MAJOR CRIME (INVESTIGATIVE POWERS) AND OTHER ACTS AMENDMENT BILL 2008 — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Major Crime (Investigative Powers) Act 2004, the Police Integrity Act 2008, the Police Regulation Act 1958 and the Whistleblowers Protection Act 2001 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

18 MAJOR CRIME (INVESTIGATIVE POWERS) AND OTHER ACTS AMENDMENT BILL 2008 — Mr Lenders (for Mr Madden), laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

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

On the motion of Ms Lovell (for Mr Dalla-Riva), the debate was adjourned until Thursday next.

19 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Sessional Orders.

And then the Council, at 3.23 a.m., adjourned until this day at 9.30 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 92 — Friday, 10 October 2008

1 The President took the Chair and read the Prayer.

2 **PETITION — DECRIMINALISATION OF ABORTION** — Ms Lovell presented a Petition bearing 22 signatures from certain citizens of Victoria requesting that the Legislative Council vote against amendments to the Crimes Act 1958 that will decriminalise abortion in Victoria.

Ordered to lie on the Table.

3 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 15 October 2008:

- (1) Notice of Motion No. 54 standing in the name of Mr Hall relating to the commercial fishing industry;
- (2) Notice of Motion No. 60 standing in the name of Mr O'Donohue relating to the timber industry;
- (3) Notice of Motion No. 46 standing in the name of Mr Barber relating to the production of certain Department of Transport documents;
- (4) Notice of Motion No. 58 standing in my name relating to the production of certain public health documents;
- (5) Notice of Motion No. 49 standing in the name of Mr P.R. Davis relating to challenges facing country communities; and
- (6) Notice of Motion No. 37 standing in the name of Mr Kavanagh relating to the quality of services available to Victorians.

Question — put and agreed to.

4 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

5 RESEARCH INVOLVING HUMAN EMBRYOS BILL 2008 — Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr D.M. Davis, the debate was adjourned for two weeks.

6 PROHIBITION OF HUMAN CLONING FOR REPRODUCTION BILL 2008 — Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr D.M. Davis, the debate was adjourned for two weeks.

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

8 POLICE REGULATION AMENDMENT BILL 2008 — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Ms Lovell, the debate was adjourned for one week.

9 ASSISTED REPRODUCTIVE TREATMENT BILL 2008 — Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

10 ABORTION LAW REFORM BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair

AYES, 23

NOES, 17

Mr Barber

Mr Atkinson

Ms Broad (<i>Teller</i>)	Mr Dalla-Riva
Mrs Coote	Mr Drum
Ms Darveniza	Mr Elasmarr
Mr D.M. Davis	Mr Finn (<i>Teller</i>)
Mr P.R. Davis	Mr Guy
Mr Eideh	Mr Kavanagh (<i>Teller</i>)
Mr Hall	Ms Kronberg
Ms Hartland	Mr Lenders
Mr Jennings	Mr O'Donohue
Mr Koch	Ms Petrovich
Mr Leane	Ms Peulich
Ms Lovell	Mr Rich-Phillips
Mr Madden	Mr Smith
Ms Mikakos	Mr Somyurek
Mr Pakula	Mr Theophanous
Ms Pennicuik	Mr Vogels
Ms Pulford	
Mr Scheffer	
Mr Tee	
Mr Thornley	
Ms Tierney (<i>Teller</i>)	
Mr Viney	

Question agreed to.

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

House in Committee.

Business having been interrupted at 12.00 noon pursuant to Sessional Orders —

11 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

12 ABORTION LAW REFORM BILL 2008 — Bill further considered in Committee of the whole.

Business having been interrupted at 4.00 p.m. pursuant to Standing Orders —

Mr Lenders moved, That the sitting be extended.

Question — put and agreed to.

Debate continued in Committee of the whole.

Bill reported without amendment.

Mr Jennings moved, That the Report be now adopted.

Question — put.

The Council divided — The President in the Chair

AYES, 26

NOES, 14

Mr Barber	Mr Atkinson
Ms Broad	Mr Dalla-Riva
Mrs Coote (<i>Teller</i>)	Mr Drum
Ms Darveniza	Mr Elasmarr
Mr D.M. Davis	Mr Finn
Mr P.R. Davis	Mr Guy (<i>Teller</i>)
Mr Eideh	Mr Kavanagh
Mr Hall	Ms Kronberg
Ms Hartland (<i>Teller</i>)	Mr O'Donohue
Mr Jennings	Ms Petrovich
Mr Koch	Ms Peulich (<i>Teller</i>)
Mr Leane	Mr Smith
Mr Lenders	Mr Somyurek
Ms Lovell	Mr Vogels

Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Tee
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

Question agreed to.

Mr Jennings moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair

AYES, 23

Mr Barber
 Ms Broad (*Teller*)
 Mrs Coote
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Eideh
 Mr Hall
 Ms Hartland
 Mr Jennings
 Mr Koch
 Mr Leane
 Ms Lovell (*Teller*)
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Tee
 Mr Thornley
 Ms Tierney
 Mr Viney

NOES, 17

Mr Atkinson
 Mr Dalla-Riva
 Mr Drum
 Mr Elasmarr (*Teller*)
 Mr Finn
 Mr Guy
 Mr Kavanagh
 Ms Kronberg
 Mr Lenders
 Mr O'Donohue
 Ms Petrovich
 Ms Peulich
 Mr Rich-Phillips (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Theophanous
 Mr Vogels

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

13 LOCAL GOVERNMENT AMENDMENT (COUNCILLOR CONDUCT AND OTHER MATTERS) BILL 2008 — Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Hall), the debate was adjourned until Thursday next.

14 ADJOURNMENT — Mr Theophanous moved, That the Council, at its rising, adjourn until Wednesday, 15 October 2008 at 9.30 a.m. at the Bellevue on the Lakes in Lakes Entrance.

Question — put and agreed to.

Mr Theophanous moved, That the House do now adjourn.

Question — put and agreed to.

And then the Council, at 10.38 p.m., adjourned until Wednesday, 15 October 2008.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 89, 90, 91 and 92

Friday, 10 October 2008

1 ABORTION LAW REFORM BILL 2008

Clauses 1 to 3 — put and agreed to.

Clause 4 — Mr Finn moved —

1. Clause 4, line 4, omit "24" and insert "12".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 10	NOES, 25
Mr Drum	Mr Atkinson
Mr Elasmarr	Mr Barber
Mr Finn	Ms Broad
Mr Guy (<i>Teller</i>)	Mrs Coote
Mr Kavanagh	Ms Darveniza
Mrs Kronberg	Mr D.M. Davis
Mrs Petrovich (<i>Teller</i>)	Mr P.R. Davis
Mrs Peulich	Mr Eideh
Mr Somyurek	Mr Hall
Mr Vogels	Ms Hartland
	Mr Jennings
	Mr Koch
	Mr Leane
	Ms Lovell
	Mr Madden
	Ms Mikakos
	Mr Pakula
	Ms Pennicuik
	Ms Pulford (<i>Teller</i>)
	Mr Scheffer
	Mr Tee
	Mr Theophanous
	Mr Thornley
	Ms Tierney
	Mr Viney (<i>Teller</i>)

Amendment negated.

Mrs Peulich moved —

1. Clause 4, line 4, omit "24" and insert "14".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 12	NOES, 23
Mr Atkinson	Mr Barber (<i>Teller</i>)

Mr Drum (*Teller*)
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Kavanagh
 Mrs Kronberg (*Teller*)
 Mrs Petrovich
 Mrs Peulich
 Mr Somyurek
 Mr Vogels

Ms Broad
 Mrs Coote
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Eideh
 Ms Hartland
 Mr Jennings
 Mr Koch
 Mr Leane
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Tee (*Teller*)
 Mr Theophanous
 Mr Thornley
 Ms Tierney
 Mr Viney

Amendment negatived.

Mr Finn moved —

3. Clause 4, line 7, after "pregnant" insert "provided the abortion is performed in a public hospital".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Mr Drum
 Mr Elasmarr (*Teller*)
 Mr Finn
 Mr Guy
 Mr Kavanagh
 Mrs Kronberg
 Mr Somyurek (*Teller*)

NOES, 25

Mr Atkinson
 Mr Barber
 Ms Broad
 Mrs Coote
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Eideh
 Mr Hall
 Ms Hartland
 Mr Jennings
 Mr Koch
 Mr Leane
 Ms Lovell (*Teller*)
 Mr Madden (*Teller*)
 Ms Mikakos
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney

Amendment negated.

Mr Theophanous moved —

1. Clause 4, after line 7, insert—

"(2) Subsection (1) does not apply to permit an abortion on a woman who is more than 20 weeks pregnant if the abortion is primarily because of the woman's own social or psychological circumstances."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17	NOES, 21
Mr Atkinson	Mr Barber
Mr Dalla-Riva	Ms Broad (<i>Teller</i>)
Mr Drum	Mrs Coote
Mr Elasmar	Ms Darveniza
Mr Finn	Mr D.M. Davis
Mr Guy	Mr P.R. Davis
Mr Hall (<i>Teller</i>)	Mr Eideh
Mr Kavanagh	Ms Hartland
Mr Koch (<i>Teller</i>)	Mr Jennings
Mrs Kronberg	Mr Leane
Mrs Petrovich	Ms Lovell
Mrs Peulich	Mr Madden
Mr Rich-Phillips	Ms Mikakos
Mr Smith	Mr Pakula
Mr Somyurek	Ms Pennicuik
Mr Theophanous	Ms Pulford
Mr Vogels	Mr Scheffer
	Mr Tee
	Mr Thornley (<i>Teller</i>)
	Ms Tierney
	Mr Viney

Amendment negated.

Question — That Clause 4 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 24	NOES, 10
Mr Atkinson	Mr Drum
Mr Barber	Mr Elasmar
Ms Broad	Mr Finn
Mrs Coote	Mr Guy
Ms Darveniza	Mr Kavanagh
Mr D.M. Davis	Mrs Kronberg
Mr P.R. Davis	Mrs Petrovich
Mr Eideh	Mrs Peulich
Mr Hall	Mr Somyurek (<i>Teller</i>)
Ms Hartland (<i>Teller</i>)	Mr Vogels (<i>Teller</i>)
Mr Jennings	
Mr Koch	
Mr Leane	
Ms Lovell	
Mr Madden	
Ms Mikakos	
Mr Pakula	
Ms Pennicuik	
Ms Pulford	
Mr Scheffer	

Mr Tee
 Mr Thornley
 Ms Tierney (*Teller*)
 Mr Viney

Question agreed to.

Clause 5 — Mr Finn moved —

6. Clause 5, line 16, after "practitioner" insert "who must not be employed in the same medical practice or at the same hospital or clinic as the first-mentioned medical practitioner and".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 11	NOES, 22
Mr Atkinson	Mr Barber
Mr Drum	Ms Broad
Mr Elasmarr	Mrs Coote
Mr Finn	Ms Darveniza (<i>Teller</i>)
Mr Guy	Mr D.M. Davis
Mr Hall	Mr P.R. Davis
Mr Kavanagh (<i>Teller</i>)	Mr Eideh
Mrs Kronberg	Ms Hartland
Mr Rich-Phillips (<i>Teller</i>)	Mr Jennings
Mr Somyurek	Mr Koch
Mr Vogels	Mr Leane
	Ms Lovell
	Mr Madden
	Ms Mikakos
	Mr Pakula
	Ms Pennicuik
	Ms Pulford
	Mr Scheffer (<i>Teller</i>)
	Mr Tee
	Mr Thornley
	Ms Tierney
	Mr Viney

Amendment negated.

The Committee granted leave for Mr Kavanagh's proposed new clause A to be considered before Mr Theophanous' amendment no. 5.

New clause — Mr Kavanagh moved —

1. Insert the following New Clause to follow clause 5—

"A Prohibition on partial birth abortion

- (1) A registered medical practitioner must not perform a partial birth abortion.
 Penalty: 500 penalty units.
- (2) In this section **partial birth abortion** means the intentional killing of a foetus during vaginal delivery."

Question — That new clause A stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14	NOES, 22
Mr Atkinson	Mr Barber
Mr Dalla-Riva	Ms Broad
Mr Drum	Mrs Coote
Mr Elasmarr	Ms Darveniza
Mr Finn	Mr D.M. Davis

Mr Guy	Mr P.R. Davis
Mr Hall	Mr Eideh
Mr Kavanagh	Ms Hartland (<i>Teller</i>)
Mrs Kronberg	Mr Jennings
Mrs Petrovich (<i>Teller</i>)	Mr Koch (<i>Teller</i>)
Mrs Peulich	Mr Leane
Mr Rich-Phillips (<i>Teller</i>)	Ms Lovell
Mr Somyurek	Mr Madden
Mr Vogels	Ms Mikakos
	Mr Pakula
	Ms Pennicuik
	Ms Pulford
	Mr Scheffer
	Mr Tee
	Mr Thornley
	Ms Tierney
	Mr Viney

Question negated.

Clause 5 — Mr Theophanous moved —

5. Clause 5, after line 24 insert—

- "(3) Despite subsection (1), a registered medical practitioner must not perform a partial birth abortion on a woman if the abortion is primarily because of the woman's own social or psychological circumstances and there is no significant risk to the life or health of the woman.
- (4) In subsection (3) **partial birth abortion** means the intentional termination of a foetus during vaginal delivery."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 22
Mr Atkinson	Mr Barber
Mr Dalla-Riva	Ms Broad
Mr Drum (<i>Teller</i>)	Mrs Coote
Mr Elasmr	Ms Darveniza
Mr Finn	Mr D.M. Davis
Mr Guy	Mr P.R. Davis
Mr Hall	Mr Eideh
Mr Kavanagh	Ms Hartland
Mrs Kronberg (<i>Teller</i>)	Mr Jennings
Mrs Petrovich	Mr Koch
Mrs Peulich	Mr Leane
Mr Rich-Phillips	Ms Lovell
Mr Smith	Mr Madden
Mr Somyurek	Ms Mikakos (<i>Teller</i>)
Mr Theophanous	Mr Pakula (<i>Teller</i>)
Mr Vogels	Ms Pennicuik
	Ms Pulford
	Mr Scheffer
	Mr Tee
	Mr Thornley
	Ms Tierney
	Mr Viney

Amendment negated.

Question — That Clause 5 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 24

Mr Atkinson
 Mr Barber
 Ms Broad
 Mrs Coote (*Teller*)
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Eideh (*Teller*)
 Mr Hall
 Ms Hartland
 Mr Jennings
 Mr Koch
 Mr Leane
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Tee
 Mr Thornley
 Ms Tierney
 Mr Viney

NOES, 10

Mr Drum
 Mr Elasmar (*Teller*)
 Mr Finn
 Mr Guy
 Mr Kavanagh (*Teller*)
 Mrs Kronberg
 Mrs Petrovich
 Mrs Peulich
 Mr Somyurek
 Mr Vogels

Question agreed to.

Clauses 6 and 7 — put and agreed to.

Clause 8 — Mr Theophanous moved —

6. Clause 8, lines 11 to 18, omit all words and expressions on these lines and insert "practitioner must inform the woman that—
- (a) it is not illegal in Victoria for an abortion to be performed in certain circumstances; and
 - (b) the practitioner is unable to assist the woman as the practitioner has a conscientious objection to abortion."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson
 Mr Drum
 Mr Elasmar
 Mr Finn
 Mr Guy (*Teller*)
 Mr Hall
 Mr Kavanagh
 Mrs Kronberg (*Teller*)
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Smith
 Mr Somyurek
 Mr Theophanous
 Mr Vogels

NOES, 21

Mr Barber (*Teller*)
 Ms Broad
 Mrs Coote
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Eideh
 Ms Hartland
 Mr Jennings
 Mr Koch
 Mr Leane
 Ms Lovell
 Mr Madden (*Teller*)
 Ms Mikakos
 Mr Pakula
 Ms Pennicuik

Ms Pulford
Mr Scheffer
Mr Tee
Ms Tierney
Mr Viney

Amendment negatived.

Question — That Clause 8 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21	NOES, 13
Mr Barber	Mr Atkinson
Ms Broad	Mr Drum
Mrs Coote	Mr Elasmarr (<i>Teller</i>)
Ms Darveniza	Mr Finn
Mr D.M. Davis	Mr Guy
Mr P.R. Davis	Mr Hall (<i>Teller</i>)
Mr Eideh	Mr Kavanagh
Ms Hartland	Mrs Kronberg
Mr Jennings	Mrs Petrovich
Mr Koch (<i>Teller</i>)	Mrs Peulich
Mr Leane	Mr Rich-Phillips
Ms Lovell	Mr Somyurek
Mr Madden	Mr Vogels
Ms Mikakos	
Mr Pakula	
Ms Pennicuik	
Ms Pulford	
Mr Scheffer (<i>Teller</i>)	
Mr Tee	
Ms Tierney	
Mr Viney	

Question agreed to.

Clauses 9 to 12 — put and agreed to.

New clauses — Mr Kavanagh moved —

2. Insert the following New Clauses to precede clause 6—

"B Care for foetus

A foetus that is born alive has all the rights of a child regardless of whether the foetus was born during or after an attempted abortion.

C Pain relief for foetus

A medical practitioner who performs an abortion, or who gives a direction to perform an abortion, must ensure that all reasonable steps are taken to ensure that the abortion is conducted without causing pain to the foetus."

Question — That new clauses B and C stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 12	NOES, 22
Mr Atkinson	Mr Barber
Mr Drum	Ms Broad
Mr Elasmarr	Mrs Coote
Mr Finn	Ms Darveniza
Mr Guy	Mr D.M. Davis
Mr Hall	Mr P.R. Davis
Mr Kavanagh	Mr Eideh
Mrs Kronberg	Ms Hartland

Mrs Petrovich
 Mrs Peulich (*Teller*)
 Mr Somyurek (*Teller*)
 Mr Vogels

Mr Jennings
 Mr Koch
 Mr Leane
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Tee
 Mr Thornley
 Ms Tierney (*Teller*)
 Mr Viney (*Teller*)

Amendment negatived.

New clause — Mr Kavanagh moved —

3. Insert the following New Clause to follow clause 7—

"D Termination Review Panels

- (1) A registered medical practitioner must not perform an abortion on a woman who is more than 24 weeks pregnant unless—
- (a) the abortion is performed in a prescribed public hospital; and
 - (b) the medical practitioner has received written approval to perform the abortion from the termination review panel of the approved hospital.
- (2) The termination review panel of a prescribed public hospital must consist of—
- (a) the registered medical practitioner who is to perform the abortion; and
 - (b) the senior obstetrician of the hospital or his or her nominee; and
 - (c) a neonatologist; and
 - (d) a senior midwife; and
 - (e) a foetal monitoring expert; and
 - (f) a specialist in foetal ultrasound; and
 - (g) a geneticist.
- (3) A termination review panel may co-opt other registered medical practitioners with the skills and expertise necessary to assist the panel in making assessments and giving approvals under this section.
- (4) The Minister for Health may approve a public hospital, within the meaning of the **Health Services Act 1988**, as a prescribed public hospital for the purposes of this section."

Question — That new clause D stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 12

Mr Atkinson
 Mr Drum
 Mr Elasmarr
 Mr Finn (*Teller*)
 Mr Guy
 Mr Hall
 Mr Kavanagh
 Mrs Kronberg
 Mrs Petrovich
 Mrs Peulich
 Mr Somyurek
 Mr Vogels (*Teller*)

NOES, 22

Mr Barber
 Ms Broad
 Mrs Coote
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Eideh
 Ms Hartland
 Mr Jennings
 Mr Koch
 Mr Leane (*Teller*)
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pennicuik

Ms Pulford
Mr Scheffer
Mr Tee (*Teller*)
Mr Thornley
Ms Tierney
Mr Viney

Amendment negatived.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 93 and 94

No. 93 — Wednesday, 15 October 2008

- 1 The Council met in Lakes Entrance pursuant to the Proclamation of the Governor of 7 October 2008, and to the terms of the Resolution of the Legislative Council on 10 October 2008. The President took the Chair and read the Prayer.
- 2 **PROCLAMATION** — The Proclamation of the Governor varying and altering the place for holding the First Session of the Fifty-Sixth Parliament was read by the Clerk and is as follows:

CONSTITUTION ACT 1975 PROCLAMATION

- A. By Proclamation made on 5 December 2006 by me, David de Kretser, AC, Governor of Victoria, pursuant to section 8 of the *Constitution Act 1975*, fixed 19 December 2006 at 11.00 a.m. as the time for the commencement and holding of the first session of the 56th Parliament of Victoria for the dispatch of business, at the Parliament Houses, Melbourne.
- B. Pursuant to section 8(1) of the *Constitution Act 1975* the Governor is empowered to vary and alter the places fixed within Victoria and the times fixed for holding every session of the Legislative Council and of the Legislative Assembly.

I, David de Kretser, Governor of Victoria, acting under section 8 of the *Constitution Act 1975* and all other powers vested in me:

1. hereby vary and alter the place for holding the first session of the Legislative Assembly:
 - i. from 15 October 2008 to the Monash University Gippsland Campus at Northways Road, Churchill; and
 - ii. thereafter, when the Legislative Assembly has completed its business on that day or on the following day if necessary, to the Houses of Parliament, Melbourne.
2. hereby vary and alter the place for holding the first session of the Legislative Council:
 - iii. from 15 October 2008 to Bellevue on the Lakes at 191-215 Esplanade, Lakes Entrance; and
 - iv. after the 16 October 2008, when the Legislative Council has completed its business on that day or on the following day if necessary, to the Houses of Parliament, Melbourne.

Given under my Hand and the Seal of Victoria, at Melbourne, this 7th day of October 2008.

DAVID DE KRETSER AC
Governor
By His Excellency's Command
HON JOHN BRUMBY MP
Premier of Victoria

- 3 ADDRESS BY MAYOR OF EAST GIPPSLAND SHIRE** — Mr Lenders moved, by leave, That this House invites Councillor Mendy Urie, Mayor, East Gippsland Shire, to attend on the floor of the House today, to address the House.

Debate ensued.

Question — put and agreed to.

Accordingly, Councillor Mendy Urie, Mayor, East Gippsland Shire, was escorted into the Chamber by the Usher of the Black Rod and addressed the House.

Having concluded her address, Councillor Urie was provided with a seat on the floor of the House.

- 4 PAPERS** —

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2008-09 BUDGET ESTIMATES (PART THREE) — Mr Dalla-Riva presented a Report from the Public Accounts and Estimates Committee on the 2008-09 Budget Estimates (Part Three) (including Appendices).

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

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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ANNUAL FINANCIAL REPORT FOR THE STATE OF VICTORIA — Pursuant to section 27D(6)(c) of the Financial Management Act 1994, the Clerk laid on the Table a copy of the Annual Financial Report for the State of Victoria, 2007-08, incorporating Quarterly Financial Report No. 4 for the period ended 30 June 2008.

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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:

National Parks Act 1975 — Report on working of the Act, 2007-08.

National Parks Advisory Council — Report, 2007-08.

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

Ballarat Planning Scheme — Amendment C110.

Darebin Planning Scheme — Amendments C83 and C90.

Greater Geelong Planning Scheme — Amendment C89.

Greater Shepparton Planning Scheme — Amendment C91.

Latrobe Planning Scheme — Amendments C54 and C59.

Stonnington Planning Scheme — Amendment C86.

Road Management Act 2004 — Code of Practice for Management of Infrastructure in Road Reserves.

Statutory Rules under the following Act of Parliament:

Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 117.

Supreme Court Act 1986 — No. 118.

Subordinate Legislation Act 1994 — Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 117 and 118.

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PROCLAMATION — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Commonwealth Powers (De Facto Relationships) Act 2004 — Whole Act — 9 October 2008 (*Gazette No. G41, 9 October 2008*).

- 5 COGNATE DEBATE** — Mr D.M. Davis moved, by leave, That this House authorizes the President to permit Notice of Motion No. 5 standing in the name of Mr P.R. Davis and Notice of Motion No. 6 standing in the name of Mr Kavanagh to be moved and debated concurrently.

Question — put and agreed to.

6 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

7 MELBOURNE WHOLESALE FISH MARKET — Mr Hall moved, That this House acknowledges the importance of the commercial fishing industry in East Gippsland and calls upon the Victorian Government to work with the industry in establishing a new wholesale fish market following the impending closure of the current market in March 2009.

Debate ensued.

Question — put and agreed to.

8 TIMBER INDUSTRY IN EAST GIPPSLAND — Mr O'Donohue moved, That this House —

- (1) notes the important role the timber industry plays in the East Gippsland economy, particularly to smaller communities such as Cann River and Orbost;
- (2) acknowledges the important role that a sustainable logging industry can play in forest regeneration, forest management and fire prevention;
- (3) notes the State Government has not honoured its 2006 election promise to the Gippsland timber industry through its "Our Forests Our Future" policy and the unnecessary delay in releasing its Timber Industry Strategy;
- (4) notes that the Government's inaction is risking jobs and investment in East Gippsland; and
- (5) calls on the Government to work with the East Gippsland timber industry to ensure it has a long term and viable future.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

9 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

10 TIMBER INDUSTRY IN EAST GIPPSLAND — Debate continued on the question, That this House —

- (1) notes the important role the timber industry plays in the East Gippsland economy, particularly to smaller communities such as Cann River and Orbost;
- (2) acknowledges the important role that a sustainable logging industry can play in forest regeneration, forest management and fire prevention;
- (3) notes the State Government has not honoured its 2006 election promise to the Gippsland timber industry through its "Our Forests Our Future" policy and the unnecessary delay in releasing its Timber Industry Strategy;
- (4) notes that the Government's inaction is risking jobs and investment in East Gippsland; and
- (5) calls on the Government to work with the East Gippsland timber industry to ensure it has a long term and viable future.

Question — put and agreed to.

11 PRODUCTION OF DOCUMENTS — Mr Barber moved, That this House —

- (1) notes that the Department of Transport documents ordered by the Resolution of the Council on 10 September 2008 to be tabled in the Council by 4.00 pm on 7 October 2008, have not been received by the Council;
- (2) requires the Leader of the Government representing the Premier to table by 4.00 pm on 28 October 2008 the "Invitation to Tender" documents prepared by the Department of Transport, provided to those invited to tender for metropolitan rail and tram franchises, as required by the Resolution of the Council of 10 September 2008.

Debate ensued.

Question — put and agreed to.

12 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, General Business, Nos. 4 and 5, be postponed until later this day.

13 GOVERNMENT SERVICES — Pursuant to the Order of the Council this day —

1. Mr Kavanagh moved, That this House notes with concern the deterioration in the quality of services available to Victorians, including —
 - (1) an overloaded and degraded public health system;
 - (2) transport and other infrastructure pressures in Melbourne;
 - (3) transport and other infrastructure pressures in regional and rural Victoria, particularly in western Victoria; and
 - (4) a growing divide and disconnect between Melbourne and rural and regional Victoria.
2. Mr P.R. Davis moved, That this House notes the challenges facing country communities in respect of economic and social development and environmental sustainability, and in particular the communities of East Gippsland where fire, flood and drought have had an adverse impact in recent years.

Debate ensued.

Question — That this House notes with concern the deterioration in the quality of services available to Victorians, including —

- (1) an overloaded and degraded public health system;
- (2) transport and other infrastructure pressures in Melbourne;
- (3) transport and other infrastructure pressures in regional and rural Victoria, particularly in western Victoria; and
- (4) a growing divide and disconnect between Melbourne and rural and regional Victoria

— put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 17
Mr Atkinson	Ms Broad
Mrs Coote	Ms Darveniza (<i>Teller</i>)
Mr Dalla-Riva (<i>Teller</i>)	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis (<i>Teller</i>)	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Mr Kavanagh	Mr Pakula
Mr Koch	Ms Pulford
Mrs Kronberg	Mr Scheffer
Ms Lovell	Mr Smith
Mr O'Donohue	Mr Somyurek (<i>Teller</i>)
Mrs Petrovich	Mr Tee
Mrs Peulich	Ms Tierney
Mr Rich-Phillips	Mr Viney
Mr Vogels	

Question agreed to.

Question — That this House notes the challenges facing country communities in respect of economic and social development and environmental sustainability, and in particular the communities of East Gippsland where fire, flood and drought have had an adverse impact in recent years — put and agreed to.

14 PRODUCTION OF DOCUMENTS — Mr D.M. Davis moved, That this House —

- (1) notes that the public health documents ordered by the Resolution of the Council on 10 September 2008 to be tabled in the Council by 4.00 pm on 7 October 2008, have not been received by the Council; and
- (2) requires the Leader of the Government representing the Premier to table by 4.00 pm on 28 October 2008 a copy of the report or reports detailing the outcome of

deliverables and key performance indicators as stated in the 2007-08 Statement of Priorities for Barwon Health and for Melbourne Health as reported to the Minister for Health and the Department of Human Services, as required by the Resolution of the Council of 10 September 2008.

Debate ensued.

Question — put and agreed to.

15 BUSINESS POSTPONED —

Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

Ordered — That the consideration of Notices of Motion, Government Business, Nos. 1 to 4 inclusive, be postponed until later this day.

16 GOVERNMENT INVESTMENT IN GIPPSLAND HEALTH, TRANSPORT AND WATER SERVICES — Mr Viney moved, That this House notes the continued investment by the Brumby Labor Government into Gippsland and in particular —

- (1) boosting health services;
- (2) restoring public transport to the region;
- (3) funding road projects that improve safety and access for the region; and
- (4) securing the region's water.

Debate ensued.

Question — put and agreed to.

17 GOVERNMENT INVESTMENT IN GIPPSLAND POLICE, EMERGENCY AND EDUCATION SERVICES — Mr Scheffer moved, That this House notes the continued investment by the Brumby Labor Government into Gippsland and in particular —

- (1) restoring police services that have improved community safety;
- (2) boosting emergency services funding, particularly fire services; and
- (3) placing education as the number one priority in the region.

Debate ensued.

Question — put and agreed to.

18 GREENHOUSE GAS GEOLOGICAL SEQUESTRATION BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to regulate the injection, and permanent storage, of greenhouse gas substances in onshore Victoria and to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

19 ADJOURNMENT — Mr Jennings moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.37 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 94 — Thursday, 16 October 2008

1 The President took the Chair and read the Prayer.

2 **SITTING OF THE COUNCIL —** Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 28 October 2008.

Question — put and agreed to.

- 3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 4 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 5 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.
- 6 GREENHOUSE GAS GEOLOGICAL SEQUESTRATION BILL 2008** — Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
Mr Jennings moved, That the Bill be now read a second time.
On the motion of Mr Hall, the debate was adjourned until the next day of meeting.
- 7 ENERGY LEGISLATION AMENDMENT (RETAIL COMPETITION AND OTHER MATTERS) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.
Business having been interrupted at 12 noon pursuant to Sessional Orders —
- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 9 ENERGY LEGISLATION AMENDMENT (RETAIL COMPETITION AND OTHER MATTERS) BILL 2008** — Debate continued on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 10 MAJOR CRIME (INVESTIGATIVE POWERS) AND OTHER ACTS AMENDMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time 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.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 11 LOCAL GOVERNMENT AMENDMENT (COUNCILLOR CONDUCT AND OTHER MATTERS) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.
On the motion of Mr Barber, the debate was adjourned until the next day of meeting.
- 12 ADJOURNMENT** — Mr Lenders moved, That the House do now adjourn.
Debate ensued.
And then the Council, at 4.12 p.m., adjourned until Tuesday, 28 October 2008.

W.R. TUNNECLIFFE
Clerk of the Legislative Council



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 95, 96 and 97

No. 95 — Tuesday, 28 October 2008

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 22 October 2008, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

Abortion Law Reform Act 2008

Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008

Major Crime (Investigative Powers) and Other Acts Amendment Act 2008.

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 4 **PETITIONS** —

CLEARWAYS EXTENSION — Mrs Coote presented a Petition bearing 798 signatures from certain citizens of Victoria requesting that the proposed extension of clearways in Melbourne be withdrawn and abandoned.

Ordered to lie on the Table.

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NORTH-SOUTH PIPELINE — Ms Lovell presented a Petition bearing 153 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the construction of the North-South pipeline.

Ordered to lie on the Table.

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CAREFUL COBBER PROGRAM — Ms Lovell presented a Petition bearing 585 signatures from certain citizens of Victoria requesting that the Government immediately reinstate funding for the Careful Cobber Program.

Ordered to lie on the Table.

* * * * *

PUBLIC TRANSPORT — CARDINIA SHIRE — Mr O'Donohue presented a Petition bearing 64 signatures from certain citizens of Victoria requesting that the Government immediately begin construction of a railway station for the Lakeside-Cardinia Road precinct, and create a public transport service for the people of Lakeside and Cardinia Shire that is readily accessible, reliable and user friendly.

Ordered to lie on the Table.

5 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 13 of 2008 from the Scrutiny of Acts and Regulations Committee (including Appendices).

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:

Agriculture Victoria Services Pty Ltd — Report, 2007-08.

Alpine Resorts Co-ordinating Council — Minister's report of receipt of 2007-08 report.

Crown Land (Reserves) Act 1978 — Minister's Order of 26 September 2008 giving approval to the granting of a lease at Elsternwick Park Reserve.

Energy Safe Victoria — Report, 2007-08.

Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2007-08.

Fisheries Co-Management Council — Report, 2007-08.

Harness Racing Victoria — Report, 2007-08.

Melbourne Market Authority — Report, 2007-08.

Murray Valley Citrus Board — Minister's report of receipt of 2007-08 report.

Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of 2007-08 report.

Northern Victorian Fresh Tomato Industry Development Committee — Minister's report of receipt of 2007-08 report.

Phytogene Pty Ltd — Minister's report of receipt of 2007-08 report.

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

Bass Coast Planning Scheme — Amendment C72.

Baw Baw Planning Scheme — Amendments C51 and C63.

Brimbank Planning Scheme — Amendment C107.

Colac Otway Planning Scheme — Amendment C49.

Darebin Planning Scheme — Amendment C88.

Glen Eira Planning Scheme — Amendment C62.

Golden Plains Planning Scheme — Amendment C35.

Manningham Planning Scheme — Amendment C76.

Mitchell Planning Scheme — Amendments C40 and C58.

Pyrenees Planning Scheme — Amendment C17.

Surf Coast Planning Scheme — Amendment C34.

Wangaratta Planning Scheme — Amendment C30.

Warrnambool Planning Scheme — Amendment C64.

Statutory Rules under the following Acts of Parliament:

Children's Services Act 1996 — No. 120.

County Court Act 1958 — No. 119.

Environment Protection Act 1970 — No. 121.

Planning and Environment Act 1987 — No. 122.

Transport Act 1983 — No. 123.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 119 and 122.

Minister's exemption certificates under section 9(6) in respect of Statutory Rule No. 123.

Trust for Nature (Victoria) — Minister's report of receipt of 2007-08 report.

Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2007-08 report.

Victorian Energy Networks Corporation — Report, 2007-08.

Victorian Law Reform Commission — Report, 2007-08.

Victorian Multicultural Commission — Report, 2007-08.

Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2007-08 report.

6 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 29 October 2008:

- (1) Notice of Motion No. 39 standing in the name of Ms Hartland relating to the revocation of Amendment C75 to the Maribyrnong Planning Scheme;
- (2) Notice of Motion No. 29 standing in my name relating to Ministerial Briefing Notes; and
- (3) Notice of Motion No. 40 standing in the name of Mr Dalla-Riva relating to the proposed closure of the Essendon Airport.

Question — put and agreed to.

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

8 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

9 LOCAL GOVERNMENT AMENDMENT (COUNCILLOR CONDUCT AND OTHER MATTERS) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Mr Barber announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Interruption —

10 PRODUCTION OF DOCUMENTS — The Clerk laid on the Table a letter from the Attorney-General on behalf of the Executive Government dated 28 October 2008, advising the Council that the Executive Government was still in the process of considering the request for documents within the terms of the resolutions of the Council of 15 October 2008. The Attorney-General further advised that a final response would be provided to the Council by 11 November 2008 following an assessment of the request in line with the principles governing the release of Government documents to a House of Parliament and any potential claim of Executive privilege.

11 LOCAL GOVERNMENT AMENDMENT (COUNCILLOR CONDUCT AND OTHER MATTERS) BILL 2008 — Debate continued on the question, That the Bill be now read a second time.

Mr Vogels (for Mr Hall) announced that he proposed to move an amendment in Committee and requested that it be circulated.

Accordingly, the amendment was circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported with an amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with an amendment and requesting their agreement.

12 LABOUR AND INDUSTRY (REPEAL) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 13 VICTORIA LAW FOUNDATION BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Mr Rich-Phillips announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Ms Pennicuik.

- 14 WATER (COMMONWEALTH POWERS) BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to refer certain matters relating to water management to the Commonwealth Parliament for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth and to amend the Murray-Darling Basin Act 1993 to provide for the carrying out of an agreement between the Commonwealth, New South Wales, Victoria, Queensland, South Australia and the Australian Capital Territory with regard to the water resources of the Murray-Darling Basin, to repeal all provision in that Act as to any former agreement revoked by that agreement, to make consequential amendments to the Snowy Hydro Corporatisation Act 1997 and the Water Act 1989 to repeal the Murray-Darling Basin Amendment Act 2007 and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Madden (for Mr Jennings), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 15 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.34 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 96 — Wednesday, 29 October 2008

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

- 2 HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Health Professions Registration Act 2005 and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Jennings, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 3 COMPENSATION AND SUPERANNUATION LEGISLATION AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Transport Accident Act 1986, the Accident Compensation Act 1985 and the Emergency Services Superannuation Act 1986 and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Lenders, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 4 PETITIONS** —

CAREFUL COBBER PROGRAM — Ms Darveniza presented a Petition bearing 40 signatures from certain citizens of Victoria requesting that the Government immediately reinstate funding for the Careful Cobber Program.

Ordered to lie on the Table.

On the motion of Ms Lovell, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

DECRIMINALISATION OF ABORTION — Mr Kavanagh presented a Petition bearing 31 signatures from certain citizens of Victoria requesting that the Legislative Council vote against amendments to the Crimes Act 1958 that will decriminalise abortion in Victoria.

Ordered to lie on the Table.

* * * * *

OLD PRINCES HIGHWAY INTERSECTION, BEACONSFIELD — Mr O'Donohue presented a Petition bearing 292 signatures from certain citizens of Victoria requesting that the Government improve the intersection of the Old Princes Highway at Beaconsfield to allow motorists to make a right hand turn in order to access the Monash Freeway.

Ordered to lie on the Table.

* * * * *

NATURAL GAS IN THE MACEDON RANGES — Mrs Petrovich presented a Petition bearing 139 signatures from certain citizens of Victoria requesting that the Government makes natural gas available to all residents within all the townships of the Macedon Ranges.

Ordered to lie on the Table.

5 PAPERS —

CONSUMER UTILITIES ADVOCACY CENTRE — Mr Madden moved, by leave, That there be laid before this House a copy of the Report of the Consumer Utilities Advocacy Centre for the year 2007-08.

Question — put and agreed to.

The said Report was presented by Mr Madden and ordered to lie on the Table.

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PARLIAMENTARY DEPARTMENTS — Mr Vogels moved, by leave, That there be laid before this House a copy of the Report of —

- (1) the Clerk on the operations of the Department of the Legislative Council for the year 2007-08; and
- (2) the Secretary on the operations of the Department of Parliamentary Services for the year 2007-08.

Question — put and agreed to.

The said Reports were presented by Mr Vogels and ordered to lie on the Table.

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

Auditor-General —

Report on CASES21, October 2008.

Report on Private Practice Arrangements in Health Services, October 2008.

Report on Working with Children Check, October 2008.

Building Commission — Report, 2007-08.

Commissioner for Environmental Sustainability — Minister's report of receipt of 2007-08 report.

Crimes (Assumed Identities) Act 2004 — Report under section 31 of the Act, 2007-08.

East Gippsland Catchment Management Authority — Report, 2007-08.

Glenelg Hopkins Catchment Management Authority — Report, 2007-08 (two papers).

Goulburn Broken Catchment Management Authority — Report, 2007-08.

Growth Areas Authority — Report, 2007-08.

North East Catchment Management Authority — Report, 2007-08.

Ombudsman — Report on an investigation into issues at Bayside Health, October 2008.

Phillip Island Nature Park — Report, 2007-08.

Plumbing Industry Commission — Report, 2007-08.
 Port of Hastings Corporation — Report, 2007-08.
 Primary Industries Department — Report, 2007-08 (two papers).
 Professional Standards Council — Report, 2007-08.
 Residential Tenancies Bond Authority — Report, 2007-08.
 Sentencing Advisory Council — Report, 2007-08.
 Sustainability Victoria — Report, 2007-08 (two papers).
 Victims of Crime Assistance Tribunal — Report, 2007-08.
 Victoria Grants Commission — Report, 2007-08.
 Victorian Catchment Management Council — Report, 2007-08.
 Victorian Commission for Gambling Regulation — Report, 2007-08.
 Victorian Curriculum and Assessment Authority — Report, 2007-08.
 Victorian Environmental Assessment Council — Report, 2007-08.
 Victorian Privacy Commissioner's Office — Report, 2007-08.
 Victorian Regional Channels Authority — Report, 2007-08.
 Victorian Registration and Qualifications Authority — Report, 2007-08.
 Victorian Urban Development Authority — Report, 2007-08.
 West Gippsland Catchment Management Authority — Report, 2007-08 (two papers).

6 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

7 MARIBYRNONG PLANNING SCHEME AMENDMENT C75 — Ms Hartland moved, That Amendment C75 to the Maribyrnong Planning Scheme be revoked.

Debate ensued.

Question — put and negatived.

8 PRODUCTION OF DOCUMENTS — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 4.00 p.m. on Tuesday, 11 November 2008 a copy of the following ministerial briefing documents —

- (a) 'Taxi policy initiatives' (Ministerial Briefing Note MBN011023) registered by the former Department of Infrastructure on 2 April 2008;
- (b) 'Frankston Bypass EES - Indicative Project costs' (Ministerial Briefing Note MBN011034) registered by the former Department of Infrastructure on 3 April 2008;
- (c) 'Registration and licensing system funding options' (Ministerial Briefing Note MBN011037) registered by the former Department of Infrastructure on 3 April 2008;
- (d) 'Eastlink - ConnectEast DRP Underwriting Agreement - Novation' (Ministerial Briefing Note MBN011047) registered by the former Department of Infrastructure on 3 April 2008;
- (e) 'Siemens braking system' (Ministerial Briefing Notes MBN011050 and MBN011051) registered by the former Department of Infrastructure on 8 April 2008;
- (f) 'To advise the Minister of the status of AusLink 2 projects identified as candidates for the commencement of expenditure ahead of 2009/10 2013/14' (Ministerial Briefing Note MBN011055) registered by the former Department of Infrastructure on 8 April 2008;
- (g) 'Metropolitan rail franchising (MR3) Market Engagement Trip' (Ministerial Briefing Note MBN011059) registered by the former Department of Infrastructure on 10 April 2008;
- (h) 'Media interest and progress with Grade separation study' (re Springvale Road Nunawading level crossing) (Ministerial Briefing Note MBN011065) registered by the former Department of Infrastructure on 10 April 2008;
- (i) 'Meeting with the CEO of the Bus Proprietors' (Ministerial Briefing Note MBN011091) registered by the former Department of Infrastructure on 15 April 2008;
- (j) '2009 Fare Changes Strategy overview' (Ministerial Briefing Note MBN 011116) registered by the former Department of Infrastructure on 22 April 2008;
- (k) 'DTF review into VicRoads' costs and maintenance' (Ministerial Briefing Note MBN011139) registered by the former Department of Infrastructure on 29 April 2008;

- (l) 'Geelong and Frankston taxi depots' (Ministerial Briefing Note MBN011141) registered by the former Department of Infrastructure on 28 April 2008;
- (m) 'Status of the regional pilot of the NTS' (Ministerial Briefing Note MBN011146) registered by the former Department of Infrastructure on 29 April 2008; and
- (n) 'M1 Heads of Agreement' (Ministerial Briefing Note MBN011159) registered by the Department of Transport on 30 April 2008.

Debate ensued.

Question — put and agreed to.

9 ESSENDON AIRPORT — Mr Dalla-Riva moved, That this House —

- (1) notes that on page 13 of the Victorian Labor Government's July 2008 Submission to the Federal Aviation Review, the Minister for Industry and Trade states that Essendon Airport "should be closed";
- (2) recognises that up to 1,500 jobs will be directly at risk if the Victorian Labor Government's proposal to close Essendon Airport proceeds;
- (3) realises that the Victorian Labor Government's policy of closing Essendon Airport will further reduce the State's competitiveness and add to the succession of massive job losses in Victoria;
- (4) acknowledges that if the Victorian Labor Government's proposal to close Essendon Airport proceeds then it will bring to an end the Airport's long and proud history in the northern suburbs of Melbourne as a provider of high value employment and business;
- (5) recognises that the closure of Essendon Airport will lead to a large escalation of smaller aircraft at Melbourne Airport and that this will damage Melbourne Airport's efficiency and competitiveness;
- (6) understands that because of its strategic location, the Victorian Labor Government's policy of forcing police and emergency aircraft services from Essendon Airport will blow out response times, especially for rural and regional communities;
- (7) condemns the Victorian Labor Government for its proposals to close Essendon Airport and turn it into a greedy money grabbing housing and commercial development site; and
- (8) recognises that the Victorian Labor Government's policy of closing Essendon Airport is not in the best interests of Melbourne nor Victoria and must be stopped.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

10 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

11 ESSENDON AIRPORT — Debate continued on the question, That this House —

- (1) notes that on page 13 of the Victorian Labor Government's July 2008 Submission to the Federal Aviation Review, the Minister for Industry and Trade states that Essendon Airport "should be closed";
- (2) recognises that up to 1,500 jobs will be directly at risk if the Victorian Labor Government's proposal to close Essendon Airport proceeds;
- (3) realises that the Victorian Labor Government's policy of closing Essendon Airport will further reduce the State's competitiveness and add to the succession of massive job losses in Victoria;
- (4) acknowledges that if the Victorian Labor Government's proposal to close Essendon Airport proceeds then it will bring to an end the Airport's long and proud history in the northern suburbs of Melbourne as a provider of high value employment and business;
- (5) recognises that the closure of Essendon Airport will lead to a large escalation of smaller aircraft at Melbourne Airport and that this will damage Melbourne Airport's efficiency and competitiveness;
- (6) understands that because of its strategic location, the Victorian Labor Government's policy of forcing police and emergency aircraft services from Essendon Airport will blow out response times, especially for rural and regional communities;

- (7) condemns the Victorian Labor Government for its proposals to close Essendon Airport and turn it into a greedy money grabbing housing and commercial development site; and
- (8) recognises that the Victorian Labor Government's policy of closing Essendon Airport is not in the best interests of Melbourne nor Victoria and must be stopped.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 20
Mrs Coote	Mr Barber
Mr Dalla-Riva (<i>Teller</i>)	Ms Broad
Mr D.M. Davis	Ms Darveniza
Mr P.R. Davis	Mr Eideh
Mr Drum	Mr Elasmarr
Mr Finn	Ms Hartland (<i>Teller</i>)
Mr Guy (<i>Teller</i>)	Mr Jennings
Mr Hall	Mr Leane
Mr Kavanagh	Mr Lenders
Mr Koch	Mr Madden
Mrs Kronberg	Ms Mikakos
Ms Lovell	Ms Pennicuik
Mr O'Donohue	Ms Pulford
Mrs Petrovich	Mr Scheffer
Mrs Peulich	Mr Smith
Mr Rich-Phillips	Mr Somyurek
Mr Vogels	Mr Tee
	Mr Thornley
	Ms Tierney
	Mr Viney (<i>Teller</i>)

Question negatived.

12 BUSINESS POSTPONED —

Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

Ordered — That the consideration of Notices of Motion, Government Business, Nos. 1 to 6, inclusive, be postponed until later this day.

13 COGNATE BILLS — Mr Lenders moved, That this House authorizes the President to permit the second reading debate on the Assisted Reproductive Treatment Bill 2008 to be taken concurrently with the second reading debate on the Research Involving Human Embryos Bill 2008 and the Prohibition of Human Cloning for Reproduction Bill 2008.

Debate ensued.

Ms Pennicuik moved, as an amendment —

Omit "Assisted Reproductive Treatment Bill 2008 to be taken concurrently with the second reading debate on the Research Involving Human Embryos Bill 2008 and the Prohibition of Human Cloning for Reproduction Bill 2008" and insert "Research Involving Human Embryos Bill 2008 to be taken concurrently with the second reading debate on the Prohibition of Human Cloning for Reproduction Bill 2008."

Debate ensued.

Question — That the amendment moved by Ms Pennicuik be agreed to — put and negatived.

Question — That this House authorizes the President to permit the second reading debate on the Assisted Reproductive Treatment Bill 2008 to be taken concurrently with the second reading debate on the Research Involving Human Embryos Bill 2008 and the Prohibition of Human Cloning for Reproduction Bill 2008 — put and agreed to.

14 DANGEROUS GOODS AMENDMENT (TRANSPORT) BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to*

amend the Dangerous Goods Act 1985, to repeal the Road Transport (Dangerous Goods) Act 1995 and for other purposes and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 15 WATER (COMMONWEALTH POWERS) BILL 2008** — Mr Lenders (for Mr Jennings), laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr D.M. Davis (for Ms Lovell), the debate was adjourned for one week.

- 16 VICTORIA LAW FOUNDATION BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time.

Ordered — That the Bill be committed to a Committee of the whole on Tuesday, 11 November 2008.

- 17 MEDICAL RESEARCH INSTITUTES REPEAL BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 18 COURTS LEGISLATION AMENDMENT (COSTS COURT AND OTHER MATTERS) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Ordered — That the Bill be committed to a Committee of the whole later this day.

- 19 MEDICAL RESEARCH INSTITUTES REPEAL BILL 2008** —

The President ruled the Bill to be a Private Bill —

On the motion of Mr Jennings, this Bill was ordered to be dealt with as a Public Bill.

- 20 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 6, be postponed until Tuesday, 11 November 2008.

- 21 GREENHOUSE GAS GEOLOGICAL SEQUESTRATION BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 33

Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr

NOES, 3

Mr Barber (*Teller*)
Ms Hartland (*Teller*)
Ms Pennicuik

Mr Finn
 Mr Guy
 Mr Hall
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Tee (*Teller*)
 Mr Thornley
 Ms Tierney
 Mr Viney

Question agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 22 EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 and the State Superannuation Act 1988 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 23 ASSISTED REPRODUCTIVE TREATMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time [the **Research Involving Human Embryos Bill 2008** and the **Prohibition of Human Cloning for Reproduction Bill 2008** having been authorized to be debated concurrently pursuant to an Order of the Council this day] —

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Tee.

- 24 RACING AND GAMBLING LEGISLATION AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Racing Act 1958, the Gambling Regulation Act 2003 and the Instruments Act 1958 with respect to bookmakers and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 25 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued.

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

W.R. TUNNECLIFFE
 Clerk of the Legislative Council

No. 97 — Thursday, 30 October 2008

- 1 The President took the Chair and read the Prayer.
- 2 **STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION** — The President reported that he had received a letter from the Chairman of the Standing Committee on Finance and Public Administration, dated 28 October 2008, advising that the Committee had determined to inquire into and report on Victorian departmental and agency performance and operations for the previous financial year, and the Committee's intention for this inquiry to be conducted annually.

On the motion of Mr Viney, the letter was ordered to be taken into consideration on the next day of meeting.

- 3 **PETITION — OLD PRINCES HIGHWAY INTERSECTION, BEACONSFIELD** — Mr O'Donohue presented a Petition bearing 48 signatures from certain citizens of Victoria requesting that the Government improve the intersection of the Old Princes Highway at Beaconsfield to allow motorists to make a right hand turn in order to access the Monash Freeway.

Ordered to lie on the Table.

4 **PAPERS** —

MAGISTRATES' COURT OF VICTORIA — Mr Madden presented, by command of the Governor, the Report of the Magistrates' Court of Victoria for the year 2007-08.

Ordered to lie on the Table.

* * * * *

OFFICE OF THE PUBLIC ADVOCATE — Mr Madden moved, by leave, That there be laid before this House a copy of the Report of the Office of the Public Advocate for the year 2007-08.

Question — put and agreed to.

The said Report was presented by Mr Madden and ordered to lie on the Table.

* * * * *

VICTORIAN COMPETITION AND EFFICIENCY COMMISSION — Mr Lenders moved, by leave, That there be laid before this House a copy of the Report of the Victorian Competition and Efficiency Commission for the year 2007-08.

Question — put and agreed to.

The said Report was presented by Mr Lenders 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:

Accident Compensation Conciliation Service — Report, 2007-08.

Adult Community and Further Education Board — Report, 2007-08.

Adult Parole Board of Victoria — Report, 2007-08.

Alexandra District Ambulance Service — Minister's report of receipt of 2007-08 report.

Alexandra District Hospital — Report, 2007-08 (three papers).

Alpine Health — Report, 2007-08.

Altona Memorial Park Trustees — Report, 2007-08 (two papers).

Ambulance Service Victoria — Metropolitan Region — Report, 2007-08.

Architects Registration Board — Minister's report of receipt of 2007-08 report.

Austin Health — Report, 2007-08 (two papers).

Australian Grand Prix Corporation — Report, 2007-08.

Bairnsdale Regional Health Service — Report, 2007-08 (two papers).

Ballarat Health Services — Report, 2007-08.

Barwon Health — Report, 2007-08 (two papers).

Barwon Region Water Corporation — Report, 2007-08.

Bass Coast Regional Health — Report, 2007-08 (three papers).

Bayside Health — Report, 2007-08 (two papers).

Beaufort and Skipton Health Service — Report, 2007-08 (three papers).
Beechworth Health Service — Report, 2007-08 (three papers).
Benalla and District Memorial Hospital — Report, 2007-08 (two papers).
Bendigo Cemeteries Trust — Minister's report of receipt of 2007-08 report.
Bendigo Health Care Group — Report, 2007-08.
Boort District Hospital — Report, 2007-08 (four papers).
Casterton Memorial Hospital — Report, 2007-08 (four papers).
Central Gippsland Health Service — Report, 2007-08 (two papers).
Central Highlands Region Water Corporation — Report, 2007-08.
Cheltenham and Regional Cemeteries Trust — Report, 2007-08 (three papers).
Child Safety Commissioner — Report, 2007-08.
Chinese Medicine Registration Board of Victoria — Minister's report of receipt of 2007-08 report.
City West Water Limited — Report, 2007-08.
Cobram District Hospital — Report, 2007-08 (two papers).
Cohuna District Hospital — Report, 2007-08 (two papers).
Colac Area Health — Report, 2007-08.
Coliban Region Water Corporation — Report, 2007-08 (two papers).
Commissioner for Law Enforcement Data Security — Report, 2007-08.
Community Visitors — Report, 2007-08.
Confiscation Act 1997 — Asset Confiscation Operations, Report to the Attorney-General, 2007-08.
Consumer Affairs — Report, 2007-08.
Corangamite Catchment Management Authority — Report, 2007-08.
Country Fire Authority — Report, 2007-08.
Dandenong Development Board — Minister's report of receipt of 2007-08 report.
Dental Health Services Victoria — Report, 2007-08.
Dental Practice Board of Victoria — Minister's report of receipt of 2007-08 report.
Disability Services Commissioner — Minister's report of receipt of 2007-08 report.
Djerriwah Health Services — Report, 2007-08 (two papers).
Dunmunkle Health Services — Report, 2007-08.
East Gippsland Region Water Corporation — Report, 2007-08.
East Grampians Health Service — Report, 2007-08.
East Wimmera Health Service — Report, 2007-08.
Eastern Health — Report, 2007-08.
Echuca Regional Health — Report, 2007-08 (three papers).
Edenhope and District Memorial Hospital — Report, 2007-08.
Education and Early Childhood Development Department — Report, 2007-08.
Emerald Tourist Railway Board — Report, 2007-08.
Emergency Services Superannuation Board — Report, 2007-08.
Emergency Services Telecommunications Authority — Report, 2007-08.
Environment Protection Authority — Report, 2007-08.
Essential Services Commission — Report, 2007-08.
Fawkner Crematorium and Memorial Park Trust — Report, 2007-08 (two papers).
Fed Square Pty Ltd — Report, 2007-08.
Geelong Cemeteries Trust — Minister's report of receipt of 2007-08 report.
Gippsland and Southern Rural Water Corporation — Report, 2007-08.
Gippsland Southern Health Service — Report, 2007-08 (two papers).
Goulburn Valley Health — Report, 2007-08.
Goulburn Valley Region Water Corporation — Report, 2007-08.
Goulburn-Murray Rural Water Corporation — Report, 2007-08.
Grampians Wimmera Mallee Water Corporation — Report, 2007-08.
Health Purchasing Victoria — Minister's report of receipt of 2007-08 report.
Health Services Commissioner — Report, 2007-08 (two papers).
Hepburn Health Service — Report, 2007-08.
Heritage Council of Victoria — Minister's report of receipt of 2007-08 report.
Hesse Rural Health Service — Report, 2007-08.

Heywood Rural Health — Report, 2007-08.
Human Services Department — Report, 2007-08.
Infertility Treatment Authority — Minister's report of receipt of 2007-08 report.
Inglewood and Districts Health Service — Report, 2007-08 (two papers).
Innovation, Industry and Regional Development Department — Report, 2007-08.
Judicial College of Victoria — Report, 2007-08.
Justice Department — Report, 2007-08.
Keilor Cemetery Trust — Report, 2007-08.
Kerang District Health — Report, 2007-08 (two papers).
Kilmore and District Hospital — Report, 2007-08 (two papers).
Kooweerup Regional Health Service — Report, 2007-08 (two papers).
Kyabram and District Health Service — Report, 2007-08.
Kyneton District Health Service — Report, 2007-08 (two papers).
Latrobe Regional Hospital — Report, 2007-08.
Legal Practitioners Liability Committee — Report, 2007-08.
Legal Services Board — Report, 2007-08.
Legal Services Commissioner — Report, 2007-08.
Lorne Community Hospital — Report, 2007-08.
Lower Murray Urban and Rural Water Corporation — Report, 2007-08.
Maldon Hospital — Minister's report of receipt of 2007-08 report.
Mallee Catchment Management Authority — Report, 2007-08.
Mallee Track Health and Community Services — Report, 2007-08 (two papers).
Manangatang and District Hospital — Minister's report of receipt of 2007-08 report.
Mansfield District Hospital — Report, 2007-08.
Maryborough District Health Service — Report, 2007-08 (two papers).
McIvor Health and Community Services — Report, 2007-08 (two papers).
Medical Radiation Practitioners Board — Minister's report of receipt of 2007-08 report.
Melbourne and Olympic Parks Trust — Report, 2007-08.
Melbourne Convention and Exhibition Trust — Report, 2007-08.
Melbourne Health — Report, 2007-08.
Melbourne Water Corporation — Report, 2007-08.
Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2008.
Metropolitan Fire and Emergency Services Board — Report, 2007-08.
Metropolitan Waste Management Group — Report, 2007-08.
Mildura Cemetery Trust — Minister's report of receipt of 2007-08 report.
Moyne Health Services — Report, 2007-08 (two papers).
Mt Alexander Hospital — Report, 2007-08 (two papers).
Nathalia District Hospital — Report, 2007-08 (two papers).
Necropolis Springvale Trustees — Report, 2007-08.
North Central Catchment Management Authority — Report, 2007-08 (two papers).
North East Region Water Corporation — Report, 2007-08.
Northeast Health Wangaratta — Report, 2007-08.
Northern Health — Report, 2007-08 (two papers).
Numurkah District Health Service — Report, 2007-08.
Nurses Board of Victoria — Report, 2007-08.
Office of Police Integrity —
 Report on the Armed Offenders Squad – a case study.
 Report under section 30L of the Surveillance Devices Act 1999, 2007-08.
Omeo District Health — Minister's report of receipt of 2007-08 report.
Orbost Regional Health — Report, 2007-08.
Optometrists Registration Board of Victoria — Minister's report of receipt of 2007-08 report.
Osteopaths Registration Board of Victoria — Minister's report of receipt of 2007-08 report.
Otway Health and Community Services — Report, 2007-08 (two papers).
Parks Victoria — Report, 2007-08 (two papers).
Parliamentary Contributory Superannuation Fund — Report, 2007-08.
Peninsula Health — Report, 2007-08 (two papers).

Peter MacCallum Cancer Centre — Report, 2007-08.
Pharmacy Board of Victoria — Minister's report of receipt of 2007-08 report.
Physiotherapists Registration Board of Victoria — Minister's report of receipt of 2007-08 report.
Planning and Community Development Department — Report, 2007-08.
Podiatrists Registration Board of Victoria — Minister's report of receipt of 2007-08 report.
Police Appeals Board — Report, 2007-08.
Police — Office of the Chief Commissioner — Report, 2007-08.
Port of Melbourne Corporation — Report, 2007-08.
Port Phillip and Westernport Catchment Management Authority — Report, 2007-08.
Portland District Health — Report, 2007-08 (two papers).
Premier and Cabinet Department — Report, 2007-08.
Preston Cemetery Trust — Report, 2007-08.
Prince Henry's Institute of Medical Research — Report, 2007-08 (two papers).
Public Prosecutions Office — Report, 2007-08.
Public Transport Ticketing Body — Report, 2007-08.
Queen Elizabeth Centre — Report, 2007-08 (two papers).
Queen Victoria Women's Centre Trust — Report, 2007-08.
Radiation Advisory Committee — Report, 2007-08.
Regional Development Victoria — Report, 2007-08.
Roads Corporation (VicRoads) — Report, 2007-08.
Robinvale District Health Services — Report, 2007-08 (two papers).
Rochester and Elmore District Health Service — Report, 2007-08 (two papers).
Rolling Stock (VL-1) Pty Ltd — Report, 2007-08.
Rolling Stock (VL-2) Pty Ltd — Report, 2007-08.
Rolling Stock (VL-3) Pty Ltd — Report, 2007-08.
Rolling Stock Holdings (Victoria) Pty Ltd — Report, 2007-08.
Rolling Stock Holdings (Victoria-VL) Pty Ltd — Report, 2007-08.
Royal Botanic Gardens Board — Report, 2007-08.
Royal Children's Hospital — Report, 2007-08.
Royal Victorian Eye and Ear Hospital — Report, 2007-08 (two papers).
Royal Women's Hospital — Report, 2007-08.
Rural Ambulance Victoria — Report, 2007-08.
Rural Finance Corporation of Victoria — Report, 2007-08.
Rural Northwest Health — Report, 2007-08.
Seymour District Memorial Hospital — Report, 2007-08.
Shrine of Remembrance Trustees — Minister's report of receipt of 2007-08 report.
Small Business Commissioner's Office — Report, 2007-08.
South East Water Limited — Report, 2007-08.
South Gippsland Hospital — Report, 2007-08.
South Gippsland Region Water Corporation — Report, 2007-08.
South West Healthcare — Report, 2007-08.
Southern and Eastern Integrated Transport Authority — Report, 2007-08.
Southern Cross Station Authority — Report, 2007-08.
Southern Health — Report, 2007-08.
Special Investigations Monitor's Office — Report, 2007-08.
St Vincent's Health [incorporating the financial statements of Caritas Christi Hospice Limited, St. George's Health Service Limited and St. Vincent's Hospital (Melbourne) Limited] — Report, 2007-08 (four papers).
State Electricity Commission of Victoria — Report, 2007-08.
State Owned Enterprise for Irrigation Modernisation in Northern Victoria — Minister's report of receipt of 2007-08 report.
State Services Authority — Report, 2007-08.
State Sport Centres Trust — Report, 2007-08.
State Trustees Limited — Report, 2007-08.
Stawell Regional Health — Report, 2007-08.
Surveyors Registration Board of Victoria — Minister's report of receipt of 2007-08 report.

Sustainability and Environment Department — Report, 2007-08.
Swan Hill District Hospital — Report, 2007-08.
Tallangatta Health Service — Report, 2007-08 (two papers).
Templestowe Cemetery Trust — Minister's report of receipt of 2007-08 report.
Terang and Mortlake Health Service — Report, 2007-08.
Timboon and District Healthcare Service — Report, 2007-08 (two papers).
Tourism Victoria — Report, 2007-08.
Transport Accident Commission — Report, 2007-08.
Transport Department — Report, 2007-08.
Treasury and Finance Department — Report, 2007-08.
Treasury Corporation of Victoria — Report, 2007-08.
Tweddle Child and Family Health Service — Report, 2007-08 (two papers).
Upper Murray Health and Community Services — Report, 2007-08 (two papers).
V/Line Passenger Corporation — Report, 2007-08.
V/Line Passenger Pty Ltd — Report, 2007-08.
VicForests — Report, 2007-08.
Victoria Law Foundation — Report, 2007-08.
Victoria Legal Aid — Report, 2007-08.
Victoria State Emergency Service Authority — Report, 2007-08.
Victoria Trade and Investment Office Pty Ltd — Report, 2007-08.
Victorian Civil and Administrative Tribunal — Report, 2007-08.
Victorian Electoral Commission — Report, 2007-08.
Victorian Equal Opportunity and Human Rights Commission — Report, 2007-08.
Victorian Funds Management Corporation — Report, 2007-08.
Victorian Government Purchasing Board — Report, 2007-08.
Victorian Health Promotion Foundation — Report, 2007-08 (two papers).
Victorian Institute of Forensic Medicine — Report, 2007-08.
Victorian Institute of Forensic Mental Health — Report, 2007-08.
Victorian Institute of Sport Trust — Report, 2007-08 (two papers).
Victorian Institute of Teaching Council — Report, 2007-08.
Victorian Managed Insurance Authority — Report, 2007-08, together with 2007-08
Financial Statements for Housing Guarantee Claims Fund and Domestic Building (HIH)
Indemnity Fund.
Victorian Rail Heritage operations Pty. Limited — Report, 2007-08.
Victorian Rail Track — Report, 2007-08.
Victorian Skills Commission — Report, 2007-08.
Victorian Veterans Council — Minister's report of receipt of 2007-08 report.
Victorian WorkCover Authority — Report, 2007-08.
VITS LanguageLink — Report, 2007-08.
Wannon Region Water Corporation — Report, 2007-08.
Water Industry Act 1994 — Report on major water users, 2007-08, for City West Water
Limited, South East Water Limited and Yarra Valley Water Limited, pursuant to section
77A of the Act.
West Gippsland Healthcare Group — Report, 2007-08.
West Wimmera Health Service — Report, 2007-08.
Western District Health Service — Report, 2007-08.
Western Health — Report, 2007-08 (two papers).
Western Region Water Corporation — Report, 2007-08.
Westernport Region Water Corporation — Report, 2007-08 (two papers).
Wimmera Catchment Management Authority — Report, 2007-08.
Wimmera Health Care Group — Report, 2007-08.
Wodonga Regional Health Service — Report, 2007-08 (two papers).
Workplace Rights Advocate — Report, 2007-08.
Wyndham Cemeteries Trust — Minister's report of receipt of 2007-08 report.
Yarra Bend Park Trust — Report, 2007-08.
Yarra Valley Water Limited — Report, 2007-08 (three papers).
Yarram and District Health Service — Report, 2007-08 (two papers).

Yarrawonga District Health Service — Report, 2007-08 (two papers).
 Yea and District Memorial Hospital — Report, 2007-08.
 Young Farmers' Finance Council — Report, 2007-08.
 Youth Parole and Youth Residential Boards — Report, 2007-08.
 Zoological Parks and Gardens Board — Report, 2007-08 (three papers).

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

7 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

8 HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL 2008 — Mr Madden (for Mr Jennings) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Guy (for Mr D.M. Davis), the debate was adjourned for one week.

9 COMPENSATION AND SUPERANNUATION LEGISLATION AMENDMENT BILL 2008 — Mr Madden (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Guy (for Mr Rich-Phillips), the debate was adjourned for one week.

10 DANGEROUS GOODS AMENDMENT (TRANSPORT) BILL 2008 — Mr Madden (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.

11 EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2008 — Mr Madden (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Hall), the debate was adjourned for one week.

12 RACING AND GAMBLING LEGISLATION AMENDMENT BILL 2008 — Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Koch), the debate was adjourned for one week.

13 ASSISTED REPRODUCTIVE TREATMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time [the **Research Involving Human Embryos Bill 2008** and the **Prohibition of Human Cloning for Reproduction Bill 2008** having been authorized to be debated concurrently pursuant to an Order of the Council on 29 October 2008] —

Business having been interrupted at 12 noon pursuant to Sessional Orders —

14 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 15 ASSISTED REPRODUCTIVE TREATMENT BILL 2008** — Debate continued on the question, That the Bill be now read a second time [the **Research Involving Human Embryos Bill 2008** and the **Prohibition of Human Cloning for Reproduction Bill 2008** having been authorized to be debated concurrently pursuant to an Order of the Council on 29 October 2008] —

On the motion of Ms Pulford, the debate was adjourned until the next day of meeting.

- 16 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 11 November 2008.

Question — put and agreed to.

- 17 COURTS LEGISLATION AMENDMENT (COSTS COURT AND OTHER MATTERS) BILL 2008** — Bill committed to a Committee of the whole.

House in Committee.

Bill reported with an amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with an amendment and requesting their agreement.

- 18 ASBESTOS DISEASES COMPENSATION BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to permit the awarding of provisional damages to persons suffering from asbestos-related conditions, to amend the Accident Compensation Act 1985 in relation to actions relating to asbestos-related conditions, to amend the Wrongs Act 1958 in relation to dependants' claims for damages arising from deaths caused by dust-related conditions and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Guy (for Mr Rich-Phillips), the debate was adjourned for one week.

- 19 STALKING INTERVENTION BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to provide for a system of intervention orders in cases of stalking and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

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

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 20 GAMBLING LEGISLATION AMENDMENT (RESPONSIBLE GAMBLING AND OTHER MEASURES) BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Gambling Regulation Act 2003, the Casino Control Act 1991 and the Racing Act 1958 to promote responsible gambling and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Guy, the debate was adjourned for one week.

21 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.07 p.m., adjourned until Tuesday, 11 November 2008.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 95, 96 and 97

Tuesday, 28 October 2008

1 LOCAL GOVERNMENT AMENDMENT (COUNCILLOR CONDUCT AND OTHER MATTERS) BILL 2008

Clauses 1 to 20 — put and agreed to.

Clause 21 — Mr Madden moved —

1. Clause 21, page 53, lines 14 to 28, omit section 78D and insert—

78D Indirect interest as a consequence of becoming an interested party

- (1) A person has an indirect interest in a matter if the person has become an interested party in the matter by—
 - (a) initiating a proceeding in VCAT in relation to the matter or becoming a party to a proceeding in VCAT in relation to the matter; or
 - (b) initiating any other civil proceedings in relation to the matter or becoming a party to any other civil proceedings in relation to the matter; or
 - (c) making an objection under section 57 of the **Planning and Environment Act 1987** in relation to the matter.
- (2) A person does not have an indirect interest in a matter under subsection (1) if the person initiated the proceeding, became a party to the proceeding or lodged the objection before the commencement of section 21 of the **Local Government Amendment (Councillor Conduct and Other Matters) Act 2008**.

78E Disclosure of previous appeal, objection or submission

- (1) This section applies to a person who has exercised a right under any Act or regulation to—
 - (a) lodge an appeal in relation to a matter; or
 - (b) make an objection or submission in relation to a matter.
- (2) Subject to subsection (6), a Councillor or member of a special committee to whom this section applies, must disclose the circumstances and nature of that appeal, objection or submission in relation to the matter immediately before the matter is considered in a meeting of the Council or special committee.
Penalty: 50 penalty units.
- (3) Subject to subsection (6), if the Councillor or member of a special committee considers that he or she is unable to consider or vote in relation to the matter fairly and with an open mind, he or she must—
 - (a) leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and
 - (b) remain outside the room and any gallery or other area in view or hearing of the room.
- (4) The Mayor or the Chairperson of the special committee must cause the Councillor or member of a special committee to be notified that he or she may return to the room after—
 - (a) consideration of the matter; and
 - (b) all votes on the matter.
- (5) The Chief Executive Officer or the Chairperson must record in the minutes of the meeting—
 - (a) details of any disclosure made under subsection (3); and
 - (b) the name of the Councillor or member of a special committee who left the room after making the disclosure.
- (6) A Councillor or member of a special committee is not required to comply with this section if he or she has a conflict of interest in the matter and has complied with the requirements of section 79 as to disclosure of the conflict of interest.".'. .

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President (Ms Pennicuik) in the Chair.

AYES, 17	NOES, 20
Ms Broad	Mr Barber
Ms Darveniza	Mrs Coote
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr (<i>Teller</i>)	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Finn (<i>Teller</i>)
Mr Madden	Mr Guy
Ms Mikakos	Mr Hall
Ms Pulford	Ms Hartland
Mr Scheffer	Mr Kavanagh
Mr Smith	Mr Koch
Mr Somyurek	Mrs Kronberg
Mr Tee	Ms Lovell
Mr Thornley	Mr O'Donohue
Ms Tierney (<i>Teller</i>)	Ms Pennicuik
Mr Viney	Mrs Petrovich
	Mrs Peulich
	Mr Rich-Phillips (<i>Teller</i>)
	Mr Vogels

Amendment negatived.

Mr Hall moved —

1. Clause 21, page 53, omit lines 18 to 28 and insert "in the matter by initiating civil proceedings in relation to the matter or becoming a party to civil proceedings in relation to the matter.".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President (Ms Pennicuik) in the Chair.

AYES, 19	NOES, 17
Mr Barber	Ms Broad (<i>Teller</i>)
Mrs Coote	Ms Darveniza
Mr D.M. Davis	Mr Eideh (<i>Teller</i>)
Mr P.R. Davis (<i>Teller</i>)	Mr Elasmarr
Mr Drum	Mr Jennings
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Hall	Mr Madden
Ms Hartland	Ms Mikakos
Mr Kavanagh	Ms Pulford
Mr Koch	Mr Scheffer
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue (<i>Teller</i>)	Mr Tee
Ms Pennicuik	Mr Thornley
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Amendment agreed to.

Question — That Clause 21, as amended, stand part of the Bill — put and agreed to.

Clauses 22 to 24 — put and agreed to.

Clause 25 — Mr Barber moved —

2. Clause 25, page 66, lines 29 to 33 and, page 67, lines 1 to 6, omit subclause (8).

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President (Ms Pennicuik) in the Chair.

AYES, 4

Mr Barber
Ms Hartland (*Teller*)
Mr Kavanagh (*Teller*)
Ms Pennicuik

NOES, 33

Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek (*Teller*)
Mr Tee
Mr Thornley
Ms Tierney
Mr Viney (*Teller*)
Mr Vogels

Amendment negatived.

Question — That Clause 25 stand part of the Bill — put and agreed to.

Clauses 26 to 33 — put and agreed to.

Clause 34 — Mr Barber moved —

3. Clause 34, page 72, line 26, omit "website." and insert "website;".

Question — That the amendment be agreed to — put and negatived.

Question — That Clause 34 stand part of the Bill — put and agreed to.

Clauses 35 to 94 — put and agreed to.

Bill reported with an amendment.

Thursday, 30 October 2008

1 COURTS LEGISLATION AMENDMENT (COSTS COURT AND OTHER MATTERS) BILL 2008

Clauses 1 to 14 — put and agreed to.

Clause 15 — Question — That Clause 15 stand part of the Bill — put.
The Committee divided — The Acting President (Mr Leane) in the Chair.

AYES, 17

Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmarr
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee (*Teller*)
Mr Thornley
Ms Tierney
Mr Viney (*Teller*)

NOES, 20

Mr Barber
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis (*Teller*)
Mr P.R. Davis (*Teller*)
Mr Drum
Mr Finn
Mr Guy
Mr Hall
Ms Hartland
Mr Kavanagh
Mr Koch
Mrs Kronberg
Ms Lovell
Mr O'Donohue
Ms Pennicuik
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

Question negatived.

Clause omitted.

Clauses 16 to 29 — put and agreed to.

Bill reported with an amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 98, 99 and 100

No. 98 — Tuesday, 11 November 2008

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 5 November 2008, given the Royal Assent to the following Acts presented to him by the Clerk of the Legislative Council:

Greenhouse Gas Geological Sequestration Act 2008
Labour and Industry (Repeal) Act 2008
Medical Research Institutes Repeal Act 2008.

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 4 **PETITIONS** —

CAREFUL COBBER PROGRAM — Ms Lovell presented a Petition bearing 48 signatures from certain citizens of Victoria requesting that the Government immediately reinstate funding for the Careful Cobber Program.

Ordered to lie on the Table.

* * * * *

NORTH-SOUTH PIPELINE — Ms Lovell presented a Petition bearing 172 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the construction of the North-South pipeline.

Ordered to lie on the Table.

- 5 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 14 of 2008 from the Scrutiny of Acts and Regulations Committee (including an Extract from the Proceedings, Appendices and a Minority Report).

Ordered to lie on the Table and to be printed.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2006-07 FINANCIAL AND PERFORMANCE OUTCOMES — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Public Accounts and Estimates Committee's Report on the 2006-07 Financial and Performance Outcomes.

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

- Anderson's Creek Cemetery Trust — Minister's report of receipt of 2007-08 report.
- Australian Centre for the Moving Image — Report, 2007-08.
- Ballaarat General Cemeteries Trust — Minister's report of receipt of 2007-08 report.
- Barwon Regional Waste Management Group — Minister's report of receipt of 2007-08 report.
- Calder Regional Waste Management Group — Minister's report of receipt of 2007-08 report.
- Calvary Health Care Bethlehem Limited — Report, 2007-08.
- Central Murray Regional Waste Management Group — Minister's report of receipt of 2007-08 report.
- Crown Land (Reserves) Act 1978 — Minister's Order of 18 October 2008 giving approval to the granting of a lease at Chiltern Public Park Reserve.
- Desert Fringe Regional Waste Management Group — Minister's report of receipt of 2007-08 report.
- Film Victoria — Report, 2007-08.
- Food Safety Council — Report, 2007-08.
- Gippsland Regional Waste Management Group — Minister's report of receipt of 2007-08 report.
- Goulburn Valley Regional Waste Management Group — Minister's report of receipt of 2007-08 report.
- Grampians Regional Waste Management Group — Minister's report of receipt of 2007-08 report.
- Highlands Regional Waste Management Group — Minister's report of receipt of 2007-08 report.
- International Fibre Centre — Minister's report of receipt of 2007-08 report.
- Library Board of Victoria — Report, 2007-08.
- Lilydale Cemeteries Trust — Report, 2007-08.
- Mental Health Review Board incorporating the Psychosurgery Review Board — Minister's report of receipt of 2007-08 report.
- Melbourne Recital Centre Limited — Report, 2007-08.
- Mercy Public Hospitals Incorporated — Report, 2007-08 (two papers).
- Mildura Regional Waste Management Group — Minister's report of receipt of 2007-08 report.
- Mornington Peninsula Regional Waste Management Group — Minister's report of receipt of 2007-08 report.
- Museums Board of Victoria — Report, 2007-08 (two papers).
- National Gallery of Victoria Trustees — Report, 2007-08.
- North East Regional Waste Management Group — Minister's report of receipt of 2007-08 report.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
 - Boroondara Planning Scheme — Amendment C74.
 - Brimbank Planning Scheme — Amendments C103, C106 (Part 1) and C114.
 - Darebin Planning Scheme — Amendment C61.
 - Greater Bendigo Planning Scheme — Amendment C94 and C107.
 - Greater Geelong Planning Scheme — Amendment C140.
 - Greater Shepparton Planning Scheme — Amendment C95.
 - Hume Planning Scheme — Amendments C101.
 - Kingston Planning Scheme — Amendment C101.
 - Manningham Planning Scheme — Amendment C75.
 - Maribyrnong Planning Scheme — Amendment C76.
 - Maroondah Planning Scheme — Amendment C64.
 - Mildura Planning Scheme — Amendment C38.
 - Moonee Valley Planning Scheme — Amendment C92.
 - Moreland Planning Scheme — Amendment C50.

- Mornington Peninsula Planning Scheme — Amendment C96.
 Strathbogie Planning Scheme — Amendment C36.
 Whittlesea Planning Scheme — Amendment C20.
 Wyndham Planning Scheme — Amendment C99.
 South Western Regional Waste Management Group — Minister's report of receipt of 2007-08 report.
 Statutory Rules under the following Acts of Parliament:
 Building Act 1993 — No. 126.
 Crimes (Controlled Operations) Act 2004 — No. 127.
 Estate Agents Act 1980 — No. 128.
 Road Safety Act 1986 — No. 131.
 Subordinate Legislation Act 1994 — No. 124.
 Tobacco Act 1987 — No. 129.
 Transport Act 1983 — No. 130.
 Victorian Plantations Corporation Act 1993 — No. 125.
 Subordinate Legislation Act 1994 —
 Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 125, 128, 130 and 131.
 VicFleet Pty Ltd — Minister's report of receipt of 2007-08 report.
 Victorian Arts Centre Trust — Report, 2007-08 (two papers).
 Victorian Coastal Council — Report, 2007-08.
 Water Act 1989 — Upper Ovens River Water Supply Protection Area Declaration Order 2008.

* * * * *

PROCLAMATIONS — Proclamations of the Governor or the Lieutenant Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

- Consumer Credit (Victoria) and Other Acts Amendment Act 2008 — Parts 5 and 6 — 31 October 2008 (*Gazette No. G44, 30 October 2008*).
 Crimes (Controlled Operations) Act 2004 — Whole Act, except section 52 — 2 November 2008 (*Gazette No. G44, 30 October 2008*).
 Crimes (Controlled Operations) Amendment Act 2008 — Part 2 — 30 October 2008 (*Gazette No. G44, 30 October 2008*).
 Major Crime Legislation (Office of Police Integrity) Act 2004 — Part 8 — 30 October 2008 (*Gazette No. G44, 30 October 2008*).
 National Parks and Crown Land (Reserves) Acts Amendment Act 2008 — Remaining provisions — 9 November 2008 (*Gazette No. G45, 6 November 2008*).

6 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 12 November 2008:

- (1) Notice of Motion No. 3 standing in the name of Mr Rich-Phillips relating to major ICT projects;
- (2) Notice of Motion No. 48 standing in the name of Mr Barber relating to the revocation of certain provisions of Amendment VC49 to the Victoria Planning Provisions;
- (3) Notice of Motion No. 61 standing in the name of Mr D.M. Davis relating to the production of certain health documents;
- (4) the Notice of Motion given this day by Mr D.M. Davis relating to the Australian National Academy of Music; and
- (5) the Notice of Motion given this day by Ms Lovell relating to the Water (Commonwealth Powers) Bill 2008.

Question — put and agreed to.

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

8 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 to 6, inclusive, be postponed until later this day.

9 HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

10 WATER (COMMONWEALTH POWERS) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Interruption —

11 PRODUCTION OF DOCUMENTS — The Clerk laid on the Table the following documents received in accordance with the Resolutions of the Council of 10 September, 15 October and 29 October 2008:

DEPARTMENT OF HEALTH DOCUMENTS —

- (1) Melbourne Health Statement of Priorities 2007-08 Planning Priorities;
- (2) UNAUDITED Total Operating Surplus (-)/Deficit — Melbourne Health and Barwon Health;
- (3) UNAUDITED performance Indicators (End of Financial Year Snapshot) — Melbourne Health;
- (4) UNAUDITED performance Indicators (End of Financial Year Snapshot) — Barwon Health;
- (5) UNAUDITED Cash flow Statement — Melbourne Health and Barwon Health;
- (6) Accreditation Status — Melbourne Health;
- (7) Accreditation Status — Barwon Health;
- (8) Cleaning Standards — Melbourne Health and Barwon Health;
- (9) Submission of data to VICNISS — Melbourne Health and Barwon Health.

* * * * *

DEPARTMENT OF TRANSPORT TENDER DOCUMENTS —

- (1) Invitation to Tender Melbourne Metro Train Franchise Volume 1, Tender Information and Evaluation Criteria;
- (2) Invitation to Tender Melbourne Metro Tram Franchise Volume 1, Tender Information and Evaluation Criteria;
- (3) Invitation to Tender Melbourne Metro Train Franchise Volume 2, Franchise Overview;
- (4) Invitation to Tender Melbourne Metro Tram Franchise Volume 2, Franchise Overview.

* * * * *

DEPARTMENT OF TRANSPORT MINISTERIAL BRIEFING DOCUMENTS —

- (1) 'Frankston Bypass EES – Indicative Project costs' (MBN011034);
- (2) 'Siemens braking system' (MBN011051).

* * * * *

The Clerk also tabled a letter from the Attorney-General advising the Council that —

- (1) Executive Privilege was claimed in relation to the following Department of Transport tender documents and that, therefore, those documents have not been provided:
 - (a) Tender Returnables – Melbourne Metropolitan Train Franchise;
 - (b) Tender Returnables – Melbourne Metro Tram Franchise;
 - (c) Melbourne Metropolitan Train Franchise Interactive Tender Guide for ITT process;
 - (d) Melbourne Metropolitan Tram Franchise Interactive Tender Guide for ITT process;
- (2) the following Department of Transport ministerial briefing documents do not exist:
 - (a) Siemens braking system (Ministerial Briefing Note MBN011050) registered by the former Department of Infrastructure on 8 April 2008;

- (b) DTF review into VicRoads' costs and maintenance (Ministerial Briefing Note MBN011139) registered by the former Department of Infrastructure on 29 April 2008; and
- (3) Executive Privilege was claimed in relation to the following Department of Transport ministerial briefing documents and that, therefore, those documents have not been provided:
- (a) 'Taxi policy initiatives' (Ministerial Briefing Note MBN011023) registered by the former Department of Infrastructure on 2 April 2008;
 - (b) 'Registration and licensing system funding options' (Ministerial Briefing Note MBN011037) registered by the former Department of Infrastructure on 3 April 2008;
 - (c) 'Eastlink - ConnectEast DRP Underwriting Agreement - Novation' (Ministerial Briefing Note MBN011047) registered by the former Department of Infrastructure on 3 April 2008;
 - (d) 'To advise the Minister of the status of AusLink 2 projects identified as candidates for the commencement of expenditure ahead of 2009/10 2013/14' (Ministerial Briefing Note MBN011055) registered by the former Department of Infrastructure on 8 April 2008;
 - (e) 'Metropolitan rail franchising (MR3) Market Engagement Trip' (Ministerial Briefing Note MBN011059) registered by the former Department of Infrastructure on 10 April 2008;
 - (f) 'Media interest and progress with Grade separation study' (re Springvale Road Nunawading level crossing) (Ministerial Briefing Note MBN011065) registered by the former Department of Infrastructure on 10 April 2008;
 - (g) 'Meeting with the CEO of the Bus Proprietors' (Ministerial Briefing Note MBN011091) registered by the former Department of Infrastructure on 15 April 2008;
 - (h) '2009 Fare Changes Strategy overview' (Ministerial Briefing Note MBN 011116) registered by the former Department of Infrastructure on 22 April 2008;
 - (i) 'Geelong and Frankston taxi depots' (Ministerial Briefing Note MBN011141) registered by the former Department of Infrastructure on 28 April 2008;
 - (j) 'Status of the regional pilot of the NTS' (Ministerial Briefing Note MBN011146) registered by the former Department of Infrastructure on 29 April 2008;
 - (k) 'M1 Heads of Agreement' (Ministerial Briefing Note MBN011159) registered by the Department of Transport on 30 April 2008.

12 WATER (COMMONWEALTH POWERS) BILL 2008 — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Ms Lovell moved, That the Water (Commonwealth Powers) Bill 2008 be referred to the Legislation Committee to report by 2 December 2008.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Leane
Mr Drum	Mr Lenders
Mr Finn	Mr Madden
Mr Guy	Ms Mikakos (<i>Teller</i>)
Mr Hall	Mr Pakula

Ms Hartland
 Mr Kavanagh
 Mr Koch (*Teller*)
 Mrs Kronberg
 Ms Lovell (*Teller*)
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

Ms Pulford
 Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Thornley
 Ms Tierney
 Mr Viney

Question agreed to.

- 13 ASSISTED REPRODUCTIVE TREATMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time [the **Research Involving Human Embryos Bill 2008** and the **Prohibition of Human Cloning for Reproduction Bill 2008** having been authorized to be debated concurrently pursuant to an Order of the Council on 29 October 2008] —

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mrs Peulich.

- 14 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.31 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 99 — Wednesday, 12 November 2008

- 1 The President took the Chair and read the Prayer.
- 2 **LOCAL GOVERNMENT AMENDMENT (COUNCILLOR CONDUCT AND OTHER MATTERS) BILL 2008** — 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.
- 3 **PETITION — EAST–WEST ROAD TUNNEL** — Ms Hartland presented a Petition bearing 2,754 signatures from certain citizens of Victoria requesting that the Government reconsider the Eddington Proposal and reject the East–West road tunnel and linked tollways.
 Ordered to lie on the Table.
- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
 - Auditor-General —
 - Report on Biosecurity Incidents: Planning and Risk Management for Livestock Diseases, November 2008.
 - Report on Managing Acute Patient Flows, November 2008.
 - Report on School Buildings: Planning, Maintenance and Renewal, November 2008.
 - Victorian Industry Participation Policy — Report, 2007-08.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 6 **ICT PROJECT MANAGEMENT** — Mr Rich-Phillips moved, That this House —
 - (1) notes with concern the repeated failure of the Bracks and Brumby Governments to successfully deliver major ICT projects on time and budget including — Ultranet,

Healthsmart, myki ticketing system, Project Rosetta, Criminal Justice Enhancement Project, Housing Integrated Information Program, e-conveyancing and the LEAP Database replacement;

- (2) notes the loss of ICT expertise in government following the disbandment of the Office of the Chief Information Officer; and
- (3) calls on the Minister for Finance as Minister responsible for procurement, to develop ICT project management expertise within the Department of Treasury and Finance as a key element of all major government ICT procurement projects.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

7 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

8 ICT PROJECT MANAGEMENT — Debate continued on the question, That this House —

- (1) notes with concern the repeated failure of the Bracks and Brumby Governments to successfully deliver major ICT projects on time and budget including — Ultrahnet, Healthsmart, myki ticketing system, Project Rosetta, Criminal Justice Enhancement Project, Housing Integrated Information Program, e-conveyancing and the LEAP Database replacement;
- (2) notes the loss of ICT expertise in government following the disbandment of the Office of the Chief Information Officer; and
- (3) calls on the Minister for Finance as Minister responsible for procurement, to develop ICT project management expertise within the Department of Treasury and Finance as a key element of all major government ICT procurement projects.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson
Mr Barber
Mrs Coote
Mr Dalla-Riva (*Teller*)
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Guy
Mr Hall
Ms Hartland
Mr Kavanagh
Mr Koch
Mrs Kronberg
Ms Lovell
Ms Pennicuik (*Teller*)
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

NOES, 18

Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmarr (*Teller*)
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Mr Pakula
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Thornley
Ms Tierney (*Teller*)
Mr Viney

Question agreed to.

9 VICTORIA PLANNING PROVISIONS VC49 — Mr Barber moved, That the following provisions of Amendment VC49 to the Victoria Planning Provisions be revoked —

- (1) the provisions relating to weeds, pest animal burrows, public roads and railways in the table of exemptions in new Clause 52.17-6 (Native Vegetation) inserted by paragraph 12;
- (2) the provisions relating to public roads and railways in the table of exemptions in new Clause 42.01-3 (Environmental Significance Overlay) inserted by paragraph 38;

- (3) the provisions relating to public roads and railways in the table of exemptions in new Clause 42.02-3 (Vegetation Protection Overlay) inserted by paragraph 39;
- (4) the provisions relating to public roads and railways in the table of exemptions in new Clause 42.03-3 (Significant Landscape Overlay) inserted by paragraph 40;
- (5) the provisions relating to public roads and railways in the table of exemptions in new Clause 44.01-3 (Erosion Management Overlay) inserted by paragraph 41; and
- (6) the provisions relating to public roads and railways in the table of exemptions in new Clause 44.02-4 (Salinity Management Overlay) inserted by paragraph 42.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

NOES, 35

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis (*Teller*)
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Jennings
 Mr Kavanagh (*Teller*)
 Mr Koch
 Mr Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

Question negatived.

- 10 PRODUCTION OF DOCUMENTS** — Mr D.M. Davis moved, That, in accordance with Sessional Order 21, there be tabled in the Council by 4.00 p.m. on Tuesday, 2 December 2008 a copy of any reports detailing the outcome of deliverables and key performance indicators, as agreed in the 2007 08 Statement of Priorities Agreement with the Minister for Health, for Eastern Health, Peninsula Health, Bendigo Health, Ballarat Health and for

Bayside Health as reported to the Minister for Health and the Department of Human Services.

Debate ensued.

Question — put and agreed to.

11 AUSTRALIAN NATIONAL ACADEMY OF MUSIC CLOSURE — Mr D.M. Davis moved, That this House expresses its concern at the unilateral decision by the Prime Minister of Australia and Federal Arts Minister to close the Australian National Academy of Music and —

- (1) notes the intellectual reputation and importance of this Victorian and Australian centre for the education and development of talented musicians of the highest quality;
- (2) believes this decision by the Federal Arts Minister sends the wrong signal to young Victorian and Australian artists about the importance of striving for excellence;
- (3) affirms the importance of the Australian National Academy of Music as an Australian cultural institution in developing talented young Australians of international standard in Australia;
- (4) calls on the Rudd Government to restore the funding in full; and
- (5) further calls on the Premier to publicly defend this highly regarded Australian institution and its fully-funded presence in Victoria.

Debate ensued.

Question — put and agreed to.

12 LEGISLATION COMMITTEE — ASSEMBLY MINISTER'S ATTENDANCE — Ms Lovell moved, That —

- (1) this House requests the Legislative Assembly to grant leave to the Honourable T.J. Holding, MP, Minister for Water, to appear before the Legislative Council Legislation Committee to give evidence and answer questions in relation to the Water (Commonwealth Powers) Bill 2008; and
- (2) Standing Order 16.11(3) be suspended and that the Minister, Minister representing, Mr David Downie, General Manager, Office of Water, Department of Sustainability and Environment, Dr Wendy Craik, Chief Executive Officer, Murray-Darling Basin Commission, Mr Peter Harris, Secretary, Department of Sustainability and Environment, and such other persons nominated by the Minister or determined by the Committee may give evidence to the Committee.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson
Mr Barber
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Guy
Mr Hall (*Teller*)
Ms Hartland
Mr Kavanagh
Mr Koch
Mrs Kronberg
Ms Lovell
Ms Pennicuik
Mrs Petrovich
Mrs Peulich

NOES, 18

Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmarr
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden (*Teller*)
Ms Mikakos
Mr Pakula
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Thornley (*Teller*)
Ms Tierney
Mr Viney

Mr Rich-Phillips (*Teller*)

Mr Vogels

Question agreed to.

13 BUSINESS POSTPONED — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

14 PROFESSIONAL STANDARDS AND LEGAL PROFESSION ACTS AMENDMENT BILL 2008 — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Professional Standards Act 2003 to implement a framework for mutual recognition of professional standards schemes, to make other amendments to that Act, to amend the Legal Profession Act 2004 to make further provision regarding complaints about legal practitioners and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

15 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

16 STALKING INTERVENTION ORDERS BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

17 ASSISTED REPRODUCTIVE TREATMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time [the **Research Involving Human Embryos Bill 2008** and the **Prohibition of Human Cloning for Reproduction Bill 2008** having been authorized to be debated concurrently pursuant to an Order of the Council on 29 October 2008] —

Business having been interrupted at 9.58 p.m. pursuant to Standing Orders —

18 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.18 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 100 — Thursday, 13 November 2008

1 The President took the Chair and read the Prayer.

2 PETITION — METROPOLITAN RING ROAD — EASTLINK CONNECTION — Mr Barber presented a Petition bearing 2,995 signatures from certain citizens of Victoria requesting that the proposed tollway connecting the Metropolitan Ring Road to EastLink be abandoned and in its place the State Government adopt sustainable public transport options.

Ordered to lie on the Table.

3 PAPERS —**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE —**

AUDITOR-GENERAL'S REPORTS — Mr Barber presented a Report from the Public Accounts and Estimates Committee on the Findings and Recommendations of the Auditor-General's Reports tabled July 2006 to February 2007 (including Appendices, a Minority Report and an Extract from the Proceedings), together with Transcripts of Evidence.

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

Mr Barber moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

NEW DIRECTIONS IN ACCOUNTABILITY — Mr Rich-Phillips presented a Report from the Public Accounts and Estimates Committee on New Directions in Accountability, Preliminary Report, Inquiry into Victoria's Public Finance Practices and Legislation (including an Appendix), together with Transcripts of Evidence.

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

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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 Annual Financial Report of the State of Victoria, 2007-08, November 2008.

Report on Enforcement of Planning Permits, November 2008.

Report on Local Government: Results of the 2007-08 Audits, November 2008.

Budget Sector — Quarterly Financial Report No. 1 for the period ended 30 September 2008.

Geelong Performing Arts Centre Trust — Report 2007-08.

Liquor Control Reform Act 1998 — Report of the Chief Commissioner of Police pursuant to section 148R of the Act, 2007-08.

4 STANDING ORDERS COMMITTEE — Mr Lenders moved, by leave, That the Resolution of the Council of 10 September 2008 requiring the Standing Orders Committee to inquire into and report by 30 November 2008 on the establishment of new Standing Committees for the Legislative Council be amended so as to now require the Committee to present its report by 31 March 2009.

Question — put and agreed to.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

7 LEGISLATION COMMITTEE — The Acting President announced the receipt of a Message from the Assembly informing the Council that the Assembly had refused to consent to the request for the Minister for Water to appear before the Legislative Council Legislation Committee to give evidence and answer questions in relation to the Water (Commonwealth Powers) Bill 2008.

8 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

9 PROFESSIONAL STANDARDS AND LEGAL PROFESSION ACTS AMENDMENT BILL 2008 — Mr Jennings (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.

10 ASSISTED REPRODUCTIVE TREATMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time [the **Research Involving Human Embryos Bill 2008** and the **Prohibition of Human Cloning for Reproduction Bill 2008** having been authorized to be debated concurrently pursuant to an Order of the Council on 29 October 2008] —

11 RESEARCH INVOLVING HUMAN EMBRYOS BILL 2008 — The concurrent second reading debate having concluded —

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

The Council divided — The President in the Chair.

AYES, 26

NOES, 12

Mr Atkinson

Mr Dalla-Riva

Mr Barber

Mr Drum

Ms Broad

Mr Elasmarr (*Teller*)

Mrs Coote (*Teller*)

Mr Finn (*Teller*)

Ms Darveniza

Mr Guy

Mr D.M. Davis

Mr Hall

Mr P.R. Davis

Mr Kavanagh

Mr Eideh

Mrs Kronberg

Ms Hartland

Ms Mikakos

Mr Jennings

Mr Somyurek

Mr Koch

Mrs Peulich

Mr Leane

Mr Vogels

Mr Lenders

Ms Lovell

Mr Madden

Mr Pakula

Ms Pennicuik

Mrs Petrovich

Ms Pulford

Mr Rich-Phillips

Mr Scheffer

Mr Smith

Mr Tee

Mr Thornley

Ms Tierney (*Teller*)

Mr Viney

Question agreed to.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

12 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

13 RESEARCH INVOLVING HUMAN EMBRYOS BILL 2008 — Mr Jennings moved, by leave, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 26

NOES, 12

Mr Atkinson

Mr Dalla-Riva

Mr Barber

Mr Drum (*Teller*)

Ms Broad	Mr Elasmarr
Mrs Coote	Mr Finn
Ms Darveniza	Mr Guy (<i>Teller</i>)
Mr D.M. Davis	Mr Hall
Mr P.R. Davis	Mr Kavanagh
Mr Eideh	Mrs Kronberg
Ms Hartland	Ms Mikakos
Mr Jennings	Mr Somyurek
Mr Koch	Mrs Peulich
Mr Leane	Mr Vogels
Mr Lenders	
Ms Lovell	
Mr Madden	
Mr Pakula	
Ms Pennicuik	
Mrs Petrovich	
Ms Pulford (<i>Teller</i>)	
Mr Rich-Phillips	
Mr Scheffer	
Mr Smith	
Mr Tee	
Mr Thornley	
Ms Tierney	
Mr Viney (<i>Teller</i>)	

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

14 PROHIBITION OF HUMAN CLONING FOR REPRODUCTION BILL 2008 — The concurrent second reading debate having concluded —

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

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

15 ASSISTED REPRODUCTIVE TREATMENT BILL 2008 — The concurrent second reading debate having concluded —

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

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Mrs Coote
Mr Barber	Mr Dalla-Riva
Ms Broad	Mr D.M. Davis
Ms Darveniza	Mr P.R. Davis
Mr Eideh	Mr Drum
Ms Hartland	Mr Elasmarr
Mr Jennings	Mr Finn
Mr Leane	Mr Guy
Mr Lenders	Mr Hall
Mr Madden	Mr Kavanagh
Ms Mikakos (<i>Teller</i>)	Mr Koch
Mr Pakula	Mrs Kronberg
Ms Pennicuik	Ms Lovell
Ms Pulford	Mrs Petrovich
Mr Scheffer	Mrs Peulich
Mr Smith	Mr Rich-Phillips (<i>Teller</i>)

Mr Tee
 Mr Thornley (*Teller*)
 Ms Tierney
 Mr Viney

Mr Somyurek (*Teller*)
 Mr Vogels

Question agreed to.

Bill read a second time.

Mr Tee moved, That the Assisted Reproductive Treatment Bill 2008 be referred to the Legislation Committee to report by 2 December 2008.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 23	NOES, 14
Mr Atkinson	Mrs Coote
Mr Barber	Mr Dalla-Riva
Ms Broad	Mr D.M. Davis
Ms Darveniza	Mr Drum
Mr P.R. Davis	Mr Finn
Mr Eideh	Mr Guy
Mr Elasmarr	Mr Hall
Ms Hartland	Mr Kavanagh (<i>Teller</i>)
Mr Jennings	Mr Koch
Mr Leane (<i>Teller</i>)	Mrs Kronberg (<i>Teller</i>)
Mr Lenders	Ms Lovell
Mr Madden	Mrs Petrovich
Ms Mikakos	Mrs Peulich
Mr Pakula	Mr Vogels
Ms Pennicuik	
Ms Pulford	
Mr Scheffer (<i>Teller</i>)	
Mr Smith	
Mr Somyurek	
Mr Tee	
Mr Thornley	
Ms Tierney	
Mr Viney	

Question agreed to.

16 STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION — The President announced that he had received a letter from the Standing Committee on Finance and Public Administration, dated 13 November 2008, advising that the Committee had determined to inquire into and report on the following references:

- (1) The estimated benefits and costs arising from the north-south pipeline, the Wonthaggi desalination plant, and the modernisation of irrigation infrastructure.
- (2) The capacity of hospitals to meet demand, standards and quality of care, resourcing and access levels, and the accuracy and completeness of performance data for Victorian public hospitals.

On the motion of Mr Viney, the letter was ordered to be taken into consideration on the next day of meeting.

17 COMPENSATION AND SUPERANNUATION LEGISLATION AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 18 DANGEROUS GOODS AMENDMENT (TRANSPORT) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 19 CORONERS BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to require the reporting of certain deaths, to provide for the investigation of deaths and fires by coroners in certain circumstances with the intention of finding the causes of deaths and fires and contributing to the reduction of the number of preventable deaths and fires, to establish the Coroners Court of Victoria and the Coronial Council of Victoria, to amend the Coroners Act 1985 to repeal the provisions relating to coroners and to rename that Act to continue to provide for the Victorian Institute of Forensic Medicine, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Madden, the second reading speech was incorporated into Hansard.
Mr Madden moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 20 PROSTITUTION CONTROL AND OTHER MATTERS AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Prostitution Control Act 1994 and the Second-Hand Dealers and Pawnbrokers Act 1989 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Madden, the second reading speech was incorporated into Hansard.
Mr Madden moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips (for Mr Guy), the debate was adjourned for one week.
- 21 EDUCATION AND TRAINING REFORM (FURTHER AMENDMENT) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 22 RACING AND GAMBLING LEGISLATION AMENDMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 23 LIQUOR CONTROL REFORM AMENDMENT BILL 2008** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Liquor Control Reform Act 1998 with respect to late hour entry declarations and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Guy, the debate was adjourned for one week.

- 24 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2008** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the Livestock Disease Control Act 1994, the First Home Owner Grant Act 2000 and the Taxation Administration Act 1997 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 25 PUBLIC ADMINISTRATION AMENDMENT BILL 2008** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Public Administration Act 2004, the Ombudsman Act 1973, the Project Development and Construction Management Act 1994 and the Planning and Environment Act 1987 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 26 MULTICULTURAL VICTORIA AMENDMENT BILL 2008** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Multicultural Victoria Act 2004 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Guy, the debate was adjourned for one week.

- 27 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2008** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Catchment and Land Protection Act 1994, the Domestic (Feral and Nuisance) Animals Act 1994, the Fisheries Act 1995, the Livestock Disease Control Act 1994, the Prevention of Cruelty to Animals Act 1986, the Veterinary Practice Act 1997 and the Impounding of Livestock Act 1994 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Ms Lovell, the debate was adjourned for one week.

28 ASBESTOS DISEASES COMPENSATION AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

29 GAMBLING LEGISLATION AMENDMENT (RESPONSIBLE GAMBLING AND OTHER MEASURES) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

30 SITTING OF THE COUNCIL — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 2 December 2008.

Question — put and agreed to.

31 ADJOURNMENT — Mr Jennings moved, That the House do now adjourn.

Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Sessional Orders.

And then the Council, at 6.16 p.m., adjourned until Tuesday, 2 December 2008.

W.R. TUNNECLIFFE
Clerk of the Legislative Council



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 101, 102 and 103

No. 101 — Tuesday, 2 December 2008

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - On 14 November 2008 —
Health Professions Registration Amendment Act 2008
 - On 18 November 2008 —
Compensation and Superannuation Legislation Amendment Act 2008
Dangerous Goods Amendment (Transport) Act 2008
Local Government Amendment (Councillor Conduct and Other Matters) Act 2008
Stalking Intervention Orders Act 2008
 - On 25 November 2008 —
Asbestos Diseases Compensation Act 2008
Education and Training Reform Further Amendment Act 2008
Gambling Legislation Amendment (Responsible Gambling and Other Measures) Act 2008
Prohibition of Human Cloning for Reproduction Act 2008
Racing and Gambling Legislation Amendment Act 2008
Research Involving Human Embryos Act 2008.
- 3 **COMPENSATION AND SUPERANNUATION LEGISLATION AMENDMENT BILL 2008 AND PROHIBITION OF HUMAN CLONING FOR REPRODUCTION BILL 2008** — The President announced that he had received a report from the Clerk of the Parliaments notifying that he had made the following corrections in the following Bills:
 - Compensation and Superannuation Legislation Amendment Bill 2008—**
In clause 8(2)(b), “1996” has been omitted and “1986” has been inserted to correct the title of the *Transport Accident Act*.
 - Prohibition of Human Cloning for Reproduction Bill 2008—**
In clause 16(4)(f), line 27, the figure “11” has been inserted and so that the line now reads “cell (within the meaning of section 11).”.
- 4 **PETITIONS** —
ASSISTED REPRODUCTIVE TREATMENT BILL 2008 — Mr Drum, Mrs Peulich and Mr Kavanagh each presented Petitions bearing 5, 435 and 190 signatures, respectively, from certain citizens of Victoria requesting that the Legislative Council reject the Government’s misguided Assisted Reproductive Treatment laws which fail to protect the

best interests of all children as required by the international covenants to which Australia is a signatory.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

FLUORIDATION OF DOMESTIC WATER SUPPLIES — Mr Drum presented a Petition bearing 678 signatures from certain citizens of Victoria requesting that the Government immediately refrain from the fluoridation of domestic water supplies, which is believed to be very dangerous to the health of Victorians.

Ordered to lie on the Table.

* * * * *

PUBLIC TRANSPORT — CARDINIA SHIRE — Mr O'Donohue presented a Petition bearing 397 signatures from certain citizens of Victoria requesting that the Government immediately begin construction of a railway station for the Lakeside-Cardinia Road precinct, and create a public transport service for the people of Lakeside and Cardinia Shire that is readily accessible, reliable and user friendly.

Ordered to lie on the Table.

* * * * *

FRANKSTON PARAMEDIC TEAMS — Mr O'Donohue presented a Petition bearing 734 signatures from certain citizens of Victoria requesting that the Government retains the double responder Frankston MICA 6 paramedic teams.

Ordered to lie on the Table.

* * * * *

PUBLIC TRANSPORT – BENTLEIGH ELECTORATE — Mrs Coote presented a Petition bearing 46 signatures from certain citizens of Victoria requesting that the Minister for Public Transport moves to make a significant investment in trains, trams and buses servicing residents of the Bentleigh electorate, for the purpose of increasing the frequency, numeracy and both internal and external maintenance of the services.

Ordered to lie on the Table.

5 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — REDUNDANT CORPORATIONS LAWS — Mr O'Donohue presented a Report from the Scrutiny of Acts and Regulations Committee on Redundant Corporations Laws (including an Appendix).

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

Mr O'Donohue moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

LEGISLATION COMMITTEE —

WATER (COMMONWEALTH POWERS) BILL 2008 — Mr Atkinson presented a Report from the Legislation Committee on the Water (Commonwealth Powers) Bill 2008 (including the Minutes of the Committee's consideration of the Bill, and transcripts of evidence).

Ordered to lie on the Table and to be printed.

Mr Jennings moved, by leave, That the consideration of the Report of the Legislation Committee on the Water (Commonwealth Powers) Bill 2008 be made an Order of the Day for later this day and that it take precedence over all other Government Business.

Question — put and agreed to.

ASSISTED REPRODUCTIVE TREATMENT BILL 2008 — Mr Atkinson presented a Report from the Legislation Committee on the Assisted Reproductive Treatment Bill 2008 (including the Minutes of the Committee's consideration of the Bill, and the transcripts of evidence).

Ordered to lie on the Table and to be printed.

Ordered — That the Report be taken into consideration on Thursday, 4 December 2008 pursuant to Standing Order 16.17.

* * * * *

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

Chiropractors Registration Board of Victoria —

Minister's report of failure to submit 2007-08 report to the Minister within the prescribed period and the reasons therefor.

Minister's report of receipt of 2007-08 report.

Crown Land (Reserves) Act 1978 — Minister's Order of 18 October 2008 giving approval to the granting of a lease at Albert Park Reserve.

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

Banyule Planning Scheme — Amendment C52.

Bass Coast Planning Scheme — Amendment C96.

Baw Baw Planning Scheme — Amendment C58.

Boroondara Planning Scheme — Amendment C66.

Brimbank Planning Scheme — Amendment C81.

Cardinia Planning Scheme — Amendments C88, C92 and C122.

Casey Planning Scheme — Amendment C108.

Greater Shepparton Planning Scheme — Amendments C78, C106 and C114.

Kingston Planning Scheme — Amendments C73, C79, C93 Part 1 and C93 Part 2.

Knox Planning Scheme — Amendment C57.

Mansfield Planning Scheme — Amendment C8.

Monash Planning Scheme — Amendment C80.

Moira Planning Scheme — Amendment C34.

Moonee Valley Planning Scheme — Amendment C77.

Mornington Peninsula Planning Scheme — Amendment C113.

Mount Alexander Planning Scheme — Amendment C38.

Port Phillip Planning Scheme — Amendment C57 Part 2.

Stonnington Planning Scheme — Amendment C79.

Yarra Planning Scheme — Amendment C101.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 136.

Co-operatives Act 1996 — No. 133.

Guardianship and Administration Act 1986 — No. 132.

Magistrates' Court Act 1989 — Nos. 138 and 139.

Road Safety Act 1986 — No. 137.

Subordinate Legislation Act 1994 — No. 135.

Transport Act 1983 — No. 134.

Subordinate Legislation Act 1994 —

Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule No. 133.

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 135.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 134 and 137.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

County Court Amendment (Koori Court) Act 2008 — other than Section 10 — 18 November 2008 (*Gazette No. S307, 18 November 2008*).

Courts Legislation Amendment (Juries and Other Matters) Act 2008 — Part 4 — 1 December 2008 (*Gazette No. G48, 27 November 2008*).

Local Government Amendment (Councillor Conduct and Other Matters) Act 2008 — Part 4 — 2 December 2008 (*Gazette No. G48, 27 November 2008*).

6 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 3 December 2008:

- (1) Order of the Day No. 12, resumption of debate on the motion moved by Mr Hall relating to skills reforms and vocational training in Victoria;
- (2) the Notice of Motion given this day by Mr Dalla-Riva relating to the Victorian Industry Manufacturing document;
- (3) the Notice of Motion given this day by Mr D.M. Davis relating to a reference to the Ombudsman;
- (4) the Notice of Motion given this day by Mr D.M. Davis relating to Melbourne Central City Studios; and
- (5) the Notice of Motion given this day by Mr Barber relating to the production of Department of Transport documents.

Question — put and agreed to.

7 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

8 WATER (COMMONWEALTH POWERS) BILL 2008 — Mr Jennings moved, That the Council adopt the report on the Legislation Committee on the Water (Commonwealth Powers) Bill 2008.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported with an amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with an amendment and requesting their agreement.

9 BUSINESS POSTPONED — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

10 PROFESSIONAL STANDARDS AND LEGAL PROFESSION ACTS AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

11 BUSINESS POSTPONED — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 4 and 5, be postponed until later this day.

12 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

13 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

14 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

15 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Mr Lenders moved, by leave, That it be an instruction to the Committee that they have power to consider amendments and a New Clause to amend the *Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008* in relation to the commencement of that Act.

Question — put and agreed to.

Ordered — That the Bill be committed to a Committee of the whole later this day.

16 CORONERS BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Mr Rich-Phillips announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time.

Ordered — That the Bill be committed to a Committee of the whole later this day.

17 MULTICULTURAL VICTORIA AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Interruption —

18 PRODUCTION OF DOCUMENTS — The Clerk laid on the Table the following documents received in accordance with the Resolution of the Council of 12 November 2008:

- (1) Statement of Priorities 2007-08 Planning Priorities — Bayside/Alfred Health.
- (2) Statement of Priorities 2007-08 Planning Priorities — Eastern Health.
- (3) Statement of Priorities 2007-08 Planning Priorities — Peninsula Health.
- (4) UNAUDITED Operating Surplus / Deficit 2007-08 — Ballarat Health, Bayside/Alfred Health, Bendigo Health, Eastern Health and Peninsula Health.
- (5) UNAUDITED Performance Indicators 2007-08 (End of Financial Year Snapshot) — Ballarat Health.
- (6) UNAUDITED Performance Indicators 2007-08 (End of Financial Year Snapshot) — Bayside/Alfred Health.
- (7) UNAUDITED Performance Indicators 2007-08 (End of Financial Year Snapshot) — Bendigo Health.
- (8) UNAUDITED Performance Indicators 2007-08 (End of Financial Year Snapshot) — Eastern Health.
- (9) UNAUDITED Performance Indicators 2007-08 (End of Financial Year Snapshot) — Peninsula Health.
- (10) UNAUDITED Cash flow Statement 2007-08 — Ballarat Health, Bayside/Alfred Health, Bendigo Health, Eastern Health and Peninsula Health.
- (11) ACHS Accreditation Status — Ballarat Health.
- (12) ACHS Accreditation Status — Bayside/Alfred Health.
- (13) ACHS Accreditation Status — Bendigo Health.
- (14) ACHS Accreditation Status — Eastern Health.
- (15) ACHS Accreditation Status — Peninsula Health.
- (16) Cleaning Standards — Ballarat Health.
- (17) Cleaning Standards — Bayside/Alfred Health.
- (18) Cleaning Standards — Bendigo Health.
- (19) Cleaning Standards — Eastern Health.
- (20) Cleaning Standards — Peninsula Health.
- (21) Submission of data to VICNISS — Ballarat Health.
- (22) Submission of data to VICNISS — Bayside/Alfred Health.
- (23) Submission of data to VICNISS — Bendigo Health.

(24) Submission of data to VICNISS — Eastern Health.

(25) Submission of data to VICNISS — Peninsula Health.

19 MULTICULTURAL VICTORIA AMENDMENT BILL 2008 — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

20 PROSTITUTION CONTROL AND OTHER MATTERS AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Mr Lenders moved, by leave, That it be an instruction to the Committee that they have power to consider amendments and a New Clause to amend the *Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008* in relation to the commencement of that Act.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and an amended long title which is as follows “*A Bill for an Act to amend the Prostitution Control Act 1994, the Second-Hand Dealers and Pawnbrokers Act 1989 and the Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008*”, with which they request the agreement of the Legislative Assembly.

21 SALARIES LEGISLATION AMENDMENT (SALARY SACRIFICE) BILL 2008 — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Constitution Act 1975, the Attorney-General and Solicitor-General Act 1972, the County Court Act 1958, the Magistrates' Court Act 1989, the Parliamentary Salaries and Superannuation Act 1968, the Public Administration Act 2004, the Public Prosecutions Act 1994 and the Victorian Civil and Administrative Tribunal Act 1998 in relation to salary sacrifice and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Lenders moved, That the Bill be now read a second time.

Debate ensued.

Question — put and agreed to.

Bill read a second time 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

22 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 8, be postponed until the next day of meeting.

23 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

24 POLICE REGULATION AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Mr Tee moved, That the debate be adjourned until later this day.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Barber
Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmarr
Ms Hartland
Mr Jennings
Mr Leane (*Teller*)
Mr Lenders
Mr Madden
Ms Mikakos
Mr Pakula
Ms Pennicuik
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Thornley
Ms Tierney (*Teller*)
Mr Viney

NOES, 18

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Guy
Mr Hall (*Teller*)
Mr Kavanagh
Mr Koch
Mrs Kronberg (*Teller*)
Ms Lovell
Mr O'Donohue
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

Question agreed to.

25 HEALTH SERVICES LEGISLATION AMENDMENT BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Health Services (Conciliation and Review) Act 1987 and the Health Services Act 1988 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

26 POLICE REGULATION AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Tee.

27 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.42 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 102 — Wednesday, 3 December 2008

1 The President took the Chair and read the Prayer.

2 PETITIONS —

ASSISTED REPRODUCTIVE TREATMENT BILL 2008 — Mrs Peulich, Mrs Kronberg, Mr Finn and Mr Kavanagh each presented Petitions bearing 697, 1,154, 227 and 287 signatures, respectively, from certain citizens of Victoria requesting that the Legislative Council reject the Government's misguided Assisted Reproductive Treatment laws which fail to protect the best interests of all children as required by the international covenants to which Australia is a signatory.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

On the motion of Mrs Kronberg, the petition was ordered to be taken into consideration on the next day of meeting.

On the motion of Mr Finn, the petition was ordered to be taken into consideration on the next day of meeting.

On the motion of Mr Kavanagh, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

PUBLIC TRANSPORT — CARDINIA SHIRE — Mr O'Donohue presented a Petition bearing 80 signatures from certain citizens of Victoria requesting that the Government immediately begin construction of a railway station for the Lakeside-Cardinia Road precinct, and create a public transport service for the people of Lakeside and Cardinia Shire that is readily accessible, reliable and user friendly.

Ordered to lie on the Table.

* * * * *

PATTERSON RIVER NO PERSONAL WATERCRAFT ZONES — Mrs Peulich presented a Petition bearing 502 signatures from certain citizens of Victoria requesting that the Government protect the safety of beachgoers and water users by retaining the existing "No Personal Water Craft Zones" at the mouth of Patterson River and extend the period of consultation which closes on 5 December 2008 to ensure the community's concerns are fully addressed.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

PLANNING POLICIES — Mrs Peulich presented a Petition bearing 55 signatures from certain citizens of Victoria regarding requesting that the Brumby Government and Minister for Planning scrap Labor's new planning policies which will cram more high rise into local streets, aggravate traffic congestion and open the planning system to possible abuse and corruption.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

3 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 15 of 2008 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

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

Auditor-General —

Report on Management of the Multi-Purpose Taxi Program, December 2008.

Report on Results of Audits for Entities with 30 June 2008 Balance Dates, December 2008.

Budget Update, 2008-09.

Freedom of Information Act 1982 — Report of the Attorney-General on the operation of the Act, 2007-08.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 28 November 2008 pursuant to section 7(4) of the Act.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 SKILLS REFORMS AND VOCATIONAL TRAINING IN VICTORIA — Debate resumed on the question, That in respect of the recently announced skills reforms, this House calls on the Government to explain to the Parliament and the people of Victoria the following —

- (1) the number of Victorian students that missed out on a funded training place last year;
- (2) how increasing student fees will attract more people to participate in vocational training particularly at the Diploma and Advanced Diploma level;
- (3) how much revenue is expected to be raised by increased fees and the purpose to which that revenue will be put;
- (4) whether the \$139 million designated as "contestable funding" is new money or whether it is a transference of current money already allocated to the delivery of Diploma and Advanced Diploma places;
- (5) how an income contingent loan system will encourage more students to take up training;
- (6) how the Government intends to address the predicted shortfall of 123,000 Diploma and Advanced Diploma qualified workers by 2015;
- (7) how the Government expects to find an additional 900 TAFE staff and 500 non-teaching staff when TAFE teaching salaries are almost \$20,000 lower than their counterparts in NSW and well below that of teachers in the schools sector;
- (8) how a competitive training system will work and its impact on training providers;
- (9) why the cost of training is being transferred from the State to the student;
- (10) why the Government continues to under-fund training in Victoria by 15 per cent compared with the Australian States average;
- (11) why those who have to retrain will be ineligible for a Government funded place;
- (12) why the Government is abolishing concessional fees for Diploma and Advanced Diploma courses; and
- (13) how much is being spent on television advertising to promote the reform package.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

NOES, 18

Mr Atkinson

Ms Broad

Mr Barber

Ms Darveniza

Mrs Coote

Mr Eideh (*Teller*)

Mr Dalla-Riva

Mr Elasmarr

Mr D.M. Davis

Mr Jennings

Mr P.R. Davis

Mr Leane

Mr Drum

Mr Lenders

Mr Finn

Mr Madden

Mr Guy (*Teller*)

Ms Mikakos

Mr Hall

Mr Pakula

Ms Hartland

Ms Pulford

Mr Kavanagh	Mr Scheffer
Mr Koch (<i>Teller</i>)	Mr Smith
Mrs Kronberg	Mr Somyurek (<i>Teller</i>)
Ms Lovell	Mr Tee
Mr O'Donohue	Mr Thornley
Ms Pennicuik	Ms Tierney
Mrs Petrovich	Mr Viney
Mrs Peulich	
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

- 6 VICTORIAN INDUSTRY MANUFACTURING DOCUMENT** — Mr Dalla-Riva moved, That this House notes that the 54 page document titled Victorian Industry Manufacturing is a compilation of previously announced Government initiatives together with vague statements of future policy directions which took exactly 700 days to compile.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 8 VICTORIAN INDUSTRY MANUFACTURING DOCUMENT** — Debate continued on the question, That this House notes that the 54 page document titled Victorian Industry Manufacturing is a compilation of previously announced Government initiatives together with vague statements of future policy directions which took exactly 700 days to compile.

Question — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 18
Mr Atkinson	Ms Broad (<i>Teller</i>)
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Leane
Mr Drum	Mr Lenders
Mr Finn (<i>Teller</i>)	Mr Madden
Mr Guy	Ms Mikakos (<i>Teller</i>)
Mr Hall	Mr Pakula
Ms Hartland	Ms Pulford
Mr Kavanagh	Mr Scheffer
Mr Koch	Mr Smith
Mrs Kronberg	Mr Somyurek
Ms Lovell	Mr Tee
Mr O'Donohue	Mr Thornley
Ms Pennicuik	Ms Tierney
Mrs Petrovich (<i>Teller</i>)	Mr Viney
Mrs Peulich	
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

- 9 KEW RESIDENTIAL SERVICES AND ST KILDA TRIANGLE LAND DEVELOPMENTS** — Mr D.M. Davis moved, That, pursuant to section 16 of the *Ombudsman Act 1973*, this House refers to the Ombudsman for investigation and report —
- (1) the probity of the Kew Residential Services development tender process followed by the State Government; and

- (2) the probity of the St Kilda Triangle development processes followed by the State Government and the Port Phillip Council.

Debate ensued.

Question — put and agreed to.

10 AUDITOR-GENERAL'S REPORT ON PUBLIC SECTOR AGENCIES IN 2003 — Mr D.M. Davis moved, That this House —

- (1) notes the Report of the Auditor-General on Public Sector Agencies in 2003 and its criticisms of the original tender process that occurred as part of the State Government awarding the contract for the film studios at Docklands to the Melbourne Central City Studios group;
- (2) expresses its concern at recent developments at the Docklands Studios; and
- (3) calls on the Premier and the Minister for Innovation to provide a full public explanation of the financial arrangements now in place including an explanation of the continuing role of the Department of Innovation, Industry and Regional Development and what fees or other payments will be made by the State Government for the management of the film studios and to whom these payments will be made and under what circumstances.

Debate ensued.

Question — put and agreed to.

11 BUSINESS POSTPONED — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

12 FUNDRAISING APPEALS AND CONSUMER ACTS AMENDMENT BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to rename the Fundraising Appeals Act 1998 as the Fundraising Act 1998, to make various other amendments to that Act and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

13 TRANSPORT LEGISLATION AMENDMENT (DRIVER AND INDUSTRY STANDARDS) BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Transport Act 1983 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

14 WATER (COMMONWEALTH POWERS) AMENDMENT BILL 2008 — The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have disagreed with the amendment made by the Council in this Bill.

Ordered — That the Message be taken into consideration forthwith.

Mr Jennings moved, That the Council do not insist on their amendment with which the Assembly have disagreed.

Debate ensued.

Question — put and agreed to.

15 HEALTH SERVICES LEGISLATION AMENDMENT BILL 2008 — Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr D.M. Davis), the debate was adjourned until later this day.

- 16 TRANSPORT LEGISLATION AMENDMENT (DRIVER AND INDUSTRY STANDARDS) BILL 2008** — Mr Jennings (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch, the debate was adjourned until later this day.

- 17 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

- 18 CORONERS BILL 2008** — Bill committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 10.03 p.m. pursuant to Standing Orders —

- 19 ADJOURNMENT** — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.38 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 103 — Thursday, 4 December 2008

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

- 2 **ASSENT TO ACT** — The President read a Message from the Governor informing the Council that he had, this day, given the Royal Assent to the following Act presented to him by the Clerk of the Parliaments:

Water (Commonwealth Powers) Act 2008.

- 3 **COURTS LEGISLATION AMENDMENT (COSTS COURT AND OTHER MATTERS) BILL 2008** — The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the amendment made by the Council in this Bill.

- 4 **PROSTITUTION CONTROL AND OTHER MATTERS AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.

- 5 **PETITIONS** —

ASSISTED REPRODUCTIVE TREATMENT BILL 2008 — Mr Kavanagh, Mrs Kronberg and Mrs Peulich each presented Petitions bearing 290, 118 and 97 signatures, respectively, from certain citizens of Victoria requesting that the Legislative Council reject the Government's misguided Assisted Reproductive Treatment laws which fail to protect the best interests of all children as required by the international covenants to which Australia is a signatory.

Ordered to lie on the Table.

By leave, on the motion of Mr Kavanagh, the petition was ordered to be taken into consideration later this day.

By leave, on the motion of Mrs Kronberg, the petition was ordered to be taken into consideration later this day.

By leave, on the motion of Mrs Peulich, the petition was ordered to be taken into consideration later this day.

CAREFUL COBBER PROGRAM — Ms Lovell presented a Petition bearing 73 signatures from certain citizens of Victoria requesting that the Government immediately reinstate funding for the Careful Cobber Program.

Ordered to lie on the Table.

On the motion of Ms Lovell, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

NORTH-SOUTH PIPELINE PROGRAM — Ms Lovell presented a Petition bearing 155 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the construction of the North-South pipeline.

Ordered to lie on the Table.

On the motion of Ms Lovell, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

ASHBURTON POLICE STATION — Mr D.M. Davis presented a Petition bearing 79 signatures from certain citizens of Victoria requesting that the Government refuse any recommendation to close Ashburton Police Station.

Ordered to lie on the Table.

* * * * *

DIAMOND CREEK AND YARRAMBAT PLANNING ISSUES — Mr Kavanagh presented a Petition bearing 5 signatures from certain citizens of Victoria requesting that the Government acknowledge Ironbark Road as an arterial road and that the relevant Ministers meet with the petitioners to discuss their concerns regarding planning and zoning issues in Diamond Creek and Yarrambat.

Ordered to lie on the Table.

6 PAPERS —

ELECTORAL MATTERS COMMITTEE — Mr Somyurek moved, by leave, That there be laid before the House a copy of the Report on International Investigations into Political Donations and Disclosure and Voter Participation and Informal Voting from the Electoral Matters Committee (including Appendices).

Question — put and agreed to.

The said Report was presented by Mr Somyurek and ordered to lie on the Table.

* * * * *

MINISTER FOR FINANCE'S RESPONSE TO AUDITOR-GENERAL'S REPORTS — Mr Lenders moved, by leave, That there be laid before this House a copy of the Response by the Minister for Finance to the Auditor-General's Reports tabled during 2007-08.

Question — put and agreed to.

The said paper was presented by Mr Lenders and ordered to lie on the Table.

* * * * *

MINING WARDEN'S REPORT ON YALLOURN MINE BATTER FAILURE INQUIRY AND GOVERNMENT RESPONSE — Mr Jennings, moved, by leave, That there be laid before this House a copy of the Mining Warden's Report on the Yallourn Mine Batter Failure Inquiry, together with the Government Response to that Report.

Question — put and agreed to.

The said Report was presented by Mr Jennings and ordered to lie on the Table.

* * * * *

LAW REFORM COMMITTEE — INQUIRY INTO VEXATIOUS LITIGANTS — Mr Scheffer presented a Report from the Law Reform Committee on the Inquiry into Vexatious Litigants (including Appendices), together with Transcripts of Evidence.

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

Mr Scheffer moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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

Commissioner for Environmental Sustainability — State of the Environment Report 2008.

Geoffrey Gardiner Dairy Foundation Limited — Report 2007-08 (two papers).

Office of Police Integrity — Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2007-08.

Parliamentary Committees Act 2003 —

Government Response to the Electoral Matters Committee's Report on the Conduct of the 2006 Victorian State Election.

Government Response to the Environment and Natural Resources Committee's Report on Impact of Public Land Management Practices on Bushfires in Victoria.

Statutory Rules under the following Acts of Parliament:

Cemeteries and Crematoria Act 2003 — No. 145.

County Court Act 1958 — Nos. 147 and 148.

Liquor Control Reform Act 1998 — No. 143.

Motor Car Traders Act 1986 — No. 144.

Police Integrity Act 2008 — No. 146.

Second-Hand Dealers and Pawnbrokers Act 1989 — Nos. 140 and 141.

Trade Measurement Act 1995 — Trade Measurement (Administration) Act 1995 — No. 142.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 124, 138, 139, 147 and 148.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 141, 142 and 145.

Ministers' infringements offence consultation certificates under section 6A(3) in respect of Statutory Rule Nos. 140 and 144.

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

8 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

9 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

10 FUNDRAISING APPEALS AND CONSUMER ACTS AMENDMENT BILL 2008 — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Guy), the debate was adjourned for one week.

11 ASSISTED REPRODUCTIVE TREATMENT BILL 2008 — Mr Lenders (for Mr Jennings) moved, That the Council adopt the report of the Legislation Committee on the Assisted Reproductive Treatment Bill 2008.

Debate ensued.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

12 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

13 ASSISTED REPRODUCTIVE TREATMENT BILL 2008 — Bill further considered in Committee of the whole.

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole later this day.

14 RELATIONSHIPS AMENDMENT (CARING RELATIONSHIPS) BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Relationships Act 2008 to provide for the registration of caring relationships in Victoria, to provide for the adjustment of property interests between caring partners who are in, or have been in, a registered caring relationship, to provide for the rights to maintenance of caring partners who are in, or have been in, a registered caring relationship, to make consequential amendments to certain other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

15 CRIMES LEGISLATION AMENDMENT (FOOD AND DRINK SPIKING) BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Summary Offences Act 1966 to create a new offence dealing with the spiking of another person's food or drink and to extend an existing offence in the Crimes Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

16 MAJOR CRIME LEGISLATION AMENDMENT BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Major Crime (Investigative Powers) Act 2004, the Casino Control Act 1991, the Racing Act 1958 and the Surveillance Devices Act 1999 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

17 SHERIFF BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to provide a legislative framework for the appointment of the sheriff, the deputy sheriff and sheriff's officers and their functions, powers and duties and to amend the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989 and the Interpretation of Legislation Act 1984 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

[Sitting suspended from 4.39 p.m. until 4.47 p.m.]

18 RELATIONSHIPS AMENDMENT (CARING RELATIONSHIPS) BILL 2008 — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

19 CRIMES LEGISLATION AMENDMENT (FOOD AND DRINK SPIKING) BILL 2008 — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 20 MAJOR CRIME LEGISLATION AMENDMENT BILL 2008** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 21 SHERIFF BILL 2008** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 22 CORONERS BILL 2008** — Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

[Sitting suspended from 5.25 p.m. until 5.48 p.m.]

- 23 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

- 24 HEALTH SERVICES LEGISLATION AMENDMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 25 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2008** — Bill committed to a Committee of the whole.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

- 26 ASSISTED REPRODUCTIVE TREATMENT BILL 2008** — Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted.

Mr Jennings moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson
Mr Barber
Ms Broad
Ms Darveniza
Mr Eideh
Ms Hartland (*Teller*)
Mr Jennings
Mr Leane (*Teller*)
Mr Lenders
Mr Madden
Ms Mikakos

NOES, 18

Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn (*Teller*)
Mr Guy
Mr Hall
Mr Kavanagh
Mr Koch
Mrs Kronberg

Mr Pakula	Ms Lovell
Ms Pennicuik	Mr O'Donohue
Ms Pulford	Mrs Petrovich
Mr Scheffer	Mrs Peulich (<i>Teller</i>)
Mr Smith	Mr Rich-Phillips
Mr Tee	Mr Somyurek
Mr Thornley	Mr Vogels
Ms Tierney	
Mr Viney	

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

27 TRANSPORT LEGISLATION AMENDMENT (DRIVER INDUSTRY STANDARDS) BILL 2008

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

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

28 SITTING OF THE COUNCIL — Mr Lenders moved, That the Council, at its rising, adjourn until a Tuesday at 3.00 p.m., to be nominated by the President which shall be notified in writing to each Member of the Council.

Debate ensued.

Question — put and agreed to.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

29 ADJOURNMENT — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and certain responses to Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.26 p.m., adjourned until a Tuesday at 3.00 p.m., to be nominated by the President which shall be notified in writing to each Member of the Council.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 101, 102 and 103

Tuesday, 2 December 2008

1 WATER (COMMONWEALTH POWERS) BILL 2008

Clauses 1 and 2 — put and agreed to.

Clause 3 — Mr Barber moved —

1. Clause 3, line 29, after "economic" insert ", environmental".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber (<i>Teller</i>)	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Kavanagh
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland	Mr Pakula
Mr Koch (<i>Teller</i>)	Ms Pulford
Mrs Kronberg	Mr Scheffer (<i>Teller</i>)
Ms Lovell	Mr Smith
Mr O'Donohue	Mr Tee
Ms Pennicuik	Mr Thornley
Mrs Petrovich	Ms Tierney (<i>Teller</i>)
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Amendment agreed to.

Question — That Clause 3, as amended, stand part of the Bill — put and agreed to.

Clauses 4 to 26 — put and agreed to.

Bill reported with an amendment.

2 PROSTITUTION CONTROL AND OTHER MATTERS BILL 2008

Clause 1 — Mr Lenders (for Mr Madden) moved —

1. Clause 1, page 2, line 14, omit "purposes." and insert "purposes; and".

Question — That the amendment be agreed to — put and agreed to.

Mr Lenders (for Mr Madden) moved —

2. Clause 1, page 2, after line 14 insert—

"(c) to amend the **Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008** to make a minor change relating to the commencement of that Act."

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 1, as amended, stand part of the Bill — put and agreed to.

Clauses 2 to 22 — put and agreed to.

Heading to Part 3 — Mr Lenders (for Mr Madden) moved —

3. Heading to Part 3, omit "**SECOND-HAND DEALERS AND PAWNBROKERS ACT 1989**" and insert "**OTHER ACTS**".

Question — That the amendment be agreed to — put and agreed to.

Question — That Heading to Part 3, as amended, stand part of the Bill — put and agreed to.

New Clause — Mr Lenders (for Mr Madden) moved —

4. Insert the following New Clause to follow clause 21—

'AA **Amendment of Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008**
In section 2(2) of the **Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008**, for "1 January 2009" substitute "30 December 2008".

Question — That the New Clause stand part of the Bill — put and agreed to.

Long Title — Mr Lenders (for Mr Madden) moved —

5. Long title, omit "and the **Second-Hand Dealers and Pawnbrokers Act 1989**" and insert ", the **Second-Hand Dealers and Pawnbrokers Act 1989** and the **Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008**".

Question — That the amendment be agreed to — put and agreed to.

Question — That the Long Title, as amended, be the long title of the Bill — put and agreed to.

Bill reported with amendments.

Wednesday, 3 December 2008

1 CORONERS BILL 2008

Preamble — Consideration of Preamble postponed.

Clauses 1 and 2 — put and agreed to.

Clause 3 — Mr Rich-Phillips moved —

1. Clause 3, page 4, line 6, omit "suspected death" and insert "still-birth and suspected death and suspected still-birth".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Ms Hartland
Mr Drum	Mr Jennings
Mr Finn	Mr Leane (<i>Teller</i>)
Mr Guy	Mr Lenders
Mr Hall (<i>Teller</i>)	Mr Madden
Mr Kavanagh	Ms Mikakos
Mr Koch	Mr Pakula
Mrs Kronberg	Ms Pennicuik
Ms Lovell	Ms Pulford
Mr O'Donohue	Mr Scheffer
Mrs Petrovich	Mr Smith
Mrs Peulich (<i>Teller</i>)	Mr Somyurek
Mr Rich-Phillips	Mr Tee
Mr Vogels	Mr Thornley
	Ms Tierney (<i>Teller</i>)
	Mr Viney

Amendment negated.

Ms Pennicuik moved —

1. Clause 3, page 5, after line 8 insert—
"immediate family in relation to a deceased person, means spouse, domestic partner, son, daughter, parent, sibling, executor, personal representative or a person determined to be the senior next of kin under subsection (3);".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 16
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza (<i>Teller</i>)
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Jennings
Mr D.M. Davis	Mr Leane
Mr P.R. Davis	Mr Lenders
Mr Drum	Mr Madden
Mr Finn	Ms Mikakos
Mr Guy	Mr Pakula (<i>Teller</i>)
Mr Hall	Ms Pulford
Ms Hartland (<i>Teller</i>)	Mr Scheffer

Mr Kavanagh	Mr Somyurek
Mr Koch	Mr Tee
Mrs Kronberg	Mr Thornley
Ms Lovell	Ms Tierney
Mr O'Donohue	Mr Viney
Ms Pennicuik	
Mrs Petrovich (<i>Teller</i>)	
Mr Rich-Phillips	
Mr Vogels	

Amendment agreed to.

Question — That Clause 3, as amended, stand part of the Bill — put and agreed to.

Clause 4 — Ms Pennicuik moved —

2. Clause 4, page 13, line 5, omit "circumstances." and insert "circumstances; or".
3. Clause 4, page 13, after line 5 insert—
 - "() a death of a child that occurs in—
 - (i) a children's service within the meaning of the **Children's Services Act 1996**; or
 - (ii) a school or post-secondary education institution within the meaning of the **Education and Training Reform Act 2006**; or
 - () a death that occurs in a refuge for women or young persons."

Question — That the amendments be agreed to — put and negatived.

Clause 4 — put and agreed to.

Clauses 5 to 7 — put and agreed to.

Clause 8 — Ms Pennicuik moved —

4. Clause 8, line 16, omit "where practicable" and insert "as far as possible in the circumstances,".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21	NOES, 17
Mr Atkinson	Ms Broad (<i>Teller</i>)
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Jennings
Mr D.M. Davis	Mr Leane
Mr P.R. Davis	Mr Lenders
Mr Drum (<i>Teller</i>)	Mr Madden
Mr Finn	Ms Mikakos
Mr Guy	Mr Pakula
Mr Hall	Ms Pulford
Ms Hartland	Mr Scheffer
Mr Kavanagh	Mr Smith
Mr Koch	Mr Somyurek
Mrs Kronberg	Mr Tee
Ms Lovell	Mr Thornley (<i>Teller</i>)
Mr O'Donohue (<i>Teller</i>)	Ms Tierney
Ms Pennicuik	Mr Viney
Mrs Petrovich	
Mrs Peulich	
Mr Rich-Phillips	
Mr Vogels	

Amendment agreed to.

Question — That Clause 8, as amended, stand part of the Bill — put and agreed to.

Clauses 9 to 11 — put and agreed to.

Clause 12 — Ms Pennicuik moved —

5. Clause 12, line 7, before "A person" insert "(1)".
6. Clause 12, after line 11 insert—
 "(2) A member of the immediate family of a deceased person may report the death to the coroner if the person was a person discharged from an approved mental health service within the meaning of the **Mental Health Act 1986** within 3 months immediately before the person's death."

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 17
Mr Atkinson	Ms Broad
Mr Barber (<i>Teller</i>)	Ms Darveniza
Mrs Coote	Mr Eideh (<i>Teller</i>)
Mr Dalla-Riva	Mr Jennings
Mr D.M. Davis	Mr Leane
Mr P.R. Davis	Mr Lenders
Mr Drum	Mr Madden
Mr Finn (<i>Teller</i>)	Ms Mikakos (<i>Teller</i>)
Mr Guy	Mr Pakula
Mr Hall	Ms Pulford
Ms Hartland	Mr Scheffer
Mr Kavanagh	Mr Smith
Mr Koch	Mr Somyurek
Mrs Kronberg	Mr Tee
Ms Lovell	Mr Thornley
Mr O'Donohue	Ms Tierney
Ms Pennicuik	Mr Viney
Mrs Petrovich	
Mr Rich-Phillips	
Mr Vogels	

Amendments agreed to.

Question — That Clause 12, as amended, stand part of the Bill — put and agreed to.

Clause 13 — put and agreed to.

Clause 14 — Ms Pennicuik moved —

7. Clause 14, after line 7 insert—
 "() A coroner may investigate a death reported to the coroner under section 12(2)".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 17
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Jennings
Mr D.M. Davis	Mr Leane
Mr P.R. Davis	Mr Lenders
Mr Drum	Mr Madden
Mr Finn	Ms Mikakos
Mr Guy (<i>Teller</i>)	Mr Pakula
Mr Hall	Ms Pulford
Ms Hartland	Mr Scheffer (<i>Teller</i>)
Mr Kavanagh (<i>Teller</i>)	Mr Smith
Mr Koch	Mr Somyurek (<i>Teller</i>)
Mrs Kronberg	Mr Tee
Ms Lovell	Mr Thornley

Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mr Rich-Phillips
 Mr Vogels

Ms Tierney
 Mr Viney

Amendment agreed to.

Question — That Clause 14, as amended, stand part of the Bill — put and agreed to.

Clauses 15 to 20 — put and agreed to.

Clause 21 — Ms Pennicuik moved —

8. Clause 21, line 18, before "any other person" insert "the immediate family of the deceased person and".

Question — That the amendment be agreed to — put and negatived.

Clause 21 — put and agreed to.

Clauses 22 to 54 — put and agreed to.

Clause 55 — Ms Pennicuik moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

1. Clause 55, after line 19 insert—

"() order Victoria Legal Aid to provide legal assistance to any interested party, on conditions specified by the coroner, and the coroner may adjourn the inquest until that legal assistance is provided;".

Question — That the motion be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

NOES, 34

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva (*Teller*)
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Thornley

Ms Tierney
Mr Viney (*Teller*)
Mr Vogels

Question negatived.

Progress reported.

Thursday, 4 December 2008

1 ASSISTED REPRODUCTIVE TREATMENT BILL 2008

Clauses 1 and 2 — put and agreed to.

Clause 3 — Ms Pennicuik moved —

1. Clause 3, lines 23 to 31, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3	NOES, 34
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland (<i>Teller</i>)	Ms Broad
Ms Pennicuik	Mrs Coote
	Mr Dalla-Riva
	Ms Darveniza (<i>Teller</i>)
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh
	Mr Finn
	Mr Guy
	Mr Hall
	Mr Jennings
	Mr Kavanagh
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Mr Lenders (<i>Teller</i>)
	Ms Lovell
	Mr Madden
	Ms Mikakos
	Mr O'Donohue
	Mr Pakula
	Mrs Petrovich
	Mrs Peulich
	Ms Pulford
	Mr Scheffer
	Mr Smith
	Mr Somyurek
	Mr Tee
	Mr Thornley
	Ms Tierney
	Mr Viney
	Mr Vogels

Amendment negated.

Ms Hartland moved —

1. Clause 3, lines 29 to 31, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8	NOES, 29
Mr Atkinson	Ms Broad
Mr Barber (<i>Teller</i>)	Mr Dalla-Riva

Mrs Coote
 Mr D.M. Davis
 Ms Hartland
 Ms Lovell (*Teller*)
 Mr O'Donohue
 Ms Pennicuik

Ms Darveniza
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Thornley
 Ms Tierney (*Teller*)
 Mr Viney
 Mr Vogels (*Teller*)

Amendment negated.

Ms Pennicuik moved —

2. Clause 3, page 4, lines 6 to 22, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 9

Mr Atkinson
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva (*Teller*)
 Mr D.M. Davis
 Ms Hartland
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik (*Teller*)

NOES, 28

Ms Broad
 Ms Darveniza
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Finn
 Mr Guy
 Mr Hall (*Teller*)
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane (*Teller*)
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Scheffer
 Mr Smith

Mr Somyurek
 Mr Tee
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negated.

Ms Pennicuik moved —

3. Clause 3, page 6, lines 16 and 17, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put and negated.

Clause 3 — put and agreed to.

Clauses 4 to 10 — put and agreed to.

Clause 11 — Ms Pennicuik moved —

4. Clause 11, line 27, omit "place; and" and insert "place."

5. Clause 11, lines 28 to 33, and page 13, lines 1 to 4, omit all words and expressions on these lines.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Mr Atkinson
 Mr Barber
 Mrs Coote (*Teller*)
 Mr D.M. Davis
 Ms Hartland (*Teller*)
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik

NOES, 29

Ms Broad
 Mr Dalla-Riva
 Ms Darveniza
 Mr P.R. Davis (*Teller*)
 Mr Drum
 Mr Eideh
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula (*Teller*)
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendments negated.

Ms Hartland moved —

4. Clause 11, lines 28 to 33, and page 13, lines 1 to 4, omit all words and expressions on these lines and insert—
- "(c) must be accompanied by a statutory declaration from the woman and her partner, if any, as to the following—
- (i) whether a child protection order has been made removing a child from the custody or guardianship of the woman or her partner;
 - (ii) whether charges have been proven against the woman or her partner for a sexual offence referred to in clause 1 of Schedule 1 of the **Sentencing Act 1991**;
 - (iii) whether the woman or her partner has been convicted of a violent offence referred to in clause 2 of Schedule 1 of the **Sentencing Act 1991**."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6	NOES, 29
Mr Atkinson	Ms Broad
Mr Barber	Mr Dalla-Riva
Ms Hartland (<i>Teller</i>)	Ms Darveniza
Ms Lovell	Mr P.R. Davis
Mr O'Donohue (<i>Teller</i>)	Mr Drum
Ms Pennicuik	Mr Eideh
	Mr Finn
	Mr Guy
	Mr Hall
	Mr Jennings
	Mr Kavanagh
	Mr Koch (<i>Teller</i>)
	Mrs Kronberg
	Mr Leane
	Mr Lenders
	Mr Madden
	Ms Mikakos (<i>Teller</i>)
	Mr Pakula
	Mrs Petrovich
	Mrs Peulich
	Ms Pulford
	Mr Scheffer
	Mr Smith
	Mr Somyurek
	Mr Tee
	Mr Thornley
	Ms Tierney
	Mr Viney
	Mr Vogels

Amendment negatived.

Clause 11 — put and agreed to.

Clause 12 — Question — That Clause 12 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 30	NOES, 6
Mr Atkinson	Mr Barber (<i>Teller</i>)
Ms Broad	Mr D.M. Davis
Mr Dalla-Riva	Ms Hartland
Ms Darveniza	Ms Lovell (<i>Teller</i>)
Mr P.R. Davis	Mr O'Donohue
Mr Drum	Ms Pennicuik
Mr Eideh	

Mr Finn
 Mr Guy
 Mr Hall
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula (*Teller*)
 Mrs Petrovich
 Ms Peulich (*Teller*)
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

Question agreed to.

Clause 13 — put and agreed to.

Clause 14 — Question — That Clause 14 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 30

Mr Atkinson
 Ms Broad
 Mr Dalla-Riva
 Ms Darveniza
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Mrs Petrovich
 Ms Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Thornley (*Teller*)

NOES, 5

Mr Barber
 Ms Hartland (*Teller*)
 Ms Lovell (*Teller*)
 Mr O'Donohue
 Ms Pennicuik

Ms Tierney
Mr Viney
Mr Vogels

Question agreed to.

Clauses 15 to 28 — put and agreed to.

Clause 29 — Ms Pennicuik moved —

9. Clause heading to clause 29, omit "10" and insert "5".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber	Mrs Coote
Mr Dalla-Riva	Ms Darveniza
Mr Drum	Mr P.R. Davis
Mr Finn	Mr Eideh
Mr Guy	Mr Hall
Ms Hartland	Mr Jennings
Mr Kavanagh	Mr Leane
Mrs Kronberg	Mr Lenders
Ms Lovell	Mr Madden
Ms Pennicuik	Mr O'Donohue
Mrs Petrovich	Mr Pakula
Mrs Peulich	Ms Pulford (<i>Teller</i>)
Mr Rich-Phillips (<i>Teller</i>)	Mr Scheffer
Mr Somyurek	Mr Smith
Mr Vogels (<i>Teller</i>)	Mr Tee (<i>Teller</i>)
	Mr Thornley
	Ms Tierney
	Mr Viney

Amendment negatived.

Clause 29 — put and agreed to.

Clauses 30 to 39 — put and agreed to.

Clause 40 — Mr Tee moved —

1. Clause 40, after line 24, insert—

- "(ab) that the surrogate mother's oocyte will not be used in the conception of the child;
- (ac) that the surrogate mother has previously carried a pregnancy and given birth to a live child;"

Question — That the amendment be agreed to — put and agreed to.

Mr Tee moved —

2. Clause 40, page 33, line 7, omit all words and expressions on that line and insert the following—

"with the parties' intentions, including—

- (i) the consequences if the commissioning parent decides not to accept the child once born; and
- (ii) the consequences if the surrogate mother refuses to relinquish the child to the commissioning parent."

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 40, as amended, stand part of the Bill — put and agreed to.

Clauses 41 and 42 — put and agreed to.

Clause 43 — Mr Tee moved —

3. Clause 43, lines 27 and 28, omit "if the surrogate mother's oocyte is to be used in the conception of the child,".

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 43, as amended, stand part of the Bill — put and agreed to.

Clauses 44 to 52 — put and agreed to.**Clause 53** — Ms Pennicuik moved —

13. Clause 53, after line 23 insert—

"(ab) for each donor, the number of persons born as a result of a treatment procedure or artificial insemination using that donor's gametes; and".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 17
Mr Atkinson	Ms Broad (<i>Teller</i>)
Mr Barber	Ms Darveniza
Mrs Coote	Mr P.R. Davis
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy (<i>Teller</i>)	Mr Madden (<i>Teller</i>)
Mr Hall	Ms Mikakos
Ms Hartland	Mr Pakula
Mr Kavanagh	Ms Pulford
Mrs Kronberg	Mr Scheffer
Ms Lovell	Mr Smith
Mr O'Donohue	Mr Tee
Ms Pennicuik	Mr Thornley
Mrs Petrovich (<i>Teller</i>)	Ms Tierney
Mrs Peulich	Mr Viney
Mr Vogels	

Amendment agreed to.

Question — That Clause 53, as amended, stand part of the Bill — put and agreed to.

Clauses 54 to 58 — put and agreed to.**Clause 59** — Ms Pennicuik moved —

14. Clause 59, lines 7 to 27, omit all words and expressions on these lines and insert—

"person if the applicant—

- (a) is an adult; or
 (b) is a child and—
 (i) the person's parent or guardian has consented to the making of the application; or
 (ii) a counsellor has provided counselling to the person and advised the Registrar, in writing, that the person is sufficiently mature to understand the consequences of the disclosure.

- (2) To avoid doubt, this section applies regardless of when the gametes used to conceive the applicant were donated."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13	NOES, 22
Mr Atkinson	Ms Broad
Mr Barber	Mrs Coote
Mr Drum	Ms Darveniza (<i>Teller</i>)

Mr Finn
 Mr Guy
 Ms Hartland
 Mr Kavanagh (*Teller*)
 Mrs Kronberg
 Ms Lovell
 Ms Pennicuik
 Mrs Petrovich (*Teller*)
 Mrs Peulich
 Mr Vogels

Mr P.R. Davis
 Mr Eideh
 Mr Hall
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek (*Teller*)
 Mr Tee
 Mr Thornley
 Ms Tierney
 Mr Viney

Amendment negatived.

Clause 59 — put and agreed to.

Clauses 60 to 152 — put and agreed to.

Progress reported.

2 CORONERS BILL 2008

Clause 55 to 66 — put and agreed to.

Clause 67 — Ms Pennicuik moved —

9. Clause 67, line 25, omit "or the administration of justice" and insert ", the prevention of future deaths or the administration of justice or any other matter relating to the purposes of this Act".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4
 Mr Barber
 Ms Hartland (*Teller*)
 Mr Kavanagh (*Teller*)
 Ms Pennicuik

NOES, 34
 Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden

Ms Mikakos (*Teller*)
 Mr O'Donohue
 Mr Pakula (*Teller*)
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Thornley
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negatived.

Clause 67 — put and agreed to.

Clauses 68 to 71 — put and agreed to.

Clause 72 — Ms Pennicuik moved —

10. Clause 72, after line 17 insert—

- "() If a public statutory authority or entity receives recommendations made by the coroner under subsection (2), the public statutory authority or entity must provide a written response, not later than 3 months after the date of receipt of the recommendations, in accordance with subsection (4).
- () A written response to the coroner by a public statutory authority or entity must specify a statement of action (if any) that has, is or will be taken in relation to the recommendations made by the coroner.
- () The coroner must—
 - (a) publish the response of a public authority or entity on the Internet; and
 - (b) provide a copy of the response to any person—
 - (i) who has advised the principal registrar that they have an interest in the subject of the recommendations; and
 - (ii) who the principal registrar considers to have a sufficient interest in the subject of the recommendations."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 16
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Jennings
Mr D.M. Davis	Mr Leane
Mr P.R. Davis	Mr Madden
Mr Drum	Ms Mikakos
Mr Finn	Mr Pakula
Mr Guy	Ms Pulford
Mr Hall	Mr Scheffer
Ms Hartland	Mr Smith
Mr Kavanagh	Mr Somyurek (<i>Teller</i>)
Mr Koch	Mr Tee
Mrs Kronberg (<i>Teller</i>)	Mr Thornley (<i>Teller</i>)
Mr O'Donohue	Ms Tierney
Ms Pennicuik	Mr Viney
Mrs Petrovich	
Mr Rich-Phillips	
Mr Vogels (<i>Teller</i>)	

Amendment agreed to.

Question — That Clause 72, as amended, stand part of the Bill — put and agreed to.

Clauses 73 to 130 — put and agreed to.

Schedules 1 and 2 — put and agreed to.

Preamble (postponed) — put and agreed to.

Bill reported with amendments.

3 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2008

Clause 1 — Mr Hall moved —

1. Clause 1, page 2, lines 23 and 24, omit subparagraph (i).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21	NOES, 17
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Jennings
Mr D.M. Davis	Mr Leane
Mr P.R. Davis	Mr Lenders
Mr Drum	Mr Madden
Mr Finn	Ms Mikakos
Mr Guy	Mr Pakula
Mr Hall	Ms Pulford
Ms Hartland	Mr Scheffer
Mr Kavanagh	Mr Smith
Mr Koch	Mr Somyurek
Mrs Kronberg (<i>Teller</i>)	Mr Tee
Ms Lovell	Mr Thornley
Mr O'Donohue (<i>Teller</i>)	Ms Tierney (<i>Teller</i>)
Ms Pennicuik	Mr Viney (<i>Teller</i>)
Mrs Petrovich	
Mrs Peulich	
Mr Rich-Phillips	
Mr Vogels	

Amendment agreed to.

Question — That Clause 1, as amended, stand part of the Bill — put and agreed to.

Clause 2 — Consideration of clause postponed.

Clause 3 — Mr Barber moved —

1. Clause 3, page 6, lines 11 to 14, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote (<i>Teller</i>)	Mr Eideh

Mr Dalla-Riva	Mr Jennings
Mr D.M. Davis	Mr Kavanagh
Mr P.R. Davis	Mr Leane
Mr Drum (<i>Teller</i>)	Mr Lenders
Mr Finn	Mr Madden
Mr Guy	Ms Mikakos (<i>Teller</i>)
Mr Hall	Mr Pakula
Ms Hartland	Ms Pulford
Mr Koch	Mr Scheffer (<i>Teller</i>)
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue	Mr Tee
Ms Pennicuik	Mr Thornley
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Vogels	

Amendment agreed to.

Question — That Clause 3, as amended, stand part of the Bill — put and agreed to.

Clause 4 — put and negatived.

Clause omitted.

Clauses 5 to 7 — put and agreed to.

Clause 8 — put and negatived.

Clause omitted.

Clauses 9 to 26 — put and agreed to.

Clauses 27 and 28 — put and negatived.

Clauses omitted.

Clause 29 — Mr Hall moved —

8. Clause 29, lines 18 to 20, omit subsection (1).

9. Clause 29, lines 21 and 22, omit "Sections 32(1)(a) and 32(6) of the **Fisheries Act 1995** are" and insert "Section 32(6) of the **Fisheries Act 1995** is".

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 29, as amended, stand part of the Bill — put and agreed to.

Clauses 30 to 32 — put and negatived.

Clauses omitted.

Clause 33 — Mr Hall moved —

13. Clause 33, lines 4 and 5, omit subsection (1).

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 33, as amended, stand part of the Bill — put and agreed to.

Clause 34 — Mr Hall moved —

14. Clause 34, lines 10 to 12, omit subsection (1).

15. Clause 34, lines 13 and 14, omit subsection (2).

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 34, as amended, stand part of the Bill — put and agreed to.

Clauses 35 to 49 — put and negatived.

Clauses omitted.

Clauses 50 to 73 — put and agreed to.

Clause 74 — Mr Hall moved —

31. Clause 74, lines 22 and 23, omit "50(4), 50(6), 55, 56(1), 56(2), 58(1) and 61(3)" and insert "28(4), 28(6), 33, 34(1), 34(2), 36(1) and 39(3)".

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 74, as amended, stand part of the Bill — put and agreed to.

Clauses 75 to 104 — put and agreed to.

Clause 105 — Mr Hall moved —

32. Clause 105, line 15, omit "88" and insert "66".
33. Clause 105, line 20, omit "88" and insert "66".
34. Clause 105, line 25, omit "90" and insert "68".
35. Clause 105, line 28, omit "90" and insert "68".

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 105, as amended, stand part of the Bill — put and agreed to.

Clauses 106 to 121 — put and agreed to.

Clause 2 (postponed) — Mr Hall moved —

2. Clause 2, line 5, omit "107" and insert "85".
3. Clause 2, line 6, omit "109 to 119" and insert "87 to 97".
4. Clause 2, line 12, omit "107" and insert "85".
5. Clause 2, line 14, omit "109 to 119" and insert "87 to 97".

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 2, as amended, stand part of the Bill — put and agreed to.

Bill reported with amendments.

4 ASSISTED REPRODUCTIVE TREATMENT BILL 2008

Clause heading to clause 153 — Ms Pennicuik moved —

20. Clause heading to clause 153, omit this heading and insert—
"New sections 17A and 17B".

Question — That the amendment be agreed to — put and agreed to.

Question — That the Clause heading, as amended, stand part of the Bill — put and agreed to.

Clause 153 — Ms Pennicuik moved —

21. Clause 153, page 125, line 13, omit 'pregnancy.'" and insert "pregnancy.".

Question — That the amendment be agreed to — put and agreed to.

Mr Jennings moved —

1. Clause 153, page 125, after line 13 insert—

'17B Birth registration of child conceived by a treatment procedure

- (1) If a birth registration statement specifies the child was conceived by a donor treatment procedure, the Registrar must mark the words "donor conceived" against the entry about the child's birth in the Register.
- (2) Subject to subsection (3), when the Registrar issues a certificate certifying particulars contained in an entry about the birth of a person conceived by a donor treatment procedure, the Registrar must attach an addendum to the certificate stating that further information is available about the entry.
- (3) The Registrar must not issue the addendum referred to in (2) to any person other than the person conceived by a donor treatment procedure named in the entry.
- (4) In this section ***donor treatment procedure*** means a donor treatment procedure within the meaning of the **Assisted Reproductive Treatment Act 2008**.".'

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 153, as amended, stand part of the Bill — put and agreed to.

Clauses 154 to 159 — put and agreed to.

Bill reported with amendments.

5 TRANSPORT LEGISLATION AMENDMENT (DRIVER AND INDUSTRY STANDARDS) BILL 2008

Clauses 1 to 18 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 104, 105 and 106

No. 104 — Tuesday, 3 February 2009

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution having fixed this day as the date of meeting.
The President took the Chair and read the Prayer.
- 2 **RESIGNATION OF MEMBER** — The President announced that he had received the following communication:

Friday 9th January, 2009

The Honourable Robert Smith, MLC,
President of the Legislative Council,
Parliament House,
MELBOURNE. 3002

Dear Mr. President,

Resignation of a Member of the Legislative Council

I advise that on 9th January, 2009 I received a letter from Mr. Evan Thornley, resigning his seat in the Legislative Council. A copy of that letter is enclosed for your reference.

Upon my receipt of that letter, Mr. Thornley's seat in the Legislative Council became vacant. I note that, in accordance with section 27A of the *Constitution Act 1975*, a joint sitting of the Council and the Assembly is required to fill this vacancy.

Yours sincerely,

David de Kretser
Governor

* * * * *

Professor David de Kretser AC
Governor of Victoria
Government House
MELBOURNE VIC 3004

9th January 2009

Dear Governor

I hereby resign as a Member of the Legislative Council for the Southern Metropolitan Region.

It has been an honour to represent the people of Victoria.

Yours sincerely

Evan Thornley

Mr Lenders moved, by leave, That this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the vacant seat in the Legislative Council rendered vacant by the resignation of Mr Evan William Thornley and proposes that the time and place of such a meeting be the Legislative Assembly Chamber this day at 6.15 p.m.

Debate ensued.

Question — put and agreed to.

Message sent to the Assembly acquainting them of the Resolution and requesting their agreement.

- 3 ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 11 December 2008, given the Royal Assent to the following Acts presented to him by the Clerk of the Legislative Council:

Assisted Reproductive Treatment Act 2008

Coroners Act 2008

Courts Legislation Amendment (Costs Court and Other Matters) Act 2008

Health Services Legislation Amendment Act 2008

Multicultural Victoria Amendment Act 2008

Professional Standards and Legal Profession Acts Amendment Act 2008

Prostitution Control and Other Matters Amendment Act 2008

Salaries Legislation Amendment (Salary Sacrifice) Act 2008

State Taxation Acts Further Amendment Act 2008

Transport Legislation Amendment (Driver and Industry Standards) Act 2008.

- 4 MESSAGES FROM THE ASSEMBLY** — The President announced the receipt of Messages from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in the following Bills:

Coroners Bill 2008

Assisted Reproductive Treatment Bill 2008.

- 5 ASSISTED REPRODUCTIVE TREATMENT BILL 2008 AND HEALTH SERVICES LEGISLATION AMENDMENT BILL 2008** — The President announced that he had received a report from the Clerk of the Parliaments notifying that he had made the following corrections in the following Bills:

Assisted Reproductive Treatment Bill 2008 —

In clause 153, in new section 17B(3) “subsection” has been inserted before “(2)” so that 17B(3) begins “The Registrar must not issue the addendum referred to in subsection (2)...”.

Health Services Legislation Amendment Bill 2008 —

In clause 6(3), in the reference to the *Health Services Act 1998*, “1998” has been deleted and “1988” has been inserted so that the title of the Act is correct.

- 6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 7 JOINT SITTING — CASUAL COUNCIL VACANCY** — The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to meet the Council to choose a person to hold the vacant seat in the Legislative Council rendered vacant by the resignation of Mr Evan Thornley, and, as proposed by the Council, that the place and time of the Joint Sitting be the Assembly Chamber this day at 6.15 p.m.

8 PETITIONS —

FRANKSTON PARAMEDIC TEAMS — Mr O'Donohue presented a Petition bearing 445 signatures from certain citizens of Victoria requesting that the Government retains the double responder Frankston MICA 6 paramedic teams.

Ordered to lie on the Table.

* * * * *

PUBLIC TRANSPORT — NUNAWADING BUS SERVICE — Mr Atkinson presented a Petition bearing 238 signatures from certain citizens of Victoria requesting that (1) the Minister for Public Transport abandons plans to remove or replace the bus stop at the corner of Station Street and Springvale Road, Nunawading, forcing users of the service to cross Springvale Road to access Nunawading Railway Station; and (2) the Nunawading to Chelsea 888/889 SmartBus service continues to operate along Station Street, Nunawading to Mount Pleasant Road, on to Heather Grove and then turn left into Springvale Road, as it has done for the last 35 years.

Ordered to lie on the Table.

* * * * *

DECRIMINALISATION OF ABORTION — Mr Atkinson presented a Petition bearing 196 signatures from certain citizens of Victoria requesting that the Legislative Council vote against amendments to the Crimes Act 1958 that will decriminalise abortion in Victoria.

Ordered to lie on the Table.

* * * * *

HOON DRIVING IN HAMPTON PARK — Mrs Peulich presented a Petition bearing 27 signatures from certain citizens of Victoria requesting that the State Government combat hoon driving in Hampton Park with an increased visible police presence and by imposing the same penalties as for drunk and drug affected drivers.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

PLANNING POLICIES — Mrs Peulich presented a Petition bearing 21 signatures from certain citizens of Victoria requesting that the Brumby Government and Minister for Planning scrap Labor's new planning policies which will cram more high rise into local streets, aggravate traffic congestion and open the planning system to possible abuse and corruption.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

9 PAPERS —

VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS REPORT — Mr Madden moved, by leave, That there be laid before this House a copy of the Victorian Government Indigenous Affairs Report, 2007-08.

Question — put and agreed to.

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

* * * * *

EDUCATION AND TRAINING COMMITTEE — Mr Elasmr presented a Report from the Education and Training Committee on the Inquiry into Effective Strategies for Teacher Professional Learning (including Appendices), together with Transcripts of Evidence.

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

Mr Elasmr moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 1 of 2009 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

* * * * *

ROAD SAFETY COMMITTEE — IMPROVING SAFETY AT LEVEL CROSSINGS — Pursuant to section 35(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk presented a Report from the Road Safety Committee on Improving Safety at Level Crossings (including Appendices), together with Transcripts of Evidence.

* * * * *

AUDITOR-GENERAL — PREPAREDNESS TO RESPOND TO TERRORISM INCIDENTS: ESSENTIAL SERVICES AND CRITICAL INFRASTRUCTURE REPORT — Pursuant to section 16AB(5)(c) of the *Audit Act 1994*, the Clerk presented a copy of the Auditor-General's Report on Preparedness to Respond to Terrorism Incidents: Essential services and critical infrastructure.

* * * * *

LAW REFORM COMMISSION — LAW OF ASSISTANCE ANIMALS FINAL REPORT — Pursuant to section 21A(2)(c) of the *Victorian Law Reform Commission Act 2000*, the Clerk presented a copy of the Victorian Law Reform Commission's Final Report on the Law of Assistance Animals.

* * * * *

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 (Extra-Territorial) Order 2008, pursuant to section 8(3) of the Act.

Border Groundwaters Agreement Review Committee — Report, 2007-08.

Coastal Management Act 1995 — Victorian Coastal Strategy 2008, pursuant to section 19 of the Act.

Crown Land (Reserves) Act 1978 —

Minister's Order of 27 November 2008 giving approval to the granting of a lease at Sandringham Beach Park Reserve.

Minister's Order of 11 December 2008 giving approval to the granting of a lease at Mordialloc-Mentone Beach Park Reserve.

First Mildura Irrigation Trust — Report for the period 1 July 2007 to 19 August 2008.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to Statutory Rules Nos. 99, 165 and 166.

Land Acquisition and Compensation Act 1986 — Minister's Certificate of 15 December 2008 pursuant to section 7(4) of the Act.

Major Events (Aerial Advertising) Act 2007 — Minister's Order of 11 December 2008 in relation to cricket matches.

Major Events (Crowd Management) Act 2003 — Minister's Order of 16 December 2008 declaring a Managed Access Area pursuant to section 7 of the Act.

Medical Practitioners Board of Victoria — Report for the year ended 30 September 2008.

Murray-Darling Basin Commission — Report, 2007-08.

Parliamentary Committees Act 2003 —

Government Response to the Road Safety Committee's Report on the Inquiry into Vehicle Safety.

Government Response to the Rural and Regional Committee's Report on the Inquiry into Rural and Regional Tourism.

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

Ballarat Planning Scheme — Amendments C102 and C130.

Banyule Planning Scheme — Amendments C54 and C62.

Bass Coast Planning Scheme — Amendment C59.

- Baw Baw Planning Scheme — Amendment C60.
Bayside Planning Scheme — Amendment C74.
Boroondara Planning Scheme — Amendments C85 and C89.
Campaspe Planning Scheme — Amendments C56 and C65.
Cardinia Planning Scheme — Amendment C105 (Part 2).
Casey Planning Scheme — Amendment C106.
Central Goldfields Planning Scheme — Amendment C18.
Corangamite Planning Scheme — Amendment C22.
Darebin Planning Scheme — Amendments C94 and C97.
Frankston Planning Scheme — Amendments C24 and C45.
Gannawarra Planning Scheme — Amendments C17, C21 and C22.
Glenelg Planning Scheme — Amendment C42.
Golden Plains Planning Scheme — Amendments C29 and C39.
Greater Dandenong Planning Scheme — Amendment C97.
Greater Geelong Planning Scheme — Amendments C17, C118, C119, C138, C139, C148, C154 Part 1, C160, C161 and C170.
Greater Shepparton Planning Scheme — Amendments C90 and C120.
Hobsons Bay Planning Scheme — Amendments C33 and C62 Part 1.
Horsham Planning Scheme — Amendment C25 (Part 1).
Hume Planning Scheme — Amendment C98.
Kingston Planning Scheme — Amendments C75, C77 and C107.
Loddon Planning Scheme — Amendment C16.
Manningham Planning Scheme — Amendments C72 and C80.
Maroondah Planning Scheme — Amendments C65, C72 and C73.
Melbourne Planning Scheme — Amendments C105 and C147.
Mitchell Planning Scheme — Amendments C52 and C63.
Moirra Planning Scheme — Amendments C39 and C47.
Monash Planning Scheme — Amendments C59, C73 and C84.
Moonee Valley Planning Scheme — Amendment C86.
Mornington Peninsula Planning Scheme — Amendment C108.
Port Phillip Planning Scheme — Amendments C76 and C100.
Pyrenees Planning Scheme — Amendments C19 and C20.
South Gippsland Planning Scheme — Amendments C9 (Part 2) and C41.
Stonnington Planning Scheme — Amendments C64, C87, C92, C99 and C110.
Strathbogie Planning Scheme — Amendment C43.
Swan Hill Planning Scheme — Amendments C27, C29 and C30.
Victoria Planning Provisions — Amendments VC50 and VC52.
Wellington Planning Scheme — Amendment C46.
West Wimmera Planning Scheme — Amendment C17.
Whitehorse Planning Scheme — Amendments C78, C80, C107 and C116.
Whittlesea Planning Scheme — Amendment C72.
Wodonga Planning Scheme — Amendment C57.
Wyndham Planning Scheme — Amendments C83, C108, C113 and C119.
Yarra Ranges Planning Scheme — Amendment C43.
- Rail Safety Act 2006 — Notice specifying the procedure to be followed in assessing drug impairment.
- State Services Authority — The State of the Public Sector in Victoria, 2007-08.
- Statutory Rules under the following Acts of Parliament:
- Accident Towing Services Act 2007 — No. 169/2008.
 - Charter of Human Rights and Responsibilities Act 2006 — No. 163/2008.
 - Dangerous Goods Act 1985 — No. 166/2008.
 - Family Violence Protection Act 2008 — Nos. 153 and 156/2008.
 - Gas Safety Act 1997 — Nos. 164 and 165/2008.
 - Health Act 1958 — Nos. 159 and 160/2008.
 - Magistrates' Court Act 1989 — No. 157/2008.
 - Metropolitan Fire Brigades Act 1958 — No. 155/2008.

- Prevention of Cruelty to Animals Act 1986 — No. 162/2008.
 Radiation Act 2005 — No. 167/2008.
 Road Safety Act 1986 — Nos. 161, 168 and 170/2008.
 Supreme Court Act 1986 — Nos. 149, 150 and 151/2008.
 Stalking Intervention Orders Act 2008 — No. 152/2008.
 Victorian Energy Efficiency Target Act 2007 — No. 158/2008.
 Victorian Workers' Wages Protection Act 2007 — No. 154/2008.
 Subordinate Legislation Act 1994 —
 Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule No. 169/2008.
 Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 92, 149, 150, 151, 156 and 157/2008.
 Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 99, 146, 152, 153, 155, 159, 161, 163, 166, 168 and 170/2008.
 Victorian Electoral Commission — Report on the Kororoit District By-election held on 28 June 2008.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Building Amendment Act 2008 — Sections 1, 2 and 16 to 25 — 1 January 2009 (*Gazette No. G51, 18 December 2008*).
- Courts Legislation Amendment (Associate Judges) Act 2008 — 17 December 2008 (*Gazette No. S377, 16 December 2008*).
- Dangerous Goods Amendment (Transport) Act 2008 — 1 January 2009 — (*Gazette No. G51, 18 December 2008*).
- Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008 — Section 39 — 18 January 2009 (*Gazette No. G51, 18 December 2008*).
- Family Violence Protection Act 2008 — remaining provisions except for Part 15 — 8 December 2008 (*Gazette No. S339, 4 December 2008*).
- Police Integrity Act 2008 — Remaining provisions — 5 December 2008 (*Gazette No. S340, 4 December 2008*).
- Public Health and Wellbeing Act 2008 — Part 1 and Sections 246, 249, 254, 255, 263, 264, 265 and 266 — 1 January 2009 (*Gazette No. S365, 12 December 2008*).
- Racing and Gambling Legislation Amendment Act 2008 — other than Section 29 — 1 January 2009 (*Gazette No. G51, 18 December 2008*).
- Stalking Intervention Orders Act 2008 — 8 December 2008 (*Gazette No. S339, 4 December 2008*).
- Water (Commonwealth Powers) Act 2008 — Part 1 and Part 2 — 4 December 2008 (*Gazette No. S336, 4 December 2008*); Remaining provisions — 15 December 2008 (*Gazette No. S358, 11 December 2008*).

10 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 4 February 2009:

- (1) Notice of Motion No. 53, standing in the name of Mr Barber, relating to the production of certain public transport tender documents; and
- (2) the Notice of Motion given this day by Mr Koch relating to metropolitan and regional public transport services.

Question — put and agreed to.

11 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

12 BUSINESS POSTPONED —

Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

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

- 13 FUNDRAISING APPEALS AND CONSUMER ACTS AMENDMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 14 JOINT SITTING — CASUAL COUNCIL VACANCY** — The President announced that the time had arrived for the Council to meet the Assembly in the Assembly Chamber to choose a person to hold the vacant seat in the Legislative Council rendered vacant by the resignation of Mr Evan William Thornley.
Accordingly, the Council then proceeded to the Assembly Chamber, and having returned —
The President reported that at the Joint Sitting, Ms Jennifer Huppert was chosen to hold the vacant seat in the Legislative Council rendered vacant by the resignation of Mr Evan William Thornley.
- 15 DECLARATION OF ALLEGIANCE** — Ms Jennifer Huppert having been introduced, approached the Table and took and subscribed the Affirmation required by law.
The President attested the Roll.
- 16 RELATIONSHIPS AMENDMENT (CARING RELATIONSHIPS) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 17 CRIMES LEGISLATION AMENDMENT (FOOD AND DRINK SPIKING) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 18 RESOURCES INDUSTRY LEGISLATION AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Mineral Resources (Sustainable Development) Act 1990 to provide for extractive industries, to repeal the Extractive Industries Development Act 1995, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Madden (for Mr Pakula), the Bill was read a first time and ordered to be read a second time on the next day of meeting.
Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —
- 19 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.
And then the Council, at 10.42 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 105 — Wednesday, 4 February 2009

- 1 The President took the Chair and read the Prayer.
- 2 **ACTING PRESIDENTS** — The President laid on the Table the following Warrant nominating additional Acting Presidents:

LEGISLATIVE COUNCIL
VICTORIA

Pursuant to the provisions of Standing Order 2.12 of the Legislative Council, I do hereby nominate —

Ms Jaala Pulford

Mr Khalil Eideh

to be Acting Presidents whenever requested to do so by the President or Deputy President.

Given under my hand this fourth day of February 2009.

ROBERT F. SMITH

President of the Legislative Council

- 3 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — The President announced that he had received a letter from Mr Pakula resigning from the Public Accounts and Estimates Committee.

4 **PAPERS** —

ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2009 — Mr Lenders moved, by leave, That there be laid before this House a copy of the Annual Statement of Government Intentions for 2009.

Question — put and agreed to.

The said Statement was presented by Mr Lenders and ordered to lie on the Table.

On the motion of Mr Lenders, the Statement was ordered to be taken into consideration on the next day of meeting.

* * * * *

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

Auditor-General — Report on Literacy and Numeracy Achievement, February 2009.

- 5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

6 **PRODUCTION OF DOCUMENTS** — Mr Barber moved, That this House —

- (1) notes the refusal of the Government to comply fully with the Resolution of the Council of 15 October 2008 to table the Public Transport Tender Documents specified in that Resolution on the grounds of Executive Privilege;
- (2) is of the firm opinion that the Council is fully entitled to scrutinize the activities of the Executive and demand accountability for all aspects of Executive behaviour;
- (3) rejects the Government's claim of Executive Privilege in relation to the documents not produced and notes with great concern the Government's apparent belief that it is not accountable to the Parliament of Victoria;
- (4) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 15 October 2008; and
- (5) demands that the Leader of the Government comply fully with the Resolution of the Council of 15 October 2008 and lodge the following documents with the Clerk by 2.00 pm on Tuesday, 24 February 2009 —
 - (a) Tender Returnables – Melbourne Metropolitan Train Franchise;
 - (b) Tender Returnables – Melbourne Metro Tram Franchise;
 - (c) Melbourne Metropolitan Train Franchise Interactive Tender Guide for ITT process;

- (d) Melbourne Metropolitan Tram Franchise Interactive Tender Guide for ITT process.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Barber (<i>Teller</i>)	Ms Broad
Mrs Coote	Ms Darveniza
Mr Dalla-Riva	Mr Eideh (<i>Teller</i>)
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Ms Huppert
Mr Drum	Mr Jennings
Mr Finn	Mr Leane (<i>Teller</i>)
Mr Guy (<i>Teller</i>)	Mr Lenders
Mr Hall	Ms Mikakos
Ms Hartland	Mr Pakula
Mr Kavanagh	Ms Pulford
Mr Koch	Mr Scheffer
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue	Mr Tee
Ms Pennicuik	Mr Theophanous
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

- 7 PUBLIC TRANSPORT SERVICES** — Mr Koch moved, That this House expresses serious concern at the State Government's mismanagement of both metropolitan and regional public transport services and in particular the impact on commuters of the loss of train services and the cancelling of scheduled services, and notes with concern the frustration experienced by commuters and the impact of the State Government's mismanagement of public transport services on businesses and families and the State Government's failure to maintain and renew critical infrastructure over its almost decade in government.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 9 PUBLIC TRANSPORT SERVICES** — Debate continued on the question, That this House expresses serious concern at the State Government's mismanagement of both metropolitan and regional public transport services and in particular the impact on commuters of the loss of train services and the cancelling of scheduled services, and notes with concern the frustration experienced by commuters and the impact of the State Government's mismanagement of public transport services on businesses and families and the State Government's failure to maintain and renew critical infrastructure over its almost decade in government.

Question — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert

Mr Drum	Mr Jennings
Mr Finn	Mr Leane
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland	Mr Pakula
Mr Kavanagh	Ms Pulford
Mr Koch (<i>Teller</i>)	Mr Scheffer
Mrs Kronberg (<i>Teller</i>)	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue	Mr Tee (<i>Teller</i>)
Ms Pennicuik	Mr Theophanous (<i>Teller</i>)
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

10 BUSINESS POSTPONED — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

11 SERIOUS SEX OFFENDERS MONITORING AMENDMENT BILL 2009 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Serious Sex Offenders Monitoring Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Dalla-Riva, the debate was adjourned until later this day.

12 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

13 RESOURCES INDUSTRY AMENDMENT BILL 2008 — Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned until the next day of meeting.

14 ADJOURNMENT — Mr Pakula moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.18 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 106 — Thursday, 5 February 2009

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — BAYSIDE PLANNING SCHEME** — Ms Pennicuik presented a Petition bearing 166 signatures from certain citizens of Victoria requesting that the Minister for Planning authorise Amendment C58 to the Bayside Planning Scheme to enable statutory procedures for public exhibition and independent panel review of the amendment proposals to be commenced.
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:
Gambling Regulation Act 2003 — Report of the Gambling and Lotteries Licence Review Panel to the Minister for Gaming in Relation to the Review of the Second Phase of the Regulatory Structure and Associated Arrangements for the Operation of Gaming Machines, Wagering, Approved Betting Competitions and Club Keno and the Funding of the Racing Industry that are to apply after 2012.
A Statutory Rule under the Crimes Act 1958 — No. 1.
- 4 **SITTING OF THE COUNCIL** — Mr Pakula moved, That the Council, at its rising, adjourn until Tuesday, 24 February 2009.
Question — put and agreed to.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 6 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 7 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 1 to 8 inclusive, be postponed until the next day of meeting.
- 8 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Madden (for Mr Lenders) moved, That Ms Huppert be a member of the Public Accounts and Estimates Committee.
Debate ensued.
Question — put.
The Council divided — The President in the Chair.

AYES, 34

NOES, 4

Mr Atkinson
Ms Broad (*Teller*)
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Ms Huppert
Mr Koch
Mrs Kronberg
Mr Leane
Ms Lovell
Mr Madden
Ms Mikakos

Mr Barber
Ms Hartland
Mr Kavanagh (*Teller*)
Ms Pennicuik (*Teller*)

Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich (*Teller*)
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney
 Mr Vogels

Question agreed to.

- 9 ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2009** — Mr Pakula moved, That the Council take note of the Annual Statement of Government Intentions for 2009.

Debate ensued.

On the motion of Ms Mikakos, the debate was adjourned until later this day.

- 10 SERIOUS SEX OFFENDERS MONITORING BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 12 SERIOUS SEX OFFENDERS MONITORING BILL 2009** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 13 MAJOR CRIME LEGISLATION AMENDMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 14 ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2009** — Debate resumed on the question, That the Council take note of the Annual Statement of Government Intentions for 2009.

On the motion of Mr Viney, the debate was adjourned until the next day of meeting.

- 15 EQUAL OPPORTUNITY AMENDMENT (GOVERNANCE) BILL 2008** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Equal Opportunity Act 1995 to alter the governance and complaint-handling arrangements for the Victorian Equal Opportunity and Human Rights Commission and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

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

On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.

16 CRIMINAL PROCEDURE BILL 2008 — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to provide for procedures for the initiation and conduct of criminal proceedings and appeals in criminal proceedings, to amend the Crimes Act 1958, the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, the Magistrates' Court Act 1989, the Children, Youth and Families Act 2005, the Sentencing Act 1991 and the Appeal Costs Act 1998 and to repeal the Crimes (Criminal Trials) Act 1999 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

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

On the motion of Mr Koch (for Mr Rich-Phillips), the debate was adjourned for one week.

17 ADJOURNMENT — Mr Jennings moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Sessional Orders.

And then the Council, at 5.41 p.m., adjourned until Tuesday, 24 February 2009.

W.R. TUNNECLIFFE
Clerk of the Legislative Council



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 107, 108 and 109

No. 107 — Tuesday, 24 February 2009

- 1 The President took the Chair and read the Prayer.
- 2 **VICTORIAN BUSHFIRES** — Mr Lenders moved, by leave, That this House —
 - (1) extends its condolences and deepest sympathy to the families and loved ones of those killed in the recent bushfires;
 - (2) grieves for those who suffered injury, and who lost their homes, property and personal possessions;
 - (3) praises the work of fire fighters and emergency services personnel from Victoria, other parts of Australia and overseas for their courage and sacrifice in fighting the fires and protecting our community;
 - (4) expresses its deep gratitude to the many volunteers and community members who have supported friends, neighbours and communities at this time of great need;
 - (5) sincerely thanks the people of Australia for their incredible generosity and support to the affected communities, particularly through the Bushfire Appeal Fund; and
 - (6) pledges to work with communities and all levels of Government to rebuild fire affected communities at the earliest opportunity.

Debate ensued.

On the motion of Mr P.R. Davis, the debate was adjourned until the next day of meeting.

- 3 **BUSINESS OF THE COUNCIL** — Mr Viney moved, by leave, That so much of the Standing and Sessional Orders be suspended as necessary to enable —
 - (1) the only business to be transacted on Wednesday, 25 February 2009 to be the resumption of debate on the condolence motion for the victims of the Victorian bushfires; and
 - (2) the following business to be taken on Thursday, 26 February 2009 —
 - (a) Messages;
 - (b) Formal Business;
 - (c) Members' Statements;
 - (d) Statements on Reports and Papers;
 - (e) Government Business;
 - (f) Answers to Questions on Notice; and
 - (g) Adjournment.

Debate ensued.

Question — put and agreed to.

4 ADJOURNMENT — Mr Pakula moved, That the House do now adjourn.
And then the Council, at 6.13 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 108 — Wednesday, 25 February 2009

1 The President took the Chair and read the Prayer.

2 VICTORIAN BUSHFIRES — Debate resumed on the question, That this House —

- (1) extends its condolences and deepest sympathy to the families and loved ones of those killed in the recent bushfires;
- (2) grieves for those who suffered injury, and who lost their homes, property and personal possessions;
- (3) praises the work of fire fighters and emergency services personnel from Victoria, other parts of Australia and overseas for their courage and sacrifice in fighting the fires and protecting our community;
- (4) expresses its deep gratitude to the many volunteers and community members who have supported friends, neighbours and communities at this time of great need;
- (5) sincerely thanks the people of Australia for their incredible generosity and support to the affected communities, particularly through the Bushfire Appeal Fund; and
- (6) pledges to work with communities and all levels of Government to rebuild fire affected communities at the earliest opportunity.

Question — put and agreed to unanimously with Members standing in their places.

3 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.
And then the Council, at 2.42 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 109 — Thursday, 26 February 2009

1 The President took the Chair and read the Prayer.

2 ASSENT TO ACTS — The President read a Message from the Governor informing the Council that he had, on 10 February 2009, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

Crimes Legislation Amendment (Food and Drink Spiking) Act 2009

Fundraising Appeals and Consumer Acts Amendment Act 2009

Major Crime Legislation Amendment Act 2009

Relationships Amendment (Caring Relationships) Act 2009

Serious Sex Offenders Monitoring Amendment Act 2009.

3 PETITIONS —

FRANKSTON PARAMEDIC TEAMS — Mr O'Donohue presented a Petition bearing 40 signatures from certain citizens of Victoria requesting that the Government retains the double responder Frankston MICA 6 paramedic teams.

Ordered to lie on the Table.

* * * * *

CAREFUL COBBER PROGRAM — Ms Lovell presented a Petition bearing 41 signatures from certain citizens of Victoria requesting that the Government immediately reinstate funding for the Careful Cobber Program.

Ordered to lie on the Table.

NORTH-SOUTH PIPELINE — Ms Lovell presented a Petition bearing 151 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the construction of the North-South pipeline.

Ordered to lie on the Table.

4 PAPERS —

COUNTY COURT OF VICTORIA — Mr Madden presented, by command of the Governor, the Report of the County Court of Victoria for the year 2007-08.

The said Report was presented by Mr Madden and ordered to lie on the Table.

* * * * *

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION —

Mr Rich-Phillips presented a report from the Standing Committee on Finance and Public Administration on Departmental and Agency Performance and Operations — VicForests' Performance for 2007-08 (including Appendices).

Ordered to lie on the Table and to be printed.

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Ms Pulford presented Alert Digest No. 2 of 2009 from the Scrutiny of Acts and Regulations Committee (including 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:

Confiscation Act 1997 — Report, 2007-08, from the Chief Commissioner of Police pursuant to section 139A of the Act.

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2008.

Financial Management Regulations 2004 — Order in Council of 16 February 2009 authorising the Royal Commission into the Victorian bushfires of late January and February 2009 to incur expenses and obligations.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to Statutory Rule Nos. 158 and 162/2008.

Legal Profession Act 2004 — Practitioner Remuneration Order 2009.

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2008.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2008.

Parliamentary Committees Act 2003 — Government Response to the Family and Community Development Committee's Report on the Involvement of Small and Medium Size Business in Corporate Social Responsibility.

Parliamentary Contributory Superannuation Fund — Actuarial Investigation as at 30 June 2008.

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

Casey Planning Scheme — Amendment C99.

Frankston Planning Scheme — Amendment C52.

Hobsons Bay Planning Scheme — Amendment C58.

Kingston Planning Scheme — Amendment C94.

Knox Planning Scheme — Amendment C45.

Mildura Planning Scheme — Amendment C49.

Monash Planning Scheme — Amendment C83.

Moonee Valley Planning Scheme — Amendments C80 and C88.
 Wellington Planning Scheme — Amendment C35 Part 2.
 Whitehorse Planning Scheme — Amendments C84 and C105.
 Whittlesea Planning Scheme — Amendments C32 and C114.
 Wyndham Planning Scheme — Amendment C95.

Prevention of Cruelty to Animals Act 1986 — Code of Practice for the responsible breeding of animals with heritable defects that cause disease.

Statutory Rules under the following Acts of Parliament:

Education and Training Reform Act 2006 — No. 6.

Fisheries Act 1995 — Nos. 2 and 3.

Gas Industry Act 2001 — No. 9.

Infringements Act 2006 — No. 4.

Melbourne City Link Act 1995 — No. 7.

Police Regulation Act 1958 — No. 13.

Residential Tenancies Act 1997 — No. 12.

Subordinate Legislation Act 1994 — Nos. 5 and 8.

Unclaimed Money Act 2008 — No. 11.

Wildlife Act 1975 — No. 10.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 4, 7, 9, 10 and 13.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

Education and Training Reform Further Amendment Act 2008 — Sections 4 to 16, 18 to 20, 24, 31, 33, 37, 40 and 42 — 29 January 2009 (*Gazette No. S16, 29 January 2009*).

Fisheries Amendment Act 2007 — Sections 3(2), 7, 8 and 9(2) — 2 March 2009 (*Gazette No. G6, 5 February 2009*).

Health Services Legislation Amendment Act 2008 — Sections 6, 7, 8, 9, 11, 12, 13 and 14 and Part 4 — 31 March 2009 (*Gazette No. G8, 19 February 2009*).

5 SITTING OF THE COUNCIL — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 10 March 2009.

Question — put and agreed to.

6 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

Mr Viney moved, by leave, That the number of Members' Statements be increased for today so as to enable all Members who wish to make a Statement to do so.

Question — put and agreed to.

Further statements were made by Members.

7 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

8 VICTORIA LAW FOUNDATION BILL 2008 — Bill committed to a Committee of the whole. House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

9 RESOURCES INDUSTRY LEGISLATION AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 10 LIQUOR CONTROL REFORM AMENDMENT (ENFORCEMENT) BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Liquor Control Reform Act 1998 to strengthen enforcement powers and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Pakula (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 11 CRIMINAL PROCEDURE BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Mr Rich-Phillips announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 12 DUTIES AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 13 LIQUOR CONTROL REFORM AMENDMENT (ENFORCEMENT) BILL 2008** — Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Guy, the debate was adjourned for one week.

- 14 ANSWERS TO QUESTIONS** — Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 15 FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — The President announced that he had received a letter from Mr Somyurek resigning from the Family and Community Development Committee.

- 16 ADJOURNMENT** — Mr Lenders moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 5.31 p.m., adjourned until Tuesday, 10 March 2009.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 107, 108 and 109

Thursday, 26 February 2009

1 VICTORIA LAW FOUNDATION BILL 2008

Clauses 1 to 4 — put and agreed to.

Clause 5 — Mr Rich-Phillips moved —

1. Clause 5, page 5, after line 11 insert—

- "(iii) community and professional education about the law and the legal system;
- (iv) the administration of justice;".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber (<i>Teller</i>)	Mr Eideh
Mrs Coote	Mr Elasmar
Mr Dalla-Riva	Ms Huppert
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Leane
Mr Drum	Mr Lenders
Mr Finn	Mr Madden
Mr Guy (<i>Teller</i>)	Ms Mikakos
Mr Hall	Mr Pakula
Ms Hartland	Ms Pulford
Mr Kavanagh	Mr Scheffer
Mr Koch	Mr Smith
Mrs Kronberg	Mr Somyurek (<i>Teller</i>)
Ms Lovell	Mr Tee (<i>Teller</i>)
Mr O'Donohue	Mr Theophanous
Ms Pennicuik	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Amendment agreed to.

Question — That Clause 5, as amended, stand part of the Bill — put and agreed to.

Clause 6 — put and agreed to.

Clause 7 — Mr Madden moved —

1. Clause 7, lines 2 to 18, omit all words and expressions on these lines and insert—

- "() The Foundation consists of not less than 6 and not more than 8 members (of whom 4 must be lawyers) appointed by the Minister of whom—
 - (a) one is to be appointed on the nomination of the Chief Justice of the Supreme Court; and
 - (b) one is to be appointed on the nomination of the Law Institute of Victoria; and
 - (c) one is to be appointed on the nomination of the Victorian Bar; and
 - (d) one is to be appointed on the nomination of the Federation of Community Legal Centres (Vic.) Inc; and

- (e) up to 4 are to be appointed by the Minister having regard to the need for the Foundation collectively to have experience and skills in, and knowledge of, the following areas—
- (i) the law, legal research or community legal education;
 - (ii) management of community organisations, not-for-profit organisations or bodies corporate;
 - (iii) financial management;
 - (iv) grants administration;
 - (v) marketing, communications and publishing."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21	NOES, 17
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Ms Huppert	Mr Drum
Mr Jennings	Mr Finn (<i>Teller</i>)
Mr Leane	Mr Guy
Mr Lenders	Mr Hall
Mr Madden	Mr Kavanagh
Ms Mikakos	Mr Koch
Mr Pakula	Mrs Kronberg
Ms Pennicuik	Ms Lovell
Ms Pulford (<i>Teller</i>)	Mr O'Donohue
Mr Scheffer (<i>Teller</i>)	Mrs Peulich
Mr Smith	Mr Rich-Phillips
Mr Somyurek	Mr Vogels (<i>Teller</i>)
Mr Tee	
Mr Theophanous	
Ms Tierney	
Mr Viney	

Amendment agreed to.

Mr Rich-Phillips moved further amendment No. 1 —

1. Clause 7, lines 19 to 21, omit subclause (3) and insert—
"() The nominee of the Chief Justice is the Chairperson of the Foundation."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber	Mr Eideh (<i>Teller</i>)
Mrs Coote	Mr Elasmarr
Mr Dalla-Riva	Ms Huppert (<i>Teller</i>)
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Leane
Mr Drum (<i>Teller</i>)	Mr Lenders
Mr Finn	Mr Madden
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Ms Hartland	Ms Pulford
Mr Kavanagh	Mr Scheffer
Mr Koch	Mr Smith
Mrs Kronberg	Mr Somyurek
Ms Lovell	Mr Tee
Mr O'Donohue (<i>Teller</i>)	Mr Theophanous

Ms Pennicuik
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

Ms Tierney
Mr Viney

Amendment agreed to.

Question — That Clause 7, as amended, stand part of the Bill — put and agreed to.

Clause 8 — Mr Rich-Phillips moved further amendment No. 2 —

2. Clause 8, page 8, lines 4 and 5, omit this paragraph.

Question — That the amendment be agreed to — put and agreed to.

Mr Rich-Phillips moved further amendment No. 3 —

3. Clause 8, page 8, after line 11 insert—

"() A member may resign by writing delivered to the Chairperson.

() The Minister must as soon as practicable after a nominated member referred to in section 7(1)(a), (b), (c) or (d) resigns or is removed from office appoint a replacement member on the nomination of the person or body who nominated the former member."

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 8, as amended, stand part of the Bill — put and agreed to.

Clauses 9 to 14 — put and agreed to.

Bill reported with amendments.

2 RESOURCES INDUSTRY LEGISLATION AMENDMENT BILL 2008

Clauses 1 to 59 — put and agreed to.

Bill reported without amendment.

3 CRIMINAL PROCEDURE BILL 2008

Clause 1 — Mr Rich-Phillips moved —

1. Clause 1, page 2, lines 6 to 8, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis (*Teller*)
Mr Drum
Mr Finn
Mr Guy
Mr Hall
Mr Kavanagh
Mr Koch
Mrs Kronberg (*Teller*)
Ms Lovell
Mr O'Donohue
Mrs Peulich

NOES, 21

Mr Barber
Ms Broad
Mr Eideh
Mr Elasmarr
Ms Hartland (*Teller*)
Ms Huppert
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Mr Pakula
Ms Pennicuik
Ms Pulford (*Teller*)
Mr Scheffer

Mr Rich-Phillips
Mr Vogels

Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Ms Tierney
Mr Viney

Amendment negatived.
Clause 1 — put and agreed to.

Clauses 2 to 258 — put and agreed to.

Clause 259 — Ms Pennicuik moved —

1. Clause 259, page 208, line 13, omit ", in order".

Question — That the amendment be agreed to — put and negatived.
Clause 259 — put and agreed to.

Clauses 260 to 385 — put and agreed to.

Schedules 1 to 3 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 110, 111 and 112

No. 110 — Tuesday, 10 March 2009

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - On 3 March 2009 —
Resources Industry Legislation Amendment Act 2009.
 - On 10 March 2009 —
Criminal Procedure Act 2009.
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITIONS** —
REDEVELOPMENT OF 16 SUSAN STREET, ALBION — Mr Finn presented a Petition bearing 104 signatures from certain citizens of Victoria requesting that the Government cancel the proposed demolition plans for 16 Susan Street, Albion, and that an alternative Lead Tenant House be looked into by the Department of Human Services, which will not be a burden on taxpayers' funds.
Ordered to lie on the Table.
On the motion of Mr Finn, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

ASSISTED REPRODUCTIVE TREATMENT — Mrs Kronberg presented a Petition bearing 8 signatures from certain citizens of Victoria requesting that the Legislative Council reject the Government's misguided Assisted Reproductive Treatment laws which fail to protect the best interests of all children as required by the international covenants to which Australia is a signatory.

Ordered to lie on the Table.

- 5 **PAPERS** —
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 3 of 2009 from the Scrutiny of Acts and Legislation Committee (including Appendices).

Ordered to lie on the Table and to be printed.

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

Drugs, Poisons and Controlled Substances Act 1981 — Poisons Code, Minister's Notices of 5 November 2008 and 4 March 2009 regarding the amendment, commencement and availability of the Poisons Code and Standard for the Uniform Scheduling of Drugs and Poisons No. 23.

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2008.

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

Brimbank Planning Scheme — Amendment C70.

East Gippsland Planning Scheme — Amendment C66.

Manningham Planning Scheme — Amendment C60.

Mitchell Planning Scheme — Amendment C43.

Moorabool Planning Scheme — Amendment C34.

Mornington Peninsula Planning Scheme — Amendments C88 and C90 Part 1.

Nillumbik Planning Scheme — Amendment C54.

Southern Grampians Planning Scheme — Amendment C13.

Stonnington Planning Scheme — Amendments C96 and C113.

Victoria Planning Provisions — Amendment VC53.

Wellington Planning Scheme — Amendment C40.

Yarra Ranges Planning Scheme — Amendment C79.

Statutory Rules under the following Acts of Parliament:

Conservation, Forests and Lands Act 1987 — No. 14.

Drugs, Poisons and Controlled Substances Act 1981 — No. 16.

Fisheries Act 1995 — No. 19.

Road Safety Act 1986 — Nos. 17 and 24.

Second-Hand Dealers and Pawnbrokers Act 1989 — No. 20.

Subordinate Legislation Act 1994 — Nos. 21, 22 and 23.

Supreme Court Act 1986 — No. 15.

Supreme Court Act 1986 — Administration and Probate Act 1958 — No. 18.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 8 and 18.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 12, 14, 16 and 20.

Victorian Environmental Assessment Council Act 2001 —

Government response to the Victorian Environmental Assessment Council's River Red Gum Forests Investigation Final Report.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

Energy Legislation (Consumer Protection and Other Amendments) Act 2003 — Part 7 — 26 February 2009 (*Gazette No. G9, 26 February 2009*).

Gambling Legislation Amendment (Responsible Gambling and Other Measures) Act 2008 — Part 2 (except sections 3, 9, 10 and 14) — 1 March 2009; Section 3 and Part 4 — 1 June 2009; Section 14 — 25 November 2009 (*Gazette No. G9, 26 February 2009*).

Major Crime Legislation Amendment Act 2009 — Section 8 — 27 February 2009 (*Gazette No. G9, 26 February 2009*).

Metung Land Act 1991 — 2 March 2009 (*Gazette No. G9, 26 February 2009*).

6 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 11 March 2009:

- (1) Notice of Motion No. 39, standing in the name of Mr D.M. Davis, relating to electricity tariff documents, which has been altered pursuant to Standing Order 6.04 to update a date;

- (2) Notice of Motion No. 49, standing in the name of Mr D.M. Davis, relating to the production of certain Ministerial briefing documents, which has been altered pursuant to Standing Order 6.04 to update a date;
- (3) Notice of Motion No. 43, standing in the name of Ms Hartland, relating to the revocation of Amendment C118 to the Greater Geelong Planning Scheme;
- (4) the Notice of Motion given this day by Mr D.M. Davis relating to land tax valuations;
- (5) Notice of Motion No. 50, standing in the name of Mr Hall, relating to the recent bushfires; and
- (6) Notice of Motion No. 47, standing in the name of Mr Barber, relating to the establishment of a Select Committee into the failures of metropolitan and V/Line train services, which has been altered pursuant to Standing Order 6.04 to update various dates.

Debate ensued.

Question — put and agreed to.

- 7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 to 5 inclusive, be postponed until later this day.
- 9 DUTIES AMENDMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Mr Rich-Phillips moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until a public consultation process is undertaken to address widespread concern as to the impact and practicality of the proposed changes to the *Duties Act 2000*.”

Question — That the reasoned amendment moved by Mr Rich-Phillips be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Ms Hartland	Ms Mikakos (<i>Teller</i>)
Mr Kavanagh	Mr Pakula
Mrs Kronberg (<i>Teller</i>)	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Donohue (<i>Teller</i>)	Mr Smith
Ms Pennicuik	Mr Somyurek
Mrs Petrovich	Mr Tee
Mrs Peulich	Mr Theophanous
Mr Rich-Phillips	Ms Tierney (<i>Teller</i>)
Mr Vogels	Mr Viney

The Ayes and Noes being equal, the question was negatived.

Leave having been granted for the question to be resubmitted —

Question — That the reasoned amendment moved by Mr Rich-Phillips be agreed to — put and agreed to.

- 10 LIQUOR CONTROL REFORM AMENDMENT (ENFORCEMENT) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

11 ADJOURNMENT — Mr Pakula moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

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

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 111 — Wednesday, 11 March 2009

1 The President took the Chair and read the Prayer.

2 PETITIONS —

NORTH-SOUTH PIPELINE — Ms Lovell presented a Petition bearing 28 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the construction of the North-South pipeline.

Ordered to lie on the Table.

* * * * *

SHEPPARTON AND TATURA RACE CLUB — Ms Lovell presented a Petition bearing 53 signatures from certain citizens of Victoria requesting that funding for maintenance of training facilities remains at current levels for the Shepparton and Tatura Race Club.

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:

Ombudsman — Report on Crime statistics and police numbers, March 2009.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 PRODUCTION OF DOCUMENTS — RENEWABLE ENERGY FEED MODELS — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 4.00 p.m. on 31 March 2009 a copy of all reports, briefings, impact statements, including qualitative and/or quantitative assessments of the impact of alternate models of solar or other renewable energy feed in electricity tariffs and payment arrangements or structures, including the model adopted by the Victorian Government as referred to in recent policy statements and in the 2008 Statement of Government Intentions, and including all documents prepared for departmental officers and/or committees in the Department of Industry, Innovation and Regional Development, the Department of Primary Industries and the Department of Sustainability and Environment and for the Minister for Environment and Climate Change and the Minister for Energy and Resources.

Debate ensued.

Question — put and agreed to.

6 PRODUCTION OF DOCUMENTS — DEPARTMENT OF TRANSPORT MINISTERIAL BRIEFING DOCUMENTS — Mr D.M. Davis moved, That this House —

- (1) notes the refusal of the Government to comply fully with the Resolution of the Council of 29 October 2008 to table the Ministerial briefing documents specified in that Resolution on the grounds of Executive Privilege;
- (2) is of the firm opinion that the Council is fully entitled to scrutinize the activities of the Executive and demands accountability for all aspects of Executive behaviour;
- (3) rejects the Government's claim of Executive Privilege in relation to the documents not produced and notes with great concern the Government's apparent belief that it is not accountable to the Parliament of Victoria;
- (4) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 29 October 2008; and
- (5) demands that the Leader of the Government comply fully with the Resolution of the Council of 29 October 2008 and lodge the following documents with the Clerk by 2.00 pm on Tuesday, 31 March 2009:
 - (a) 'Taxi policy initiatives' (ministerial briefing note MBN011023) registered by the former Department of Infrastructure on 2 April 2008;
 - (b) 'Registration and licensing system funding options' (ministerial briefing note MBN011037) registered by the former Department of Infrastructure on 3 April 2008;
 - (c) 'EastLink-ConnectEast DRP underwriting agreement -- novation' (ministerial briefing note MBN011047) registered by the former Department of Infrastructure on 3 April 2008;
 - (d) 'To advise the minister of the status of AusLink 2 projects identified as candidates for the commencement of expenditure ahead of 2009/102013/14' (ministerial briefing note MBN011055) registered by the former Department of Infrastructure on 8 April 2008;
 - (e) 'Metropolitan rail franchising (MR3) market engagement trip' (ministerial briefing note MBN011059) registered by the former Department of Infrastructure on 10 April 2008;
 - (f) 'Media interest and progress with grade separation study' (re Springvale Road, Nunawading, level crossing) (ministerial briefing note MBN011065) registered by the former Department of Infrastructure on 10 April 2008;
 - (g) 'Meeting with the CEO of the bus proprietors' (ministerial briefing note MBN011091) registered by the former Department of Infrastructure on 15 April 2008;
 - (h) '2009 fare changes strategy overview' (ministerial briefing note MBN011116) registered by the former Department of Infrastructure on 22 April 2008;
 - (i) 'Geelong and Frankston taxi depots' (ministerial briefing note MBN011141) registered by the former Department of Infrastructure on 28 April 2008;
 - (j) 'Status of the regional pilot of the NTS' (ministerial briefing note MBN011146) registered by the former Department of Infrastructure on 29 April 2008; and
 - (k) 'M1 heads of agreement' (ministerial briefing note MBN011159) registered by the Department of Transport on 30 April 2008.

Debate ensued.

Question — put.

The Council divided — The Acting President (Mr Elasmар) in the Chair.

AYES, 20	NOES, 17
Mr Atkinson	Ms Broad
Mr Barber	Mr Eideh
Mrs Coote	Mr Elasmар
Mr Dalla-Riva (<i>Teller</i>)	Ms Huppert
Mr D.M. Davis	Mr Jennings

Mr P.R. Davis	Mr Leane
Mr Drum	Mr Lenders
Mr Finn	Mr Madden
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Ms Hartland	Ms Pulford (<i>Teller</i>)
Mr Kavanagh	Mr Scheffer
Mr Koch	Mr Somyurek (<i>Teller</i>)
Mrs Kronberg	Mr Tee
Ms Lovell (<i>Teller</i>)	Mr Theophanous
Mr O'Donohue	Ms Tierney
Ms Pennicuik	Mr Viney
Mrs Petrovich	
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

- 7 GREATER GEELONG PLANNING SCHEME AMENDMENT C118** — Ms Hartland moved, That Amendment C118 to the Greater Geelong Planning Scheme be revoked.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 9 GREATER GEELONG PLANNING SCHEME AMENDMENT C118** — Debate continued on the question, That Amendment C118 to the Greater Geelong Planning Scheme be revoked.

Question — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza (<i>Teller</i>)
Mrs Coote	Mr Eideh
Mr Dalla-Riva (<i>Teller</i>)	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland (<i>Teller</i>)	Mr Pakula
Mr Kavanagh	Ms Pulford
Mr Koch	Mr Scheffer
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek (<i>Teller</i>)
Mr O'Donohue	Mr Tee
Ms Pennicuik	Mr Theophanous
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

- 10 PROPERTY VALUATIONS** — Mr D.M. Davis moved, That this House —

(1) expresses concern at the State Government's proposal to centralise rating authority valuations by amending the Valuation of Land Act 1960 as outlined in its discussion paper released by the Department of Sustainability and Environment, "The Future Direction of Rating Authority Valuations in Victoria";

- (2) notes the conflict of interest that exists in the Government's plan which would see departmental officials, including the Valuer-General, undertaking property valuations where the Government has an interest in the valuations as the base for its land tax collections;
- (3) further notes that this proposal would, if implemented, further erode the rights of democratically elected local governments across Victoria; and
- (4) calls on the Government to respond to the requests of many municipalities to withdraw its flawed proposal and retain the current rating valuation allowing municipalities to undertake their own property valuations.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 20
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh (<i>Teller</i>)
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis (<i>Teller</i>)	Mr Jennings
Mr Drum	Mr Kavanagh
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Hall	Mr Madden
Ms Hartland	Ms Mikakos
Mr Koch	Mr Pakula
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer (<i>Teller</i>)
Mr O'Donohue	Mr Smith
Ms Pennicuik	Mr Somyurek
Mrs Petrovich (<i>Teller</i>)	Mr Tee
Mrs Peulich	Mr Theophanous
Mr Rich-Phillips	Ms Tierney
Mr Vogels	Mr Viney

The Ayes and Noes being equal, the question was negatived.

- 11 VICTORIAN BUSHFIRES** — Mr Hall moved, That this House acknowledges the tragic impact of the recent bushfires on many Victorians and Victorian communities and notes the role and responsibilities of the State Government and the Royal Commission in the aftermath of the fires.

Debate ensued.

On the motion of Mrs Petrovich, the debate was adjourned until the next day of meeting.

- 12 SELECT COMMITTEE ON TRAIN SERVICES** — Mr Barber moved, That —

- (1) A Select Committee of 7 Members be appointed to inquire into the factors leading to and causes of failures in the provision of metropolitan and V/Line train services.
- (2) The Committee will consist of 3 Members from the Government Party nominated by the Leader of the Government, 3 Members from the Liberal/National Coalition nominated by the Leader of the Opposition and 1 Member from the Australian Greens nominated by the Australian Greens Whip.
- (3) The Members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on Friday, 20 March 2009.
- (4) The first meeting of the Committee must be held no later than 4.00 p.m. on Monday, 6 April 2009.
- (5) The Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.
- (6) 4 Members of the Committee will constitute a quorum of the Committee.

- (7) The Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member.
- (8) The Committee will advertise its terms of reference and call for submissions and all such submissions received by the Committee will be treated as public documents unless the Committee otherwise orders.
- (9) The Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry.
- (10) The Committee will present its final report to the Council no later than March 2010.
- (11) The presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions.
- (12) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

Debate ensued.

Mr Viney moved, That all the words after "That" be omitted with the view of inserting in their place "the Economic Development and Infrastructure Committee be required to consider, investigate and report on the investment provided by the Victorian Government into metropolitan train and V/Line services since 1992."

Debate ensued.

Question — That the amendment moved by Mr Viney be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber
Mr Eideh	Mrs Coote
Mr Elasmarr	Mr Dalla-Riva
Ms Huppert	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Finn
Mr Madden	Mr Guy
Ms Mikakos	Mr Hall
Mr Pakula	Ms Hartland (<i>Teller</i>)
Ms Pulford	Mr Kavanagh
Mr Scheffer	Mr Koch
Mr Smith	Mrs Kronberg
Mr Somyurek	Ms Lovell
Mr Tee	Mr O'Donohue
Mr Theophanous (<i>Teller</i>)	Ms Pennicuik
Ms Tierney (<i>Teller</i>)	Mrs Petrovich
Mr Viney	Mrs Peulich (<i>Teller</i>)
	Mr Rich-Phillips
	Mr Vogels

Question negatived.

Question — That —

- (1) A Select Committee of 7 Members be appointed to inquire into the factors leading to and causes of failures in the provision of metropolitan and V/Line train services.
- (2) The Committee will consist of 3 Members from the Government Party nominated by the Leader of the Government, 3 Members from the Liberal/National Coalition nominated by the Leader of the Opposition and 1 Member from the Australian Greens nominated by the Australian Greens Whip.
- (3) The Members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on Friday, 20 March 2009.

- (4) The first meeting of the Committee must be held no later than 4.00 p.m. on Monday, 6 April 2009.
- (5) The Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.
- (6) 4 Members of the Committee will constitute a quorum of the Committee.
- (7) The Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member.
- (8) The Committee will advertise its terms of reference and call for submissions and all such submissions received by the Committee will be treated as public documents unless the Committee otherwise orders.
- (9) The Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry.
- (10) The Committee will present its final report to the Council no later than March 2010.
- (11) The presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions.
- (12) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

— put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Ms Broad (<i>Teller</i>)
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr (<i>Teller</i>)
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland	Mr Pakula
Mr Kavanagh	Ms Pulford
Mr Koch	Mr Scheffer
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue	Mr Tee
Ms Pennicuik (<i>Teller</i>)	Mr Theophanous
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips (<i>Teller</i>)	
Mr Vogels	

Question agreed to.

13 BUSINESS POSTPONED — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

14 ASSOCIATIONS INCORPORATION AMENDMENT BILL 2008 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Associations Incorporation Act 1981 in relation to regulatory requirements for incorporated associations and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

Business having been interrupted at 9.58 p.m. pursuant to Standing Orders —

- 15 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.
And then the Council, at 10.33 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 112 — Thursday, 12 March 2009

- 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:
Budget Sector — 2008-09 Mid-Year Financial Report, incorporating Quarterly Financial Report No. 2 for the period ended 31 December 2008.
Lake Mountain Alpine Resort Management Board — Minister's report of receipt of report for year ending 31 October 2008.
Municipal Association of Victoria — Report, 2007-08.
Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 19.
- 3 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 31 March 2009.
Question — put and agreed to.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 1 to 5 inclusive, be postponed until later this day.
- 7 **ASSOCIATIONS INCORPORATION AMENDMENT BILL 2008** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.
Mr Lenders moved, That the Bill be now read a second time.
On the motion of Mr Guy, the debate was adjourned for one week.
- 8 **SHERIFF BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.
Ms Pennicuik announced that she proposed to move amendments in Committee and requested that they be circulated.
Accordingly, the amendments were circulated.
Debate continued.
Business having been interrupted at 12 noon pursuant to Sessional Orders —
- 9 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 10 **SHERIFF BILL 2008** — Debate continued on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and committed to a Committee of the whole.
House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 11 MELBOURNE UNIVERSITY AMENDMENT BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Melbourne University Act 1958 to facilitate the amalgamation between the Faculty of the Victorian College of the Arts and the Faculty of Music at The University of Melbourne and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 12 BUS SAFETY BILL 2008** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to provide for the safe operation of bus services in Victoria, to amend the Public Transport Competition Act 1995, the Rail Safety Act 2006, the Road Safety Act 1986 and the Transport Act 1983, to make consequential amendments to certain other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 13 EQUAL OPPORTUNITY AMENDMENT (GOVERNANCE) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik announced that she proposed to move an amendment in Committee and requested that it be circulated.

Accordingly, the amendment was circulated.

Debate continued.

On the motion of Mr Tee, the debate was adjourned for one week.

- 14 MELBOURNE CRICKET GROUND BILL 2008** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to re-enact and further provide for the law relating to the Melbourne Cricket Ground, to repeal the Melbourne Cricket Ground Act 1933, the Melbourne Cricket Ground Act 1951, the Melbourne Cricket Ground (Trustees) Act 1957, the Melbourne Cricket Ground Act 1983, the Melbourne Cricket Ground Act 1984, the Melbourne Cricket Ground (Guarantees) Act 1984 and the Melbourne Cricket Ground Trust Act 1989, to make consequential amendments to various other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Dalla-Riva), the debate was adjourned for one week.

- 15 WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL 2008** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to repeal the Workplace Rights Advocate Act 2005 and to amend the Victorian Civil and Administrative Tribunal Act 1998 and the Public Sector Employment (Award Entitlements) Act 2006 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 16 GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Gambling Regulation Act 2003 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 17 TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2008** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Marine Act 1988, the Port Services Act 1995, the Road Management Act 2004, the Southern and Eastern Integrated Transport Authority Act 2003 and the Transport Act 1983, to consequentially amend certain other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Koch), the debate was adjourned for one week.

- 18 MELBOURNE UNIVERSITY AMENDMENT BILL 2009** — Mr Jennings (for Mr Pakula) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Hall, the debate was adjourned for one week.

- 19 BUS SAFETY BILL 2008** — Mr Jennings (for Mr Pakula) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Koch), the debate was adjourned for one week.

- 20 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.11 p.m., adjourned until Tuesday, 31 March 2009.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 110, 111 and 112

Tuesday, 10 March 2009

1 LIQUOR CONTROL REFORM AMENDMENT (ENFORCEMENT) BILL 2008

Clauses 1 to 11 — put and agreed to.

Clause 12 — Mr Guy circulated amendments, inviting the Committee to vote against this clause — Question — That Clause 12 stand part of the Bill — put and agreed to.

Clauses 13 to 27 — put and agreed to.

Bill reported without amendment.

Thursday, 12 March 2009

1 SHERIFF BILL 2008

Clauses 1 to 20 — put and agreed to.

Heading to clause 21 — Ms Pennicuik moved —

1. Heading to clause 21, line 2, after "premises" insert "in certain circumstances".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4	NOES, 36
Mr Barber	Mr Atkinson
Ms Hartland (<i>Teller</i>)	Ms Broad
Mr Kavanagh (<i>Teller</i>)	Mrs Coote
Ms Pennicuik	Mr Dalla-Riva
	Ms Darveniza
	Mr D.M. Davis
	Mr P.R. Davis (<i>Teller</i>)
	Mr Drum
	Mr Eideh
	Mr Elasmarr (<i>Teller</i>)
	Mr Finn
	Mr Guy
	Mr Hall
	Ms Huppert
	Mr Jennings
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Mr Lenders

Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negated.

Clauses 21 to 53 — put and agreed to.

Clause 54 — Question — That Clause 54 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 37

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza (*Teller*)
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum (*Teller*)
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith

NOES, 3

Mr Barber (*Teller*)
 Ms Hartland
 Ms Pennicuik (*Teller*)

Mr Somyurek
Mr Tee
Mr Theophanous
Ms Tierney
Mr Viney
Mr Vogels

Question agreed to.

Clauses 55 to 85 — put and agreed to.

By leave, clause 55 recommitted.

Clause 55 — put and agreed to.

Division heading following clause 55 — Ms Pennicuik moved —

10. Division heading following clause 55, omit "3" and insert "4".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber
Ms Hartland (*Teller*)
Mr Kavanagh (*Teller*)
Ms Pennicuik

NOES, 36

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr (*Teller*)
Mr Finn
Mr Guy
Mr Hall
Ms Huppert
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich (*Teller*)
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous

Ms Tierney
Mr Viney
Mr Vogels

Amendment negatived.

By leave, clauses 56 to 85 recommitted.

Clauses 56 to 85 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 113, 114 and 115

No. 113 — Tuesday, 31 March 2009

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - On 18 March 2009 —
Liquor Control Reform Amendment (Enforcement) Act 2009.
 - On 24 March 2009 —
Sheriff Act 2009
Victoria Law Foundation Act 2009.
- 3 **VICTORIA LAW FOUNDATION BILL 2008** — The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.
- 4 **SELECT COMMITTEE ON TRAIN SERVICES** — The President announced that he had received from the Party Leaders and the Australian Greens Whip, within the time set by the Resolution of the Council, advice in which Mr Atkinson, Mr Barber, Mr Drum, Ms Huppert, Mr Leane, Mr O'Donohue and Mr Viney were nominated as members of the Select Committee on Train Services.
- 5 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 6 **PETITIONS** —
 - SHEPPARTON AND TATURA RACE CLUB** — Ms Lovell presented a Petition bearing 61 signatures from certain citizens of Victoria requesting that funding for maintenance of training facilities remain at current levels for the Shepparton and Tatura Race Club.
Ordered to lie on the Table.

* * * * *

- NORTH-SOUTH PIPELINE** — Ms Lovell presented a Petition bearing 10 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the construction of the North-South pipeline.
Ordered to lie on the Table.

* * * * *

- SUNBURY ELECTRIC TRAIN LINE EXPANSION** — Mrs Petrovich presented a Petition bearing 301 signatures from certain citizens of Victoria requesting that the Government undertake an extensive community consultation process to ensure an accurate reflection of

the local community's sentiment on future transport solutions before proceeding with the planned Sunbury electric train line expansion.

Ordered to lie on the Table.

* * * * *

HEALESVILLE AMATEUR RACING CLUB — Mrs Petrovich presented a Petition bearing 206 signatures from certain citizens of Victoria requesting that the Government immediately reinstate the 2008-09 full program of picnic race meetings for the Healesville Amateur Racing Club.

Ordered to lie on the Table.

* * * * *

YARRA VALLEY RACING CLUB — Mrs Petrovich presented a Petition bearing 153 signatures from certain citizens of Victoria requesting that the Government immediately withdraw the proposed reduction of training facilities for the Yarra Valley Racing Club.

Ordered to lie on the Table.

7 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

ANNUAL REVIEW 2008 — Mr Eideh presented the Annual Review 2008 from the Scrutiny of Acts and Regulations Committee (including Appendices).

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

Mr Eideh moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

ALERT DIGEST — Mr Eideh presented Alert Digest No. 4 of 2009 from the Scrutiny of Acts and Regulations Committee (including 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:

Charter of Human Rights and Responsibilities Act 2006 — Report on the Operation of the Act, 2008.

Commissioner for Environmental Sustainability —

Strategic Audit of Victorian Government Agencies' Environmental Management Systems, January 2009.

Strategic Audit: Environmental Performance Reporting Supplementary Report 2007-08, January 2009.

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return, March 2009 and Summary of Variations notified between 9 October 2008 and 30 March 2009.

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

Bayside Planning Scheme — Amendments C52, C72 and C79.

Boroondara Planning Scheme — Amendment C86.

Campaspe Planning Scheme — Amendment C43.

Casey Planning Scheme — Amendment C96.

Glenelg Planning Scheme — Amendment C45.

Golden Plains Planning Scheme — Amendments C14 and C36.

Greater Bendigo Planning Scheme — Amendments C102 (Part 1) and C110.

Greater Dandenong Planning Scheme — Amendment C87.

Horsham Planning Scheme — Amendment C39.

Hume Planning Scheme — Amendment C100.

Indigo Planning Scheme — Amendment C35.

Manningham Planning Scheme — Amendment C71.

Moreland Planning Scheme — Amendments C65 and C101.
Moyne Planning Scheme — Amendment C24.
Stonnington Planning Scheme — Amendments C94, C104 and C106.
Victoria Planning Provisions — Amendment VC54.
Yarra Planning Scheme — Amendment C111.

Special Investigations Monitor's Office — Report for the period 1 July 2008 to 31 December 2008, pursuant to section 30Q of the Surveillance Devices Act 1999.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 25.

Disability Act 2006 — No. 26.

Subordinate Legislation Act 1994 — Nos. 27 and 28.

Whistleblowers Protection Act 2001 — No. 29.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 21, 22, 23, 27, 28 and 30.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 17 and 24.

Wildlife Act 1975 — Wildlife (Control of Game Hunting) Notices —

No. 1/2009, 9 March 2009.

No. 2/2009, 13 March 2009.

- 8 STANDING ORDERS COMMITTEE** — Mr Viney moved, by leave, That the Resolution of the Council of 10 September 2008, as amended on 13 November 2008, requiring the Standing Orders Committee to inquire into and report by 31 March 2009 on the establishment of new Standing Committees for the Legislative Council, be further amended so as to now require the Committee to present its report by 31 July 2009.

Debate ensued.

Question — put and agreed to.

- 9 BUSINESS OF THE COUNCIL** — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 1 April 2009:

- (1) Notice of Motion No. 33, standing in the name of Mr D.M. Davis, relating to the production of certain documents relating to the extension of clearway times, which has been altered pursuant to Standing Order 6.04 to update a date;
- (2) the Notice of Motion given this day by Mr D.M. Davis relating to the production of certain documents relating to the Carbon Pollution Reduction Scheme;
- (3) Notice of Motion No. 34, standing in the name of Mr Barber, relating to the production of certain transport documents;
- (4) Notice of Motion No. 32 standing in the name of Ms Hartland, relating to the introduction of a Bill to establish a beverage container deposit and recovery scheme;
- (5) Notice of Motion No. 31, standing in the name of Mr D.M. Davis, relating to a reference to the Electoral Matters Committee;
- (6) the Notice of Motion given this day by Mr Koch, relating to the Barwon Heads Bridge; and
- (7) Order of the Day No. 7, resumption of debate on the motion moved by Mr Hall relating to the Victorian Bushfires.

Question — put and agreed to.

- 10 ORDERS OF THE DAY DISCHARGED** — Mr Viney moved, by leave, That Orders of the Day, Government Business, Nos. 13 and 14, be read and discharged.

Debate ensued.

Question — put and agreed to.

- 11 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — The Deputy President announced that the President had received a letter from Mr Barber resigning from the Public Accounts and Estimates Committee, effective from 31 March 2009.

Mr Viney moved, by leave, That Ms Pennicuik be a member of the Public Accounts and Estimates Committee.

Question — put and agreed to.

12 VICTORIAN STATE BUDGET 2009-2010 — The Deputy President announced the receipt of a Message from the Assembly informing the Council that under section 52 of the *Constitution Act 1975*, approval has been given for Mr Lenders, Treasurer, to attend the Legislative Assembly on Tuesday, 5 May 2009 for the purpose of giving a speech in relation to the Victorian State Budget 2009-2010.

13 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

14 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 1 and 2, be postponed until later this day.

15 CARDINIA PLANNING SCHEME AMENDMENT C105 (PART 2) — Mr Madden moved, That, pursuant to section 46AH of the *Planning and Environment Act 1987*, Amendment C105 (Part 2) to the Cardinia Planning Scheme be ratified.

Debate ensued.

Question — put and agreed to.

16 DUTIES AMENDMENT BILL 2008 — Mr Lenders moved, That pursuant to Standing Order 6.15, the Order of the Day for the second reading of the Duties Amendment Bill 2008 be restored to the Notice Paper.

Debate ensued.

Question — put and agreed to.

17 PRODUCTION OF DOCUMENTS — RENEWABLE ENERGY FEED MODELS — The Clerk laid on the Table the following documents received in accordance with the Resolution of the Council of 11 March 2009:

- (1) Brief to Minister for Energy and Resources, 17 July 2008;
- (2) Brief to Minister for Energy and Resources, 18 August 2008;
- (3) Brief to Minister for Energy and Resources, 16 October 2008;
- (4) Briefing constituting Comparison of Premium Feed in Tariff v Green Power by Department of Primary Industries;
- (5) Report on Feed in Tariffs for Solar Photovoltaic (PV) in Europe;
- (6) Briefing constituting Feed in Tariffs cost by Department of Primary Industries;
- (7) Briefing constituting data and spreadsheets by Sustainability Victoria;
- (8) Briefing constituting data and spreadsheets by PriceWaterhouseCoopers;
- (9) McLennan Magasanik Associates Report, 29 August 2008;
- (10) McLennan Magasanik Associates Report, 17 November 2008;
- (11) Victorian Premium Feed in Tariff Scheme presentations, 8 October 2008 and 10 March 2008;
- (12) Briefing constituting Feed in Tariff Forum presentation and summary of outcomes from the Forum, 28 September 2007;
- (13) McLennan Magasanik Associates Report, 31 May 2007;
- (14) Brief to Minister for Environment and Climate Change, 4 December 2007;
- (15) Brief to Minister for Energy and Resources, attaching Report on Survey on PV systems owners' experience, 19 February 2008;
- (16) Brief to Minister for Energy and Resources, attaching Report on The Photovoltaic Rebate Programme, 21 January 2008;
- (17) Briefing constituting a Presentation by Sustainability Victoria;
- (18) Firecone Report April, 2008.

The Clerk also laid on the Table a letter from the Attorney-General received on 31 March 2009 advising the Council that the Government claims Executive privilege in relation to some of the documents and that these documents would not be provided.

18 MELBOURNE UNIVERSITY AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

19 BUSINESS POSTPONED — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 to 10 inclusive, be postponed until later this day.

20 POLICE REGULATION AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Mr Tee (for Mr Madden) announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Ms Pennicuik moved, That the debate be adjourned for one week.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

NOES, 19

Mr Atkinson

Ms Broad

Mr Barber

Ms Darveniza

Mrs Coote

Mr Eideh

Mr Dalla-Riva

Mr Elasmarr

Mr D.M. Davis

Ms Huppert

Mr P.R. Davis

Mr Jennings

Mr Drum

Mr Leane

Mr Finn (*Teller*)

Mr Lenders (*Teller*)

Mr Guy

Mr Madden

Mr Hall

Ms Mikakos

Ms Hartland

Mr Pakula

Mr Kavanagh

Ms Pulford

Mr Koch

Mr Scheffer

Mrs Kronberg

Mr Smith

Ms Lovell

Mr Somyurek

Mr O'Donohue

Mr Tee

Ms Pennicuik (*Teller*)

Mr Theophanous

Mrs Petrovich

Ms Tierney

Mrs Peulich

Mr Viney (*Teller*)

Mr Rich-Phillips

Mr Vogels

Question agreed to.

21 EQUAL OPPORTUNITY AMENDMENT (GOVERNANCE) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

NOES, 18

Mr Barber

Mr Atkinson

Ms Broad

Mrs Coote

Ms Darveniza

Mr Dalla-Riva

Mr Eideh (*Teller*)

Mr D.M. Davis

Mr Elasmarr

Mr P.R. Davis (*Teller*)

Ms Hartland

Mr Drum

Ms Huppert	Mr Finn
Mr Jennings	Mr Guy
Mr Leane	Mr Hall (<i>Teller</i>)
Mr Lenders	Mr Kavanagh
Mr Madden	Mr Koch
Ms Mikakos	Mrs Kronberg
Mr Pakula	Ms Lovell
Ms Pennicuik	Mr O'Donohue
Ms Pulford	Mrs Petrovich
Mr Scheffer	Mrs Peulich
Mr Smith	Mr Rich-Phillips
Mr Somyurek	Mr Vogels
Mr Tee	
Mr Theophanous	
Ms Tierney (<i>Teller</i>)	
Mr Viney	

Question agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Madden moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 22	NOES, 18
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Mr Dalla-Riva
Mr Eideh	Mr D.M. Davis
Mr Elasmarr	Mr P.R. Davis
Ms Hartland	Mr Drum
Ms Huppert (<i>Teller</i>)	Mr Finn
Mr Jennings	Mr Guy
Mr Leane	Mr Hall
Mr Lenders	Mr Kavanagh (<i>Teller</i>)
Mr Madden	Mr Koch
Ms Mikakos	Mrs Kronberg
Mr Pakula	Ms Lovell
Ms Pennicuik	Mr O'Donohue (<i>Teller</i>)
Ms Pulford	Mrs Petrovich
Mr Scheffer (<i>Teller</i>)	Mrs Peulich
Mr Smith	Mr Rich-Phillips
Mr Somyurek	Mr Vogels
Mr Tee	
Mr Theophanous	
Ms Tierney	
Mr Viney	

Question agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

22 BUS SAFETY BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

23 ADJOURNMENT — Mr Madden moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.34 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 114 — Wednesday, 1 April 2009

1 The President took the Chair and read the Prayer.

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

Auditor-General —

Report on Access to Public Hospitals: Measuring Performance, April 2009.

Report on Administration of the *Flora and Fauna Guarantee Act 1988*, April 2009.

3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

Member named — Mrs Peulich having been named by the President for wilfully disregarding the authority of the Chair —

Mr Pakula moved, That Mrs Peulich be suspended from the service of the Council for the remainder of the sitting.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Ms Broad (*Teller*)
Ms Darveniza
Mr Eideh
Mr Elasmarr
Ms Huppert
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Mr Pakula
Ms Pulford (*Teller*)
Mr Scheffer
Mr Smith
Mr Tee
Mr Theophanous
Ms Tierney
Mr Viney

NOES, 21

Mr Atkinson
Mr Barber
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis (*Teller*)
Mr Drum
Mr Finn (*Teller*)
Mr Guy
Mr Hall
Ms Hartland
Mr Kavanagh
Mr Koch
Mrs Kronberg
Ms Lovell
Mr O'Donohue
Ms Pennicuik
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

Question negatived.

Further statements were made by Members.

- 4 PRODUCTION OF DOCUMENTS — CLEARWAY TIMES** — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 4.00 p.m. on 6 May 2009 a copy of all reports, briefings, impact statements, economic analyses and communications with Ministers, Departments, Statutory Authorities, Municipalities and business groups that are held by the Department of Transport, the Minister for Transport, the Minister for Roads and Ports, the Department of Planning and Community Development, the Minister for Local Government, the Department of Premier and Cabinet and the Premier, relating to the Victorian State Government's policy of extending clearway times.

Debate ensued.

Question — put and agreed to.

- 5 PRODUCTION OF DOCUMENTS — CARBON POLLUTION REDUCTION SCHEME** — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 4.00 p.m. on 6 May 2009 a copy of all documents, studies, evaluations and briefing papers produced by the Victorian Government or its agents concerning the impact of the Commonwealth Government's proposed Carbon Pollution Reduction Scheme on the Victorian economy held by the Department of Premier and Cabinet, the Department of Sustainability and Environment and the Department of Primary Industries, including studies of the economic impact and the impact on Victoria's climate change policies and/or on voluntary emission reduction activities.

Debate ensued.

Question — put and agreed to.

- 6 PRODUCTION OF DOCUMENTS — PUBLIC TRANSPORT TENDER** — Mr Barber moved, That this House —

- (1) expresses its concerns at the persistent refusal of the Government and the Leader of the Government on behalf of the Government to fully comply with Resolutions of the Council of 10 September 2008, 15 October 2008 and 4 February 2009 to provide certain Public Transport Tender documents specified in those Resolutions;
- (2) expresses its disappointment that the Government has failed to make any attempt to find any resolution to this issue;
- (3) believes that the actions of the Government amount to a serious attack against the powers, privileges and immunities of the Council and demonstrates again the Government's lack of accountability to the Parliament and the people of Victoria;
- (4) notes that the Leader of the Government on behalf of the Government has now, on three occasions, failed to fully comply with Resolutions of the Council requiring him, on behalf of the Government, to produce the said documents;
- (5) regards its capacity to obtain information on any matter affecting the public interest as being fundamental to the reasonable exercise of its role and powers to scrutinise all aspects of Executive behaviour;
- (6) regards it as essential that the rightful powers and principles of the Council be protected and that appropriate sanctions be imposed for any obstruction to the proper performance of its important functions;
- (7) accordingly adjudges the Leader of the Government guilty of a contempt of the Council for his failure to fully comply, on behalf of the Government, with Resolutions of the Council on 10 September 2008, 15 October 2008 and 4 February 2009 to table or lodge with the Clerk the Public Transport Tender documents specified in the Resolution of the Council of 4 February 2009; and
- (8)
 - (a) orders the Leader of the Government on behalf of the Government to lodge the documents specified in the Resolution of 4 February 2009 with the Clerk by 4.00 p.m. on Thursday, 7 May 2009; and
 - (b) suspends the Leader of the Government from the service of the Council for the remainder of the sitting on Thursday, 7 May 2009 if the documents are not lodged with the Clerk by 4.00 p.m. that day. Provided that if the documents are subsequently lodged with the Clerk at any time during the period of suspension

on Thursday, 7 May 2009, the suspension will immediately cease to have effect; and

- (c) in the event that the documents are not produced or tabled with the Clerk, foreshadows that further sanctions will be imposed upon the Leader of the Government, representing the Government, for his persistent obstruction of the business of the Council.

Debate ensued.

Mr Kavanagh moved, as amendment –

In paragraph 8, omit sub-paragraph (b).

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

7 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

8 PRODUCTION OF DOCUMENTS — PUBLIC TRANSPORT TENDER — Debate continued on the motion moved by Mr Barber and on the amendment moved by Mr Kavanagh.

Question — That the amendment moved by Mr Kavanagh be agreed to — put and agreed to.

Question, That this House —

- (1) expresses its concerns at the persistent refusal of the Government and the Leader of the Government on behalf of the Government to fully comply with Resolutions of the Council of 10 September 2008, 15 October 2008 and 4 February 2009 to provide certain Public Transport Tender documents specified in those Resolutions;
- (2) expresses its disappointment that the Government has failed to make any attempt to find any resolution to this issue;
- (3) believes that the actions of the Government amount to a serious attack against the powers, privileges and immunities of the Council and demonstrates again the Government's lack of accountability to the Parliament and the people of Victoria;
- (4) notes that the Leader of the Government on behalf of the Government has now, on three occasions, failed to fully comply with Resolutions of the Council requiring him, on behalf of the Government, to produce the said documents;
- (5) regards its capacity to obtain information on any matter affecting the public interest as being fundamental to the reasonable exercise of its role and powers to scrutinise all aspects of Executive behaviour;
- (6) regards it as essential that the rightful powers and principles of the Council be protected and that appropriate sanctions be imposed for any obstruction to the proper performance of its important functions;
- (7) accordingly adjudges the Leader of the Government guilty of a contempt of the Council for his failure to fully comply, on behalf of the Government, with Resolutions of the Council on 10 September 2008, 15 October 2008 and 4 February 2009 to table or lodge with the Clerk the Public Transport Tender documents specified in the Resolution of the Council of 4 February 2009; and
- (8)
 - (a) orders the Leader of the Government on behalf of the Government to lodge the documents specified in the Resolution of 4 February 2009 with the Clerk by 4.00 p.m. on Thursday, 7 May 2009; and
 - (b) in the event that the documents are not produced or tabled with the Clerk, foreshadows that further sanctions will be imposed upon the Leader of the Government, representing the Government, for his persistent obstruction of the business of the Council.

— put and agreed to.

9 ENVIRONMENT PROTECTION AMENDMENT (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2009 — Ms Hartland, pursuant to notice, introduced *A Bill for an Act to amend the Environment Protection Act 1970 to make further provision for environmentally sustainable uses of resources and best practices in waste management by establishing a beverage container deposit and recovery scheme to be administered by the Environment Protection Authority and for other purposes.*

On the motion of Ms Hartland, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

10 ELECTORAL MATTERS COMMITTEE — KOROROIT BY-ELECTION — Mr D.M. Davis moved, That this House requires the Electoral Matters Committee to inquire, consider and report no later than 28 February 2010 —

- (1) on the deliberate misleading of the electors in the 28 June 2008 Kororoit by-election, whereby a pamphlet authorised by the Secretary of the Australian Labor Party was distributed that claimed “A vote for Les Twentyman is a vote for the Liberals” contributing, in the opinion of the Victorian Electoral Commissioner, to “an undesirable trend for candidates to take advantage or build on community misunderstandings of preferential voting with confusing statements”; and
- (2) as the Victorian Electoral Commissioner has suggested in his *Report on the Kororoit District By-election held on 28 June 2008*, whether the *Electoral Act 2002* should be amended to improve the operation of the misleading provisions of the Act so that such abuses are more likely to be successfully prosecuted.

Debate ensued.

Question — put and agreed to.

11 BARWON HEADS BRIDGE — Mr Koch moved, That this House expresses its regret at the decision of the Minister for Planning to employ section 16 of the *Planning and Environment Act 1987* to contemptuously override the disallowance motion of Greater Geelong Planning Scheme Amendment C118 relating to the Barwon Heads Bridge, agreed to by this House on 11 March 2009, and regards this ministerial decision as undemocratic and in blatant disregard of the wishes of Bellarine communities, particularly Barwon Heads and Ocean Grove.

Debate ensued.

Question — put and agreed to.

12 VICTORIAN BUSHFIRES — Debate resumed on the question, That this House acknowledges the tragic impact of the recent bushfires on many Victorians and Victorian communities and notes the role and responsibilities of the State Government and the Royal Commission in the aftermath of the fires.

On the motion of Mr Koch, the debate was adjourned until the next day of meeting.

13 BUSINESS POSTPONED — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

14 BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009 — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to make provision for the publication of a Report of the Bushfires Royal Commission and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Pakula (for Mr Lenders), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

15 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 and 2, be postponed until the next day of meeting.

16 ASSOCIATIONS INCORPORATION AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

17 MELBOURNE CRICKET GROUND BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

- 18 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.
- And then the Council, at 10.46 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 115 — Thursday, 2 April 2009

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

2 PAPERS —

VICTORIAN COMPETITION AND EFFICIENCY COMMISSION — Mr Lenders moved, by leave, That there be laid before this House a copy of the Victorian Competition and Efficiency Commission Report — A State of Liveability: An Inquiry into Enhancing Victoria's Liveability, Final Report, October 2008, and the Government Response to that Report.

Question — put and agreed to.

The said papers were presented by Mr Lenders 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:

Ombudsman — Report on the Investigation into Corporate Governance at Moorabool Shire Council, April 2009.

Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria, 2007-08.
Statutory Rule under the Supreme Court Act 1986 — No. 30.

- 3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 4 FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — Mr Viney moved, by leave, That the Resolution of the Council of 26 February 2008 requiring the Family and Community Development Committee to inquire into and report by 30 June 2009 on the State Government's provision of supported accommodation for Victorians with a disability and/or mental illness, be amended so as to now require the Committee to present its report by 15 December 2009.
- Question — put and agreed to.
- 5 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Order of the Day, Government Business, No. 1, be postponed until later this day.
- 7 DUTIES AMENDMENT BILL 2008** — Question — That the Bill be now read a second time — put and agreed to.
- Bill read a second time and committed to a Committee of the whole.
House in Committee.
The Acting President reported progress and asked leave to sit again.
Ordered — That the Bill be again considered in Committee of the whole on the next day of meeting.
- 8 GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Mr Guy moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this Bill be withdrawn and redrafted to provide for —

- (1) measures designed to limit the concentration of ownership, operation and location of electronic gaming machines;
- (2) the establishment of the Government's promised systems and mechanisms for implementing responsible gambling measures for the conduct of gaming; and
- (3) the process of allocation of gaming machine entitlements to not unfairly disadvantage smaller, community-based clubs and small businesses in the pub sector."

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

9 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

10 GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2009 — Debate continued on the question, That the Bill be now read a second time and on the reasoned amendment moved by Mr Guy.

Mr Kavanagh announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — That the reasoned amendment moved by Mr Guy be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 18
Mr Barber	Ms Broad
Mrs Coote (<i>Teller</i>)	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Ms Huppert (<i>Teller</i>)
Mr Drum	Mr Jennings
Mr Finn	Mr Kavanagh (<i>Teller</i>)
Mr Guy (<i>Teller</i>)	Mr Leane
Ms Hartland	Mr Lenders
Mr Koch	Mr Madden
Mrs Kronberg	Ms Mikakos
Ms Lovell	Ms Pulford
Mr O'Donohue	Mr Scheffer
Ms Pennicuik	Mr Smith
Mrs Petrovich	Mr Somyurek
Mrs Peulich	Mr Tee
Mr Rich-Phillips	Ms Tierney
Mr Vogels	Mr Viney

The Ayes and Noes being equal, the amendment was negatived.

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

The Council divided — The President in the Chair.

AYES, 21	NOES, 15
Mr Barber (<i>Teller</i>)	Mrs Coote
Ms Broad	Mr Dalla-Riva
Ms Darveniza (<i>Teller</i>)	Mr D.M. Davis
Mr Elasmarr	Mr P.R. Davis
Ms Hartland	Mr Drum
Ms Huppert	Mr Finn
Mr Jennings	Mr Guy
Mr Kavanagh	Mr Koch
Mr Leane	Mrs Kronberg (<i>Teller</i>)
Mr Lenders	Ms Lovell

Mr Madden	Mr O'Donohue
Ms Mikakos	Mrs Petrovich
Mr Pakula	Mrs Peulich
Ms Pennicuik	Mr Rich-Phillips (<i>Teller</i>)
Ms Pulford	Mr Vogels
Mr Scheffer	
Mr Smith	
Mr Somyurek	
Mr Tee	
Ms Tierney	
Mr Viney	

Question agreed to.

Ordered — That the Bill be committed to a Committee of the whole on the next day of meeting.

- 11 ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000 and the National Electricity (Victoria) Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Pakula, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 12 BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009** — Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr D.M. Davis, the debate was adjourned for one week.

- 13 ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009** — Mr Lenders (for Mr Pakula) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Hall), the debate was adjourned for one week.

- 14 MELBOURNE CRICKET GROUND BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 15 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Wednesday, 6 May 2009.

Question — put and agreed to.

- 16 FAIR TRADING AND OTHER ACTS AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Fair Trading Act 1999, the Residential Tenancies Act 1997, the Consumer Credit (Victoria) and Other Acts Amendment Act 2008, the Consumer Credit (Victoria) Act 1995, the Retirement Villages Act 1986, the Relationships Act 2008, the Veterans Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Guy), the debate was adjourned for one week.

- 17 HUMAN SERVICES (COMPLEX NEEDS) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to facilitate the delivery of welfare services, health services, mental health services, disability services, drug and alcohol services and housing and support services to certain persons with multiple and complex needs and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mrs Petrovich, the debate was adjourned for one week.

- 18 MAJOR SPORTING EVENTS BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to re-enact with amendments and to consolidate into one Act the law relating to major sporting events and to venues for events, to repeal the Major Events (Aerial Advertising) Act 2007, the Major Events (Crowd Management) Act 2003 and the Sports Event Ticketing (Fair Access) Act 2002, to consequentially amend other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Dalla-Riva), the debate was adjourned for one week.

- 19 TRANSPORT LEGISLATION GENERAL AMENDMENTS BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Transport Act 1983, the Rail Corporations Act 1996, the Rail Safety Act 2006, the Children, Youth and Families Act 2005 and the Borrowing and Investment Powers Act 1987 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Pakula, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Koch, the debate was adjourned for one week.

- 20 ADJOURNMENT** — Mr Pakula moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.37 p.m., adjourned until Wednesday, 6 May 2009.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 113, 114 and 115

Tuesday, 31 March 2009

1 EQUAL OPPORTUNITY AMENDMENT (GOVERNANCE) BILL 2008

Clauses 1 to 19 — put and agreed to.

Bill reported without amendment.

Thursday, 2 April 2009

1 DUTIES AMENDMENT BILL 2008

Clause 1 — Pursuant to Standing Order 14.13(4), Mr Lenders moved —

1. Clause 3, line 5, omit "definition" and insert "definitions".
2. Clause 3, line 7, omit 'Victoria;'. ' and insert "Victoria;".
3. Clause 3, after line 7 insert—
"**rent reserved** in relation to a lease, means the rent paid or payable during the term of the lease and any amount paid or payable for the right to use the land under the lease;

Example

Amounts paid under the lease for rates, charges, taxes, maintenance costs or utilities are payments for the right to use the land under the lease."

Mr Kavanagh moved, by leave —

1. Clause 15, line 6, omit "14 days" and insert "30 days (or if the dutiable transaction is a transfer of an estate or interest in land and the land or part of the land is outside a 150 kilometre radius of the intersection of Elizabeth and Bourke Streets in Melbourne, within 40 days)".
2. Clause 15, line 9, omit "14 days" and insert "30 days (or if the dutiable transaction is a transfer of an estate or interest in land and the land or part of the land is outside a 150 kilometre radius of the intersection of Elizabeth and Bourke Streets in Melbourne, within 40 days)".
3. Clause 15, line 11, omit "14 days" and insert "30 days (or if the dutiable transaction is a transfer of an estate or interest in land and the land or part of the land is outside a 150 kilometre radius of the intersection of Elizabeth and Bourke Streets in Melbourne, within 40 days)".
4. Clause 15, line 13, omit "14 days" and insert "30 days (or if the dutiable transaction is a transfer of an estate or interest in land and the land or part of the land is outside a 150 kilometre radius of the intersection of Elizabeth and Bourke Streets in Melbourne, within 40 days)".
5. Clause 15, line 15, omit "14 days" and insert "30 days (or if the dutiable transaction is a transfer of an estate or interest in land and the land or part of the land is outside a 150 kilometre radius of the intersection of Elizabeth and Bourke Streets in Melbourne, within 40 days)".
6. Clause 15, line 17, omit "14 days" and insert "30 days (or if the dutiable transaction is a transfer of an estate or interest in land and the land or part of the land is outside a 150 kilometre radius of the intersection of Elizabeth and Bourke Streets in Melbourne, within 40 days)".
7. Clause 15, line 19, omit "14 days" and insert "30 days (or if the dutiable transaction is a transfer of an estate or interest in land and the land or part of the land is outside a 150 kilometre radius of the intersection of Elizabeth and Bourke Streets in Melbourne, within 40 days)".
8. Clause 16, line 23, omit "14 days" and insert "30 days".
9. Clause 16, line 25, omit "14 days" and insert "30 days".

10. Clause 16, line 27, omit "14 days" and insert "30 days" .
11. Clause 16, page 13, line 3, omit "14 days" and insert "30 days".
12. Clause 16, page 13, line 5, omit "14 days" and insert "30 days".
13. Clause 16, page 13, line 7, omit "14 days" and insert "30 days".
14. Clause 16, page 13, line 9, omit "14 days" and insert "30 days".
15. Clause 16, page 13, line 11, omit "14 days" and insert "30 days".
16. Clause 16, page 13, line 13, omit "14 days" and insert "30 days".
17. Clause 16, page 13, line 15, omit "14 days" and insert "30 days".
18. Clause 16, page 13, line 17, omit "14 days" and insert "30 days".
19. Clause 16, page 13, line 19, omit "14 days" and insert "30 days".
20. Clause 17, line 23, omit "14 days" and insert "30 days".
21. Clause 18, line 27, omit "14 days" and insert "30 days (or if the dutiable transaction is a transfer of an estate or interest in land and the land or part of the land is outside a 150 kilometre radius of the intersection of Elizabeth and Bourke Streets in Melbourne, within 40 days)".

Progress reported.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 116 and 117

No. 116 — Wednesday, 6 May 2009

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

On 6 April 2009 —

Melbourne University Amendment Act 2009.

On 7 April 2009 —

Associations Incorporation Amendment Act 2009

Bus Safety Act 2009

Equal Opportunity Amendment (Governance) Act 2009

Melbourne Cricket Ground Act 2009.

- 3 **PETITIONS** —

ASHBURTON POLICE STATION — Mr D.M. Davis presented a Petition bearing 595 signatures from certain citizens of Victoria calling on the Government to reverse its decision to massively reduce services at Ashburton Police Station and to restore all officers to the Station.

Ordered to lie on the Table.

* * * * *

GAMING MACHINE ENTITLEMENTS — Mr Atkinson presented a Petition bearing 16,694 signatures from certain citizens of Victoria requesting that the Government amend proposed legislative changes controlling the entitlements to gaming machines to include (1) a minimum of 75 per cent entitlements for clubs that currently have machines, with the remaining 25 per cent subject to the proposed auction process; (2) a limit on the concentration of ownership of club entitlements and four venues; (3) a tax system based on venue revenue, not revenue per machine; (4) provisions that protect club access in each local government area to ensure that hotels do not take up all available entitlements in any area; and (5) bidding for club entitlements to be restricted to genuine local community clubs.

Ordered to lie on the Table.

* * * * *

CHURCHILL PARK GOLF COURSE — Mrs Peulich presented a Petition bearing 477 signatures from certain citizens of Victoria requesting that the State Government work with the Churchill Park board to find a quick and speedy resolution which will protect the future and viability of the Churchill Park Golf Course.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

4 PAPERS —

BUDGET PAPERS, 2009-10 — Mr Jennings (for Mr Lenders) moved, by leave, That there be laid before this House a copy of the following 2009-10 Budget Papers:

- (a) Treasurer's Speech (Budget Paper No. 1);
- (b) Strategy and Outlook (Budget Paper No. 2);
- (c) Service Delivery (Budget Paper No. 3);
- (d) Statement of Finances (incorporating Quarterly Financial Report No. 3) (Budget Paper No. 4); and
- (e) Budget Overview.

Question — put and agreed to.

The papers were presented by Mr Jennings and ordered to lie on the Table.

On the motion of Mr Jennings, the papers tabled pursuant to the foregoing Order were ordered to be taken into consideration on the next day of meeting.

* * * * *

AUSTRALIAN CATHOLIC UNIVERSITY REPORT, 2008 AND MELBOURNE COLLEGE OF DIVINITY REPORT, 2008 — Mr Pakula moved, by leave, That there be laid before this House a copy of the Australian Catholic University Report, 2008 and the Melbourne College of Divinity Report, 2008.

Question — put and agreed to.

The reports were presented by Mr Pakula and ordered to lie on the Table.

* * * * *

LAW REFORM COMMITTEE — Mr Scheffer presented a Report from the Law Reform Committee on Alternative Dispute Resolution and Restorative Justice (including Appendices, Extracts from the Proceedings and a Minority Report), together with Transcripts of Evidence.

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

Mr Scheffer moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

REPORT ON THE LEGISLATION REFORM (REPEALS NO. 4) BILL 2009 — Mr Eideh presented a Report from the Scrutiny of Acts and Regulations Committee on the Legislation Reform (Repeals No. 4) Bill 2009 (including Appendices).

Ordered to lie on the Table and to be printed.

Mr Eideh moved, That the Council take note of the Report.

Question — put and agreed to.

* * * * *

ALERT DIGEST — Mr Eideh presented Alert Digest No. 5 of 2009 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2008-09 BUDGET ESTIMATES —

Pursuant to the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government response to recommendations in the Public Accounts and Estimates Committee's Report on the 2008-09 Budget Estimates.

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 Management of School Funds, May 2009.

Report on Results of Audits for Entities with other than 30 June 2008 Balance Dates, May 2009.

Report on the Channel Deepening Project, May 2009.

Report on the New Royal Children's Hospital – a public private partnership, May 2009.

Auditor-General's Office — Annual Plan, 2009-10.

Australian Crime Commission — Report, 2007-08.

Bendigo Regional Institute of TAFE — Report, 2008 (two papers).

Box Hill Institute of TAFE — Report, 2008.

Central Gippsland Institute of TAFE — Report, 2008.

Chisholm Institute of TAFE — Report, 2008.

Deakin University — Report, 2008.

Driver Education Centre of Australia Ltd — Report, 2008.

East Gippsland Institute of TAFE — Report, 2008.

Gordon Institute of TAFE — Report, 2008.

Goulburn Ovens Institute of TAFE — Report, 2008 (two papers).

Holmesglen Institute of TAFE — Report, 2008.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to Statutory Rule Nos. 32, 36 and 37.

Kangan Batman Institute of TAFE — Report, 2008.

La Trobe University — Report, 2008.

Major Events (Aerial Advertising) Act 2007 — Minister's Order of 10 March 2009 in relation to the 2008/09 Sheffield Shield Final.

Monash University — Report, 2008.

Northern Melbourne Institute of TAFE — Report, 2008.

Parliamentary Committees Act 2003 —

Government Response to the Outer Suburban/Interface Services and Development Committee's Report on Local Economic Development in Outer Suburban Melbourne.

Government Response to the Public Accounts and Estimates Committee's 82nd Report on the Review of the findings and recommendations of the Auditor-General's reports tabled July 2006 – February 2007.

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

Banyule Planning Scheme — Amendment C85.

Bass Coast Planning Scheme — Amendment C91.

Bayside Planning Scheme — Amendment C83.

Boroondara Planning Scheme — Amendment C109.

Cardinia Planning Scheme — Amendment C129.

Casey Planning Scheme — Amendment C121.

Darebin Planning Scheme — Amendment C117.

East Gippsland Planning Scheme — Amendment C69.

Glen Eira Planning Scheme — Amendment C65.

Greater Dandenong Planning Scheme — Amendments C74 and C83.

Greater Geelong Planning Scheme — Amendment C156.

Hume Planning Scheme — Amendment C112.

Kingston Planning Scheme — Amendment C127.

Manningham Planning Scheme — Amendment C81.

Maribyrnong Planning Scheme — Amendments C74 and C78.

Maroondah Planning Scheme — Amendment C100.

Melbourne Planning Scheme — Amendment C144.

Moonee Valley Planning Scheme — Amendment C83.

Moorabool Planning Scheme — Amendment C41.

Planning and Environment Act 1987 — *continued*

- Moreland Planning Scheme — Amendments C82 and C110.
- Mornington Peninsula Planning Scheme — Amendment C123.
- Northern Grampians Planning Scheme — Amendment C14.
- Port Phillip Planning Scheme — Amendment C68.
- Stonnington Planning Scheme — Amendments C90, C95, C100 and C102.
- Surf Coast Planning Scheme — Amendment C43 (Part 1).
- Swan Hill Planning Scheme — Amendment C31.
- Wangaratta Planning Scheme — Amendment C31.
- Wellington Planning Scheme — Amendment C52.
- Whitehorse Planning Scheme — Amendment C136.
- Whittlesea Planning Scheme — Amendments C97 and C108.
- Wodonga Planning Scheme — Amendments C54 and C64.
- Yarra Planning Scheme — Amendments C121 and C123.
- Yarra Ranges Planning Scheme — Amendment C83.
- Royal Melbourne Institute of Technology — Report, 2008.
- South West Institute of TAFE — Report, 2008.
- Statutory Rules under the following Acts of Parliament:
 - Corrections Act 1986 — No. 40.
 - Electricity Safety Act 1998 — Nos. 32, 36 and 37.
 - Freedom of Information Act 1982 — No. 33.
 - Magistrates' Court Act 1989 — Nos. 34, 35 and 39.
 - Subordinate Legislation Act 1994 — Nos. 31 and 38.
 - Valuation of Land Act 1960 — No. 41.
- Swinburne University of Technology — Report, 2008.
- Subordinate Legislation Act 1994 —
 - Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule No. 36.
 - Minister's exception certificate under section 8(4) in respect of Statutory Rules No. 34.
 - Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 29 and 41.
- Sunraysia Institute of TAFE — Report, 2008.
- University of Ballarat — Report, 2008 (two papers).
- University of Melbourne — Report, 2008.
- Victoria University — Report, 2008 (two papers).
- William Angliss Institute of TAFE — Report, 2008.
- Wodonga Institute of TAFE — Report, 2008.

* * * * *

PROCLAMATION — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk:

Fundraising Appeals and Consumer Acts Amendment Act 2009 — Sections 6(2), 7, 8, 10 and 11 — 4 May 2009 (*Gazette No. G17, 21 April 2009*).

5 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business this day:

- (1) Notice of Motion No. 38, standing in my name, relating to the production of certain documents relating to the Carbon Pollution Reduction Scheme;
- (2) Notice of Motion No. 36, standing in my name, relating to the production of certain documents relating to the company Better Place;
- (3) Order of the Day No. 8, for the second reading of the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2009;
- (4) the Notice of Motion given this day by myself, relating to the failure of the Government to provide Victorians with appropriate infrastructure and other services; and

- (5) Order of the Day No. 7, for the resumption of debate on the motion acknowledging the tragic impact and role and responsibilities of the State Government and Royal Commission in the aftermath of the Victorian bushfires.

Question — put and agreed to.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 7 PRODUCTION OF DOCUMENTS — CARBON POLLUTION REDUCTION SCHEME** — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 4.00 p.m. on 2 June 2009 a copy of all documents, studies, evaluations and briefing papers produced by the Victorian Government or its agents concerning the impact of the Commonwealth Government's proposed Carbon Pollution Reduction Scheme on the Victorian economy held by the Department of Treasury and Finance, including studies of the economic impact and the impact on Victoria's climate change policies and/or on voluntary emission reduction activities.

Question — put and agreed to.

- 8 PRODUCTION OF DOCUMENTS — ELECTRIC CAR INDUSTRY AND 'BETTER PLACE'** — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 4.00 p.m. on 2 June 2009 a copy of —

- (1) all documents, including memorandums, reports, briefing documents, correspondence, meeting notes or reports concerning the company Better Place, including all proposals and analyses of proposals put by that company to the State Government, its Ministers or other officers, including the former Parliamentary Secretary assisting the Premier on the National Reform Agenda and Innovation, Mr Evan Thornley, by the Better Place company or its agents; and
- (2) all studies, evaluations, briefing papers and other documents concerning electric cars that are held by the Department of Innovation, Industry and Regional Development, the Department of Premier and Cabinet, the Office of the Premier, the Office of the Minister for Industry and Trade and the Office of the Minister for Innovation.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

PLANNING POLICIES AND EMPLOYMENT — Mr Madden having given an answer to a question without notice relating to the effect of planning policies on employment —

On the motion of Mr Atkinson, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

QUESTIONS — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 10 PRODUCTION OF DOCUMENTS – ELECTRIC CAR INDUSTRY AND 'BETTER PLACE'** — Debate continued on the question, That in accordance with Sessional Order 21, there be tabled in the Council by 4.00 p.m. on 2 June 2009 a copy of —

- (1) all documents, including memorandums, reports, briefing documents, correspondence, meeting notes or reports concerning the company Better Place, including all proposals and analyses of proposals put by that company to the State Government, its Ministers or other officers, including the former Parliamentary Secretary assisting the Premier on the National Reform Agenda and Innovation, Mr Evan Thornley, by the Better Place company or its agents; and
- (2) all studies, evaluations, briefing papers and other documents concerning electric cars that are held by the Department of Innovation, Industry and Regional Development, the Department of Premier and Cabinet, the Office of the Premier, the Office of the Minister for Industry and Trade and the Office of the Minister for Innovation.

Question — put and agreed to.

- 11 ENVIRONMENT PROTECTION AMENDMENT (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2009** — Ms Hartland laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Hartland moved, That the Bill be now read a second time.

On the motion of Mr Scheffer, the debate was adjourned until the next day of meeting.

12 GOVERNMENT INFRASTRUCTURE AND SERVICES — Mr D.M. Davis moved, That this House notes that—

- (1) the State Government under first the Hon. Steve Bracks and now the Hon. John Brumby as Premier and now nearing the completion of its tenth year in Office has squandered the opportunities provided to it by the strong national economic conditions that prevailed through almost the entirety of its period in Office and the massive growth in revenue it has received from direct taxes on Victorians and notes that the Government has failed to capitalise on these historic opportunities instead failing to deliver the growth in key services Victorians deserve and expect; and
- (2) the State Government has failed to provide the critical infrastructure through this period that would have provided an economic advantage to Victorians and the Victorian economy and greater job security in the more challenging economic times we now face.

Debate ensued.

Interruption—

13 PRODUCTION OF DOCUMENTS — CLEARWAY TIMES AND CARBON POLLUTION REDUCTION SCHEME — The Clerk laid on the Table a letter from the Attorney-General dated 5 May 2009 in response to the Resolutions of the Council of 1 April 2009 seeking the production of documents relating to the State Government's policy of extending clearway times and documents relating to the impact of the Commonwealth Government's proposed Carbon Pollution Reduction Scheme —

- referring to the Government's process for assessing documents for potential executive privilege;
- advising that the Government was still in the process of identifying and assessing a large number of documents relevant to the Council's resolutions; and
- indicating that the Government would respond to the Council's resolutions as soon as possible.

14 GOVERNMENT INFRASTRUCTURE AND SERVICES — Debate continued on the question, That this House notes that—

- (1) the State Government under first the Hon. Steve Bracks and now the Hon. John Brumby as Premier and now nearing the completion of its tenth year in Office has squandered the opportunities provided to it by the strong national economic conditions that prevailed through almost the entirety of its period in Office and the massive growth in revenue it has received from direct taxes on Victorians and notes that the Government has failed to capitalise on these historic opportunities instead failing to deliver the growth in key services Victorians deserve and expect; and
- (2) the State Government has failed to provide the critical infrastructure through this period that would have provided an economic advantage to Victorians and the Victorian economy and greater job security in the more challenging economic times we now face.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 19
Mr Atkinson	Ms Broad
Mrs Coote	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Ms Huppert
Mr Drum (<i>Teller</i>)	Mr Jennings
Mr Finn	Mr Leane
Mr Guy	Mr Lenders

Mr Hall	Mr Madden (<i>Teller</i>)
Mr Koch	Ms Mikakos
Mrs Kronberg (<i>Teller</i>)	Mr Pakula
Ms Lovell	Ms Pulford
Mr O'Donohue	Mr Scheffer (<i>Teller</i>)
Mrs Petrovich	Mr Smith
Mrs Peulich	Mr Somyurek
Mr Rich-Phillips	Mr Tee
Mr Vogels	Mr Theophanous
	Ms Tierney
	Mr Viney

Question negatived.

- 15 VICTORIAN BUSHFIRES** — Debate resumed on the question, That this House acknowledges the tragic impact of the recent bushfires on many Victorians and Victorian communities and notes the role and responsibilities of the State Government and the Royal Commission in the aftermath of the fires.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Barber.

- 16 PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Parliamentary Salaries and Superannuation Act 1968 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Lenders), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 17 CRIMES AMENDMENT (IDENTITY CRIME) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 to create offences in respect of identity crimes, the Sentencing Act 1991 to provide for the issue of certificates to victims of identity crimes and as to sentencing procedure, to amend the Children, Youth and Families Act 2005 as to sentencing procedure and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting

- 18 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.57 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 117 — Thursday, 7 May 2009

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

2 **PETITIONS** —

GAMING MACHINE ENTITLEMENTS — Mr Atkinson presented a Petition bearing 267 signatures from certain citizens of Victoria requesting that the Government amend proposed legislative changes controlling the entitlements to gaming machines to include (1) a minimum of 75 per cent entitlements for clubs that currently have machines, with the remaining 25 per cent subject to the proposed auction process; (2) a limit on the concentration of ownership of club entitlements and four venues; (3) a tax system based on venue revenue, not revenue per machine; (4) provisions that protect club access in each

local government area to ensure that hotels do not take up all available entitlements in any area; and (5) bidding for club entitlements to be restricted to genuine local community clubs.
Ordered to lie on the Table.

* * * * *

TRAFFIC MOVEMENTS BETWEEN WALLAN AND KILMORE — Mrs Petrovich presented a Petition bearing 743 signatures from certain citizens of Victoria requesting that the Minister for Roads and Ports conducts a proper, independent assessment of traffic movements between the townships of Wallan and Kilmore before proceeding with the duplication of the Northern Highway between Wallan and Kilmore.

Ordered to lie on the Table.

* * * * *

YARRA VALLEY RACING CLUB — Mrs Petrovich presented a Petition bearing 99 signatures from certain citizens of Victoria requesting that the Government immediately withdraw the proposed reduction of training facilities for the Yarra Valley Racing Club.

Ordered to lie on the Table.

* * * * *

3 PAPERS —

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2007-08 FINANCIAL AND PERFORMANCE OUTCOMES — Ms Huppert presented a Report from the Public Accounts and Estimates Committee on the 2007-08 Financial and Performance Outcomes (including Appendices, Extracts from the Proceedings and a Minority Report).

Ordered to lie on the Table and to be printed.

Ms Huppert moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

ELECTORAL MATTERS COMMITTEE — POLITICAL DONATIONS AND DISCLOSURE — Mr Somyurek presented a Report from the Electoral Matters Committee on Political Donations and Disclosure (including Appendices), together with Transcripts of Evidence.

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

Mr Somyurek moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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

Adult Multicultural Education Services — Report, 2008.

Centre for Adult Education — Report, 2008.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 5 May 2009 pursuant to section 7(4) of the Act.

Ombudsman — Report on Investigation into the alleged improper conduct of councillors at Brimbank City Council, May 2009.

Outworkers (Improved Protection) Act 2003 — Report on the Review of the Act.

Psychologists Registration Board of Victoria — Minister's report of receipt of 2008 report.

4 SITTING OF THE COUNCIL

— Mr Pakula moved, That the Council, at its rising, adjourn until Tuesday, 2 June 2009.

Question — put and agreed to.

5 MEMBERS' STATEMENTS

— Statements were made by Members pursuant to Standing Order 5.13.

6 STATEMENTS ON REPORTS AND PAPERS

— Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed for one week.
- 8 PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2009** — Mr Lenders' laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.
Mr Lenders moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.
Business having been interrupted at 12 noon pursuant to Sessional Orders —
- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 11 TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 12 HUMAN SERVICES (COMPLEX NEEDS) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 13 WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.
Mr Rich-Phillips announced that he proposed to move amendments in Committee and requested that they be circulated.
Accordingly, the amendments were circulated.
Debate continued.
Question — put.
The Council divided — The President in the Chair.
- | | |
|-------------------------------|-------------------------------|
| AYES, 37 | NOES, 3 |
| Mr Atkinson | Mr Barber (<i>Teller</i>) |
| Ms Broad | Ms Hartland (<i>Teller</i>) |
| Mrs Coote | Ms Pennicuik |
| Mr Dalla-Riva | |
| Ms Darveniza | |
| Mr D.M. Davis | |
| Mr P.R. Davis | |
| Mr Drum | |
| Mr Eideh | |
| Mr Elasmarr | |
| Mr Finn | |
| Mr Guy | |
| Mr Hall | |
| Ms Huppert | |
| Mr Jennings | |
| Mr Kavanagh (<i>Teller</i>) | |
| Mr Koch | |
| Mrs Kronberg | |

Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney (*Teller*)
 Mr Viney
 Mr Vogels

Question agreed to.

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

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

- 14 JUSTICE LEGISLATION AMENDMENT BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958, the Children, Youth and Families Act 2005, the Drugs, Poisons and Controlled Substances Act 1981, the Firearms Act 1996, the Gambling Regulation Act 2003, the Magistrates' Court Act 1989, the Police Integrity Act 2008, the Police Regulation Act 1958, the Prostitution Control Act 1994, the Surveillance Devices Act 1999 and the Terrorism (Community Protection) Act 2003 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 15 ROAD LEGISLATION AMENDMENT BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986, the Road Management Act 2004, the Accident Towing Services Act 2007, the Transport Act 1983 and the Melbourne City Link Act 1995 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch, the debate was adjourned for one week.

- 16 PLANNING LEGISLATION AMENDMENT BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Planning and Environment Act 1987, the Docklands Act 1991, the Heritage Act 1995, the Local Government Act 1989 and the Melbourne Convention and Exhibition Trust Act 1996 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
- Mr Jennings moved, That the Bill be now read a second time.
- On the motion of Mr Guy, the debate was adjourned for one week.
- 17 CRIMES AMENDMENT (IDENTITY CRIME) BILL 2009** — Mr Jennings (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
- Mr Jennings moved, That the Bill be now read a second time.
- On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 18 STANDING ORDERS COMMITTEE — NEW COUNCIL STANDING COMMITTEES** — Mr Dalla-Riva presented, by leave on behalf of the President (Chair), an Interim Report from the Standing Orders Committee on the Establishment of new Standing Committees for the Legislative Council (including an Appendix).
- Ordered to lie on the Table and to be printed.
- 19 ADJOURNMENT** — Mr Madden moved, That the House do now adjourn.
- Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.
- And then the Council, at 5.52 p.m., adjourned until Tuesday, 2 June 2009.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 116 and 117

Thursday, 7 May 2009

1 WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL 2008

Clause 1 — put and agreed to.

Clause 2 — Consideration of clause postponed.

Clauses 3 to 5 — put and agreed to.

Clause 6 — Mr Rich-Phillips moved —

4. Clause 6, line 9, omit "the day on which it receives the Royal Assent" and insert "the first day on which all of its provisions are in operation".

Question — That the amendment be agreed to — put and agreed to.

Clause 6, as amended — put and agreed to.

New Clauses — Mr Rich-Phillips moved —

Insert the following New Clauses to follow clause 2—

'A Partial repeal of the Workplace Rights Advocate Act

Sections 5, 13, 14 and 15 of the **Workplace Rights Advocate Act 2005** are repealed.

B Amendment of the Workplace Rights Advocate Act

After section 11 of the **Workplace Rights Advocate Act 2005** insert—

"11A Final Workplace Rights Advocate report

- (1) The Secretary to the Department of Innovation, Industry and Regional Development must, within 3 months of the date on which the **Workplace Rights Advocate (Repeal) Act 2009** received the Royal Assent, submit a report to the Minister relating to the operation and performance of the Workplace Rights Advocate in respect of the period 1 July 2008 to the date of that Royal Assent as if that report were an annual report of operations under Part 7 of the **Financial Management Act 1994**.
- (2) The Minister must cause the report to be laid before each House of the Parliament within one month of receiving the report or, if a House is not then sitting, on the first sitting day of that House after one month of receiving the report."

Question — That the new clauses stand part of the Bill — put and agreed to.

Clause 2 (postponed) — Mr Rich-Phillips moved —

1. Clause 2, line 2, before "This" insert "(1)".
2. Clause 2, line 2, after "Act" insert "(other than sections 5, 6 and 7)".
3. Clause 2, after line 3 insert—

"() Subject to subsection (3), sections 5, 6 and 7 come into operation on a day to be proclaimed.

- () A proclamation may not be made under subsection (2) unless the proclamation includes a statement that the Governor in Council is satisfied that the Minister for Industrial Relations has caused the report relating to the operation and performance of the Workplace Rights Advocate to be laid before each House of Parliament under section 11A(2) of the **Workplace Rights Advocate Act 2005**."

Question — That the amendments be agreed to — put and agreed to.

Clause 2, as amended — put and agreed to.

Bill reported with amendments.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 118, 119 and 120

No. 118 — Tuesday, 2 June 2009

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 12 May 2009, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
Human Services (Complex Needs) Act 2009
Transport Legislation Miscellaneous Amendments Act 2009.
- 3 **NEW SOUTH WALES LEGISLATIVE COUNCIL RESOLUTION** — The President announced the receipt of a letter from the President of the New South Wales Legislative Council acquainting the Council that they had agreed to the following Resolution:
That this House:
 - (a) notes the devastation caused by the Victorian bushfires of Black Saturday;
 - (b) notes the tragic loss of more than 200 lives and the destruction of thousands of homes and properties;
 - (c) recognises the heroic efforts of both Victorian and New South Wales emergency service personnel in fighting the bushfires and providing other support to those affected by the disaster;
 - (d) in particular recognises the contribution made by the three hundred New South Wales police who travelled to Victoria to assist in the investigation and provide support to their Victorian counterparts whose resources were severely tested assisting victims as well as protecting life and property; and
 - (e) extends its condolences to all those who have lost family, friends, homes and possessions in this terrible tragedy.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
PUBLIC TRANSPORT IN BENDIGO — Mr Lenders having given an answer to a question without notice relating to public transport in Bendigo —
On the motion of Mr Drum, the Minister's answer was ordered to be taken into consideration on the next day of meeting.
QUESTIONS — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 5 **PETITIONS** —
TAFE FEES — Mr O'Donohue presented a Petition bearing 119 signatures from certain citizens of Victoria requesting that the Government immediately abandon proposals to massively increase TAFE fees and to introduce a HECS style student loan scheme to TAFE courses.

Ordered to lie on the Table.

* * * * *

GAMING MACHINE ENTITLEMENTS — Ms Mikakos, Mr Atkinson and Mr Koch each presented Petitions, bearing 433, 5,712, and 428 signatures, respectively, from certain citizens of Victoria requesting that the Government amend proposed legislative changes controlling the entitlements to gaming machines to include (1) a minimum of 75 per cent entitlements for clubs that currently have machines, with the remaining 25 per cent subject to the proposed auction process; (2) a limit on the concentration of ownership of club entitlements of 420 entitlements and four venues; (3) a tax system based on venue revenue, not revenue per machine; (4) provisions that protect club access in each local government area to ensure that hotels do not take up all available entitlements in any area; and (5) bidding for club entitlements to be restricted to genuine local community clubs.

Ordered to lie on the Table.

* * * * *

FLEMINGTON HOUSING ESTATE — Mr Barber presented a Petition bearing 127 signatures from certain citizens of Victoria requesting that the Office of Housing establish an office on the premises of the Flemington Housing Estate to service the needs and requirements of the thousands of tenants living on the estate.

Ordered to lie on the Table.

* * * * *

NORTH-SOUTH PIPELINE — Ms Lovell presented a Petition bearing 27 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the construction of the North-South pipeline.

Ordered to lie on the Table.

* * * * *

SHEPPARTON AND TATURA RACE CLUB — Ms Lovell presented a Petition bearing 73 signatures from certain citizens of Victoria requesting that funding for maintenance of training facilities remains at current levels for the Shepparton and Tatura Race Club.

Ordered to lie on the Table.

* * * * *

VICTORIA PATIENT TRANSPORT ASSISTANCE SCHEME — Ms Lovell presented a Petition bearing 1,096 signatures from certain citizens of Victoria requesting that the Government (1) update and revise the Victorian Patient Transport Assistance Scheme eligibility criteria from 100 kilometres to 50 kilometres one way to the nearest town centre that offers specialist medical or dental treatment; and (2) increase the current reimbursement rate of 17 cents per kilometre and accommodation reimbursement rate of \$35.00 plus GST to a level that is more reflective of the current travel and accommodation costs.

Ordered to lie on the Table.

6 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

EXCEPTIONS AND EXEMPTIONS TO THE EQUAL OPPORTUNITY ACT 1995 — Mr Eideh presented an Options Paper from the Scrutiny of Acts and Regulations Committee on the Exceptions and Exemptions to the Equal Opportunity Act 1995 (including Appendices and a Minority Report).

Ordered to lie on the Table and to be printed.

Mr Eideh moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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ALERT DIGEST — Mr Eideh presented Alert Digest No. 6 of 2009 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE —

2009-10 BUDGET ESTIMATES PART 1 — VOLUMES 1 AND 2 — Ms Pennicuik presented a Report from the Public Accounts and Estimates Committee on the 2009-10 Budget Estimates Part One – Volume One and Volume Two (including Appendices, Extracts from the Proceedings and Transcripts of Evidence).

Ordered to lie on the Table and to be printed.

Ms Pennicuik moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

REVIEW OF AUDITOR-GENERAL'S REPORTS 2007 — Ms Pennicuik presented a Report from the Public Accounts and Estimates Committee on the Review of the Findings and Recommendations of the Auditor-General's Reports 2007 (including Appendices), together with Transcripts of Evidence.

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

Ms Pennicuik moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — MELBOURNE'S FUTURE

WATER SUPPLY — Mr Viney presented a Report from the Environment and Natural Resources Committee on Melbourne's Future Water Supply (including Appendices, Extracts from the Proceedings and Minority Reports), together with Transcripts of Evidence.

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

Mr Viney moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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 Victoria — Report, 2008 (three papers).

Major Events (Aerial Advertising) Act 2007 — Minister's Order of 21 April 2009 in relation to the ANZAC Day Australian Football League match.

Parliamentary Committees Act 2003 —

Government response to the Law Reform Committee's Report on Property Investment Advisers and Marketeers.

Government response to the Law Reform Committee's Report on Vexatious Litigants.

Government response to the Scrutiny of Acts and Regulations Committee's Report on Redundant Corporations Laws.

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

Bass Coast Planning Scheme — Amendment C89.

Baw Baw Planning Scheme — Amendments C67 and C70.

Campaspe Planning Scheme — Amendments C44 and C71.

Cardinia Planning Scheme — Amendments C98 and C111.

Casey Planning Scheme — Amendments C93 and C105.

Corangamite Planning Scheme — Amendment C24.

Darebin Planning Scheme — Amendment C95.

Gannawarra Planning Scheme — Amendment C25.

Glenelg Planning Scheme — Amendment C40.

Greater Bendigo Planning Scheme — Amendment C123.

- Greater Dandenong Planning Scheme — Amendment C110.
 Greater Geelong Planning Scheme — Amendments C154 Part 2 and C182.
 Greater Shepparton Planning Scheme — Amendments C124 and C135.
 Horsham Planning Scheme — Amendment C25 Part 2.
 Hume Planning Scheme — Amendment C93.
 Knox Planning Scheme — Amendment C66.
 Loddon Planning Scheme — Amendment C25.
 Mansfield Planning Scheme — Amendment C18.
 Maribyrnong Planning Scheme — Amendment C67.
 Maroondah Planning Scheme — Amendments C71 and C81.
 Melton Planning Scheme — Amendment C69.
 Mildura Planning Scheme — Amendment C58.
 Moira Planning Scheme — Amendment C60.
 Monash Planning Scheme — Amendment C79.
 Moorabool Planning Scheme — Amendment C43.
 Moreland Planning Scheme — Amendments C98 and C111.
 Mornington Peninsula Planning Scheme — Amendment C125.
 Murrindindi Planning Scheme — Amendment C21.
 South Gippsland Planning Scheme — Amendment C48.
 Surf Coast Planning Scheme — Amendment C27.
 Swan Hill Planning Scheme — Amendments C22 and C35.
 Towong Planning Scheme — Amendment C18.
 Wellington Planning Scheme — Amendment C26 Part 2.
 Whitehorse Planning Scheme — Amendment C85.
 Wyndham Planning Scheme — Amendment C122.
 Yarra Ranges Planning Scheme — Amendments C81 and C85.
 Victoria Planning Provisions — Amendments VC56 and VC57.
- Private Security Act 2004 — Report on Review of the Act and Government response to the review, pursuant to section 178 of the Act (two papers).
- Professional Standards Act 2003 — Engineers Australia (Victoria) Scheme, 1 May 2009.
- Statutory Rules under the following Acts of Parliament:
- Aboriginal Heritage Act 2006 — No. 50.
 - Alpine Resorts (Management) Act 1997 — No. 47.
 - Children's Services Act 1996 — No. 53.
 - County Court Act 1958 — No. 56.
 - Magistrates' Court Act 1989 — No. 49.
 - Police Integrity Act 2008 — No. 45.
 - Retirement Villages Act 1986 — No. 52.
 - Road Safety Act 1986 — Nos. 46 and 48.
 - Supreme Court Act 1986 — Nos. 42, 44 and 51.
 - Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 43.
 - Subordinate Legislation Act 1994 — Nos. 54 and 55.
- Subordinate Legislation Act 1994 —
- Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule No. 47.
 - Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 39, 42, 43, 44, 49, 55 and 56.
 - Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 45, 46, 47 and 55.
- Wimmera Catchment Management Authority — Report 2007-08 (*in lieu of that tabled on 30 October 2008*).

- 7 BUSINESS OF THE COUNCIL** — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 3 June 2009:
- (1) Order of the Day No. 7, resumption of debate on the motion moved by Mr Hall relating to the Victorian Bushfires;

- (2) the Notice of Motion given this day by Mr D.M. Davis, that the Minister for Planning no longer possesses the confidence of this House; and
- (3) Notice of Motion No. 32, standing in the name of Mr D.M. Davis, relating to the production of documents relating to Alpine Resorts, which has been altered pursuant to Standing Order 6.04.

Question — put and agreed to.

8 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

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

10 PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

11 DUTIES AMENDMENT BILL 2008 — Bill further considered in Committee of the whole.

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole on the next day of meeting.

12 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until the next day of meeting.

13 BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

14 FAIR TRADING AND OTHER ACTS AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Mr Guy moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until all stakeholders are properly consulted and serious inherent problems with the Bill are resolved including —

- (1) inconsistency with agreed Council of Australian Governments policy framework on uniform consumer credit law and unfair contract terms; and
- (2) the lack of guidelines concerning the exercise of the Director's discretion to initiate proceedings in the County or Supreme Courts, including where test case funding should be made available to affected parties."

Debate ensued.

Question — That the reasoned amendment moved by Mr Guy be agreed to — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum (*Teller*)
Mr Finn
Mr Guy
Mr Hall

NOES, 23

Mr Barber
Ms Broad
Ms Darveniza
Mr Eideh (*Teller*)
Mr Elasmarr
Ms Huppert
Mr Kavanagh
Ms Hartland
Mr Jennings

Mr Koch
 Mrs Kronberg (*Teller*)
 Ms Lovell
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee (*Teller*)
 Mr Theophanous
 Ms Tierney
 Mr Viney

Amendment negatived.

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

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

15 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 6, be postponed for one week.

16 ENERGY LEGISLATION AMENDMENT (AUSTRALIAN ENERGY MARKET OPERATOR) BILL 2009 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the National Electricity (Victoria) Act 2005, the Electricity Industry Act 2000, the National Gas (Victoria) Act 2008, the Gas Industry Act 2001 and the Gas Safety Act 1997, to make consequential amendments to various other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Pakula), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

17 APPROPRIATION (PARLIAMENT 2009/2010) BILL 2009 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2009/2010 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Lenders), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

18 TRANSPORT LEGISLATION GENERAL AMENDMENTS BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Mr Koch announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

19 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.32 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
 Clerk of the Legislative Council

No. 119 — Wednesday, 3 June 2009

1 The President took the Chair and read the Prayer.

2 **OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (EMPLOYEE PROTECTION) BILL 2008** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Occupational Health and Safety Act 2004 to create a civil cause of action for employees or prospective employees who are discriminated against by an employer or prospective employer on grounds that relate to occupational health and safety* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

3 **LAW REFORM COMMITTEE** — The President announced that he had received a letter from Mr Edward O'Donohue resigning from the Law Reform Committee, effective from 2 June 2009.

* * * * *

ROAD SAFETY COMMITTEE — The President announced that he had received a letter from Mr Terry Mulder resigning from the Road Safety Committee, effective from 2 June 2009.

4 **PETITIONS** —

VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME — Ms Lovell presented a Petition bearing 84 signatures from certain citizens of Victoria requesting that the Government (1) update and revise the Victorian Patient Transport Assistance Scheme eligibility criteria from 100 kilometres to 50 kilometres one way to the nearest town centre that offers specialist medical or dental treatment; and (2) increase the current reimbursement rate of 17 cents per kilometre and accommodation reimbursement rate of \$35.00 plus GST to a level that is more reflective of the current travel and accommodation costs.

Ordered to lie on the Table.

* * * * *

GROWTH AREAS INFRASTRUCTURE CONTRIBUTION — Mrs Petrovich presented a Petition bearing 315 signatures from certain citizens of Victoria requesting that the Government immediately withdraw the Growth Areas Infrastructure Contribution in its current form and consults further with affected landholders to create a fairer outcome.

Ordered to lie on the Table.

* * * * *

ASHBURTON POLICE STATION — Mr D.M. Davis presented a Petition bearing 81 signatures from certain citizens of Victoria calling on the Government to reverse its decision to massively reduce services at Ashburton Police Station and to restore all officers to the Station.

Ordered to lie on the Table.

* * * * *

GAMING MACHINE ENTITLEMENTS — Mr Koch presented a Petition bearing 822 signatures from certain citizens of Victoria requesting that the Government amend proposed legislative changes controlling the entitlements to gaming machines to include (1) a minimum of 75 per cent entitlements for clubs that currently have machines, with the remaining 25 per cent subject to the proposed auction process; (2) a limit on the concentration of ownership of club entitlements to 420 and four venues; (3) a tax system based on venue revenue, not revenue per machine; (4) provisions that protect club access in each local government area to ensure that a ratio of 50 per cent hotels and 50 per cent clubs be enshrined in legislation; and (5) bidding for club entitlements to be restricted to local community clubs.

Ordered to lie on the Table.

GAMING MACHINE ENTITLEMENTS — Mr Atkinson presented a Petition bearing 583 signatures from certain citizens of Victoria requesting that the Government amend proposed legislative changes controlling the entitlements to gaming machines to include (1) a minimum of 75 per cent entitlements for clubs that currently have machines, with the remaining 25 per cent subject to the proposed auction process; (2) a limit on the concentration of ownership of club entitlements of 420 entitlements and four venues; (3) a tax system based on venue revenue, not revenue per machine; (4) provisions that protect club access in each local government area to ensure that hotels do not take up all available entitlements in any area; and (5) bidding for club entitlements to be restricted to genuine local community clubs.

Ordered to lie on the Table.

5 PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

Auditor-General —

Report on Claims Management by the Victorian WorkCover Authority, June 2009.

Report on Governance and Fraud Control within Selected Adult Education Agencies, June 2009.

Report on Withdrawal of Infringement Notices, June 2009.

6 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

7 VICTORIAN BUSHFIRES — Debate resumed on the question, That this House acknowledges the tragic impact of the recent bushfires on many Victorians and Victorian communities and notes the role and responsibilities of the State Government and the Royal Commission in the aftermath of the fires.

On the motion of Mr Koch (for Mr O'Donohue), the debate was adjourned for one week.

8 WANT OF CONFIDENCE IN THE MINISTER FOR PLANNING — Mr D.M. Davis moved, That the Minister for Planning no longer possesses the confidence of this House and this House —

- (1) notes the Report of the Victorian Ombudsman on an *Investigation into the alleged improper conduct of councillors at Brimbank City Council* tabled on 7 May 2009 and —
 - (a) the Minister's failure to fully answer questions put to him in this House on 7 May 2009 relating to that Report;
 - (b) the fact that the Minister misled this House in his answers to questions without notice put to him on 7 May 2009;
 - (c) that the Minister knew of the political corruption in his office having been informed of the issues concerning Mr Hakki Suleyman through a series of questions and statements in this House between 2005 and 2008, through correspondence that he has admitted seeing which was sent to his office by the Sunshine Ratepayers' Association, and in a series of media reports between 2005 and 2008;
 - (d) that the Minister allowed politically corrupt activities, including improper influence and political standover tactics, in his office to continue despite being warned; and
- (2) believes that Victorians, including those in the Minister's constituency of Western Metropolitan Region, hold that it is not acceptable to condone or accept—
 - (a) a Minister who knew about corruption in his office and failed to act;
 - (b) a Minister who knew his staff were intimidating rather than assisting local residents and allowed it to continue unchecked;
 - (c) a Minister whose office influenced a series of planning decisions so that community resources were reallocated in the interests of ALP mates; and
 - (d) a Minister whose office diverted local community resources away from the community and set them up as Australian Labor Party resources, and branch head offices.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

9 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

10 WANT OF CONFIDENCE IN THE MINISTER FOR PLANNING — Debate continued on the question, That the Minister for Planning no longer possesses the confidence of this House and this House —

- (1) notes the Report of the Victorian Ombudsman on an *Investigation into the alleged improper conduct of councillors at Brimbank City Council* tabled on 7 May 2009 and —
 - (a) the Minister's failure to fully answer questions put to him in this House on 7 May 2009 relating to that Report;
 - (b) the fact that the Minister misled this House in his answers to questions without notice put to him on 7 May 2009;
 - (c) that the Minister knew of the political corruption in his office having been informed of the issues concerning Mr Hakki Suleyman through a series of questions and statements in this House between 2005 and 2008, through correspondence that he has admitted seeing which was sent to his office by the Sunshine Ratepayers' Association, and in a series of media reports between 2005 and 2008;
 - (d) that the Minister allowed politically corrupt activities, including improper influence and political standover tactics, in his office to continue despite being warned; and
- (2) believes that Victorians, including those in the Minister's constituency of Western Metropolitan Region, hold that it is not acceptable to condone or accept—
 - (a) a Minister who knew about corruption in his office and failed to act;
 - (b) a Minister who knew his staff were intimidating rather than assisting local residents and allowed it to continue unchecked;
 - (c) a Minister whose office influenced a series of planning decisions so that community resources were reallocated in the interests of ALP mates; and
 - (d) a Minister whose office diverted local community resources away from the community and set them up as Australian Labor Party resources, and branch head offices.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva (*Teller*)
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Hartland
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg (*Teller*)
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

NOES, 19

Ms Broad
 Ms Darveniza
 Mr Eideh
 Mr Elasmarr
 Ms Huppert
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pulford (*Teller*)
 Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney

Question agreed to.

- 11 PRODUCTION OF DOCUMENTS — ALPINE RESORT AREAS** — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 4.00 p.m. on 24 June 2009 a copy of each submission made to the Review of Alpine Resort Areas undertaken by the State Services Authority in 2008 and a copy of each agenda and minutes of meetings of the interdepartmental reference group that looked at matters surrounding Alpine Resort Management Boards and the State Services Authority report into them.

Debate ensued.

Question — put and agreed to.

- 12 BUSINESS POSTPONED** —

Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

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

- 13 FAIR WORK (COMMONWEALTH POWERS) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to refer certain matters to the Commonwealth regarding workplace relations, to repeal the Commonwealth Powers (Industrial Relations) Act 1996 and the Victorian Workers' Wages Protection Act 2007, to amend the Long Service Leave Act 1992, the Public Sector Employment (Award Entitlements) Act 2006, the Outworkers (Improved Protection) Act 2003, the Public Holidays Act 1993, the Occupational Health and Safety Act 2004, the Public Administration Act 2004 and the Parliamentary Administration Act 2005 and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Pakula, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 14 WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL 2008** — The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.

- 15 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until the next day of meeting.

- 16 BUDGET PAPERS, 2009-10** — Mr Pakula moved, That the Council take note of the Budget Papers, 2009-10.

Debate ensued.

On the motion of Ms Mikakos, the debate was adjourned until the next day of meeting.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

- 17 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2008** — The President announced the receipt of a Message from the Assembly informing the Council that they had disagreed with the amendments made by the Council in this Bill.

On the motion of Mr Lenders, the Message was ordered to be taken into consideration on the next day of meeting.

- 18 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Sessional Orders.

And then the Council, at 10.26 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 120 — Thursday, 4 June 2009

1 The President took the Chair and read the Prayer.

2 **PETITIONS —**

GAMING MACHINE ENTITLEMENTS — Mr Koch presented a Petition bearing 35 signatures from certain citizens of Victoria requesting that the Government amend proposed legislative changes controlling the entitlements to gaming machines to include (1) a minimum of 75 per cent entitlements for clubs that currently have machines, with the remaining 25 per cent subject to the proposed auction process; (2) a limit on the concentration of ownership of club entitlements to 420 and four venues; (3) a tax system based on venue revenue, not revenue per machine; (4) provisions that protect club access in each local government area to ensure that a ratio of 50 per cent hotels and 50 per cent clubs be enshrined in legislation; and (5) bidding for club entitlements to be restricted to local community clubs.

Ordered to lie on the Table.

* * * * *

GAMING MACHINE ENTITLEMENTS — Mr Atkinson and Mr Koch each presented Petitions bearing 424 and 84 signatures, respectively, from certain citizens of Victoria requesting that the Government amend proposed legislative changes controlling the entitlements to gaming machines to include (1) a minimum of 75 per cent entitlements for clubs that currently have machines, with the remaining 25 per cent subject to the proposed auction process; (2) a limit on the concentration of ownership of club entitlements of 420 entitlements and four venues; (3) a tax system based on venue revenue, not revenue per machine; (4) provisions that protect club access in each local government area to ensure that hotels do not take up all available entitlements in any area; and (5) bidding for club entitlements to be restricted to genuine local community clubs.

Ordered to lie on the Table.

3 **STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION** — The President reported that he had received a letter from the Chairman of the Standing Committee on Finance and Public Administration, dated 2 June 2009, advising that the Committee had resolved to amend the wording of the inquiry to delete the words “for the previous financial year” so the terms of reference now read “To inquire into and report on Victorian departmental and agency performance and operations”.

4 **PAPERS —**

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — NEW DIRECTIONS IN ACCOUNTABILITY — PUBLIC FINANCE PRACTICES AND LEGISLATION — Mr Rich-Phillips presented a Report from the Public Accounts and Estimates Committee on the New Directions in Accountability – Inquiry into Public Finance Practices and Legislation (including Appendices).

Ordered to lie on the Table and to be printed.

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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

Office of Police Integrity — Report on Offers of gifts and benefits to Victoria Police employees, June 2009.

Statutory Rules under the following Acts of Parliament:

Rail Safety Act 2006 — No. 59.

State Superannuation Act 1988 — No. 57.

Subordinate Legislation Act 1994 — No. 58.

Supreme Court Act 1986 — No. 60.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 60.
Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 48 and 59.

- 5 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 9 June 2009.
Question — put and agreed to.
- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 7 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until later this day.
- 9 OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (EMPLOYEE PROTECTION) BILL 2008** — Mr Jennings (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
Mr Jennings moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 10 FAIR WORK (COMMONWEALTH POWERS) BILL 2009** — Mr Jennings (for Mr Pakula) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
Mr Jennings moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned until Tuesday, 9 June 2009.
- 11 APPROPRIATION (PARLIAMENT 2009/2010) BILL 2009** — Mr Jennings (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
Mr Jennings moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 12 ENERGY LEGISLATION AMENDMENT (AUSTRALIAN ENERGY MARKET OPERATOR) BILL 2009** — Mr Jennings (for Mr Pakula) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
Mr Jennings moved, That the Bill be now read a second time.
On the motion of Mr Hall, the debate was adjourned until the next day of meeting.
- 13 ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.
Business having been interrupted at 12 noon pursuant to Sessional Orders —
- 14 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 15 ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009** — Debate continued on the question, That the Bill be now read a second time.
On the motion of Mr O'Donohue, the debate was adjourned until the next day of meeting.
- 16 TRANSPORT LEGISLATION GENERAL AMENDMENTS BILL 2008** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and committed to a Committee of the whole.
House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

17 PRODUCTION OF DOCUMENTS — BETTER PLACE AND CARBON POLLUTION REDUCTION SCHEME — The Clerk laid on the Table a letter from the Attorney-General dated 4 June 2009 in response to the Resolutions of the Council of 6 May 2009 seeking the production of documents relating to the company Better Place and electric cars and documents relating to the impact of the Commonwealth Government's proposed Carbon Pollution Reduction Scheme —

- referring to the Government's process for assessing documents for potential executive privilege;
- advising that the Government was still in the process of identifying and assessing a significant number of the requested documents; and
- indicating that the Government would respond to the Council's resolution concerning the CPRS this month and the resolution concerning 'Better Place' and electric cars in July 2009.

18 PRODUCTION OF DOCUMENTS — CARBON POLLUTION REDUCTION SCHEME — The Clerk laid on the Table the following documents received in accordance with the Resolution of the Council of 1 April 2009:

- (1) Brief to Minister for Agriculture: Review of CPRS Exposure Draft Legislation (undated);
- (2) Brief to Minister for Agriculture: Meeting with Australian Dairy Industry Council (undated);
- (3) Brief to Minister for Agriculture: Australian Dairy Industry response to the proposed CPRS (30 October 2008);
- (4) Brief to Minister for Agriculture: Treasury Climate Change Modeling (11 November 2008);
- (5) Brief to Minister for Energy and Resources: Treasury Climate Modeling (11 November 2008);
- (6) Brief to Minister for Energy and Resources: Commonwealth Government's CPRS White Paper (16 December 2008);
- (7) Brief to Ministers for Agriculture, and Energy and Resources: Commonwealth Government's CRPS White Paper (15 December 2008);
- (8) Brief to Ministers for Agriculture, and Energy and Resources: Commonwealth Government's Emissions Trading Scheme Green Paper (16 July 2008);
- (9) Internal DPI Brief: Some impacts on Agriculture of an Australian Emissions Trading Scheme (24 February 2009);
- (10) Internal DPI Brief: ABARE Paper – Agriculture and the Carbon Pollution Reduction Scheme (10 March 2009);
- (11) Brief to Minister for Agriculture: Australian Dairy Industry Council and CPRS (5 December 2008);
- (12) Report by URS Australia Pty Ltd: Climate Change Challenge for Forestry (25 August 2008);
- (13) Report by URS Australia Pty Ltd: Market Opportunities for Victoria's Forestry and Forest Products Sector from Emissions Trading (25 August 2008);
- (14) Brief to Secretary: PIMC National Emissions Trading Scheme Study (16 January 2009);
- (15) Brief to Minister for Energy and Resources: Meeting with Latrobe City Council (undated);
- (16) Brief to Minister for Agriculture: Treasury Climate Change Modeling (undated);
- (17) Brief to Minister for Energy and Resources: Meeting – Agent-General for Victoria in London (undated);
- (18) Report by Nous Group: Market opportunities and challenges of an emissions trading scheme for the Victorian Waste sector (August 2008);

- (19) Brief to the Minister for Environment and Climate Change: Ministerial Soil Carbon Roundtable (26 August 2008);
- (20) Victorian government Submission on the Carbon Pollution Reduction Scheme Green Paper (September 2008);
- (21) Brief to Minister for Environment and Climate Change: Carbon Pollution Reduction Scheme (15 September 2008);
- (22) Brief to Minister for Environment and Climate Change: Carbon Pollution Reduction Scheme (17 September 2008);
- (23) Report by Sinclair Knight Merz: Future Irrigation Scenarios Workshop Briefing Paper (1 November 2008);
- (24) Report by Sinclair Knight Merz: Victorian Irrigation Drainage Problem Review (undated);
- (25) CPRS summary of policy decisions (15 December 2008);
- (26) Brief to the Minister for Environment and Climate Change: VECCI Regional Business Convention Roundtable (20 March 2009);
- (27) Stakeholders' views on voluntary measures and the CPRS (undated);
- (28) Summary of National Carbon Offset Standard Discussion Paper (14 January 2009);
- (29) Brief to Premier: Commonwealth Treasury modeling of the economic effects of the CPRS (30 October 2008);
- (30) Brief to Minister for Environment and Climate Change: Commonwealth modeling of the effect of the Carbon Pollution Reduction Scheme (30 October 2008); and
- (31) Victorian Government Submission on Draft Report of the Garnaut Review (August 2008).

The Clerk also tabled a letter from the Attorney-General received on 4 June 2009 advising the Council that Executive Privilege was claimed in relation to the following documents and that, therefore, those documents have not been provided:

- (1) Brief to Minister for Energy and Resources (21 January 2009);
- (2) Brief to Minister on Cabinet Submission;
- (3) Brief to Minister on Cabinet Submission;
- (4) Cabinet submission;
- (5) Brief to Minister on Cabinet Submission;
- (6) Cabinet submission;
- (7) Cabinet Speaking notes;
- (8) Brief to Minister on Cabinet Submission;
- (9) Brief to Minister for Energy and Resources (March 2009);
- (10) Brief to Minister for Energy and Resources (March 2009);
- (11) Briefing note (19 March 2009);
- (12) Brief to Minister for Energy and Resources (6 March 2009);
- (13) Brief to Minister for Energy and Resources (27 February 2009);
- (14) Brief to Minister for Energy and Resources (27 February 2009);
- (15) Brief to Minister for Energy and Resources (9 February 2009);
- (16) Brief to Minister for Energy and Resources (15 January 2009);
- (17) Brief to Minister for Energy and Resources (November 2008);
- (18) Brief to Minister for Energy and Resources (25 November 2008);
- (19) Brief to Minister for Energy and Resources (20 November 2008);
- (20) Brief to Minister for Energy and Resources (14 November 2008);
- (21) Brief to Minister for Energy and Resources (21 October 2008);
- (22) Brief to Minister for Agriculture (11 September 2008);
- (23) Report by KPMG (August 2008);
- (24) Brief to Secretary, Department of Primary Industries (DPI) (13 February 2009);
- (25) Brief to Minister for Energy and Resources (29 September 2008);
- (26) Brief to Minister for Environment and Climate Change (17 July 2008);
- (27) Brief to Minister for Environment and Climate Change (25 July 2008);

- (28) Brief to Minister for Environment and Climate Change (4 August 2008);
- (29) Brief to Minister for Environment and Climate Change (5 August 2008);
- (30) Brief to Minister for Environment and Climate Change (28 August 2008);
- (31) Brief to Minister on Cabinet submission;
- (32) DSE Discussion Paper;
- (33) Brief to Minister for Environment and Climate Change (4 September 2008);
- (34) DSE Discussion Paper;
- (35) Brief to Minister on Cabinet submission;
- (36) Brief to Minister for Environment and Climate Change (14 October 2008);
- (37) Brief to Secretary, Department of Sustainability and Environment (DSE) (24 October 2008);
- (38) Brief to Minister on Cabinet submission;
- (39) Brief to Minister for Environment and Climate Change (31 October 2008);
- (40) DSE and DPI comments on Draft Climate Change Green Paper;
- (41) Brief to Minister for Environment and Climate Change (25 November 2008);
- (42) Brief to Minister for Environment and Climate Change (10 December 2008);
- (43) Paper on CPRS White Paper (19 January 2009);
- (44) Brief to Secretary, DSE (22 January 2009);
- (45) Cabinet submission;
- (46) DSE discussion paper;
- (47) Brief to Minister for Environment and Climate Change (11 March 2009);
- (48) Brief to Minister for Environment and Climate Change (10 March 2009);
- (49) Brief to Minister for Environment and Climate Change (18 March 2009);
- (50) Brief to Minister for Environment and Climate Change (23 March 2009);
- (51) Brief to Minister for Environment and Climate Change (24 March 2009);
- (52) Internal DSE briefing (25 March 2009);
- (53) Brief to Minister for Environment and Climate Change (26 March 2009);
- (54) Internal DSE briefing (26 March 2009);
- (55) Brief to Minister on Cabinet submission;
- (56) Internal DSE brief (21 August 2008);
- (57) Briefing on natural resource management (December 2008);
- (58) Report by George Wilkenfeld and Associates (March 2009);
- (59) Internal DSE briefing (13 February 2009);
- (60) Report by Deloitte (March 2009);
- (61) Brief to Premier (19 August 2008);
- (62) Brief to Premier on Cabinet submission;
- (63) Brief to Premier (4 August 2008);
- (64) Brief to Premier on Cabinet submission;
- (65) Brief to Premier (15 August 2008);
- (66) Brief to Secretary, Department of Premier and Cabinet (25 August 2008);
- (67) Brief to Premier (29 August 2008);
- (68) Brief to Premier (9 September 2008);
- (69) Brief to Premier (4 September 2008);
- (70) Brief to Premier on Cabinet submission;
- (71) Brief to Premier (13 October 2008);
- (72) Brief to Premier on Cabinet submission;
- (73) Brief to Premier (2 January 2009);
- (74) Brief to Premier (12 December 2008);
- (75) Brief to Premier (16 December 2008);
- (76) Brief to Premier (2 January 2009);
- (77) Brief to Premier (29 January 2009);
- (78) Brief to Premier (30 March 2009);

- (79) Brief to Premier (29 October 2008);
- (80) Brief to Premier (12 December 2008);
- (81) Brief to Premier (2 September 2008);
- (82) Brief to Minister for Environment and Climate Change (undated);
- (83) CPRS paper (September 2008);
- (84) Draft Cabinet Submission;
- (85) Report by Victoria University of Technology (February 2009);
- (86) Brief to Premier (3 March 2009);
- (87) Cabinet Submission (with associated briefs and decision extract);
- (88) Cabinet Submission (with associated briefs);
- (89) Cabinet Submission (with associated briefs and decision extract);
- (90) Cabinet Submission (with associated briefs and decision extract);
- (91) Cabinet Submission (with associated briefs and decision extract);
- (92) Cabinet Submission (with associated briefs and decision extract);
- (93) Cabinet Submission (with associated briefs and decision extract);
- (94) Cabinet Submission (with associated briefs and decision extract);
- (95) Cabinet Submission (with associated briefs and decision extract);
- (96) Cabinet Submission (with associated briefs and decision extract);
- (97) Cabinet Submission (with associated briefs and decision extract);
- (98) Cabinet Submission (with associated briefs and decision extract);
- (99) Cabinet Submission (with associated briefs and decision extract);
- (100) Cabinet Submission (with associated briefs and decision extract);
- (101) Cabinet Submission (with associated briefs and decision extract);
- (102) Cabinet Submission (with associated briefs and decision extract);
- (103) Council for the Australian Federation (CAF) Senior Officials Meeting speaking points (8 April 2009);
- (104) CAF Senior Officials Meeting speaking points (8 April 2009);
- (105) Council of Australian Government (COAG) Senior Officials Meeting speaking points (19 March 2009);
- (106) CPRS paper (August 2008);
- (107) CAF paper (28 August 2008);
- (108) CAF speaking points (11 September 2008);
- (109) CAF meeting speaking points (3 September 2008);
- (110) CAF meeting speaking points (9 September 2008);
- (111) CAF meeting speaking points (8 September 2008); and
- (112) COAG Senior Officials Meeting speaking points (12 November 2008).

19 BUSINESS POSTPONED —

Ordered — That the consideration of Order of the Day, Government Business, No. 7, be postponed until later this day.

Ordered — That the consideration of Orders of the Day, Government Business, Nos. 8 and 9, be postponed until the next day of meeting.

20 PUBLIC ADMINISTRATION AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

<p>AYES, 37</p> <p>Mr Atkinson</p> <p>Ms Broad</p> <p>Mrs Coote</p> <p>Mr Dalla-Riva</p> <p>Ms Darveniza</p> <p>Mr D.M. Davis</p>	<p>NOES, 3</p> <p>Mr Barber (<i>Teller</i>)</p> <p>Ms Hartland (<i>Teller</i>)</p> <p>Ms Pennicuik</p>
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Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmar
Mr Finn
Mr Guy
Mr Hall (*Teller*)
Ms Huppert
Mr Jennings
Mr Kavanagh
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich (*Teller*)
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Ms Tierney
Mr Viney
Mr Vogels

Question agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 21 STATE TAXATION ACTS AMENDMENT BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Pakula (for Mr Lenders), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 22 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 11, be postponed until the next day of meeting.

- 23 CRIMES AMENDMENT (IDENTITY CRIME) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik announced that she proposed to move an amendment in Committee and requested that it be circulated.

Accordingly, the amendment was circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

24 BUSINESS POSTPONED —

Ordered — That the consideration of Order of the Day, Government Business, No. 13, be postponed until later this day.

Ordered — That the consideration of Order of the Day, Government Business, No. 14, be postponed until the next day of meeting.

25 ROAD LEGISLATION AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

26 GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2009 — Bill committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

Mr Pakula moved, That the sitting be extended.

Question — put and agreed to.

Debate continued in Committee of the whole.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

27 ADJOURNMENT — Mr Pakula moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.32 p.m., adjourned until Tuesday, 9 June 2009.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 118, 119 and 120

Tuesday, 2 June 2009

1 DUTIES AMENDMENT BILL 2008

Clause 1 — By leave, the amendments previously moved by Mr Lenders were withdrawn. Pursuant to Standing Order 14.13(4), Mr Lenders moved —

1. Clause 3, line 5, omit "definition" and insert "definitions".
2. Clause 3, line 7, omit 'Victoria;'. ' and insert "Victoria;".
3. Clause 3, after line 7 insert—
"**rent reserved** in relation to a lease, means the rent paid or payable during the term of the lease and any amount paid or payable for the right to use the land under the lease;

Example

Amounts paid under the lease for the following purposes are payments for the right to use the land under the lease—

- (a) rates;
 - (b) charges;
 - (c) taxes;
 - (d) maintenance;
 - (e) utilities;
 - (f) legal costs required to be paid by the lessee on behalf of the lessor in relation to the grant of the lease;
 - (g) insurance premiums;
 - (h) marketing costs;
 - (i) car park contributions."
4. Clause 4, page 4, line 31, omit "transaction." and insert "transaction."
 5. Clause 4, page 4, after line 31 insert—
"(3AAB) Despite subsection (1), the granting of a lease is not a dutiable transaction if the lease was granted as a result of the exercise of an option for a further term where—
 - (a) the option was provided for by a lease which was granted before 21 November 2008; and
 - (b) the lease referred to in paragraph (a) required the payment of consideration for the exercise of the option."

Progress reported.

Thursday, 4 June 2009

1 TRANSPORT LEGISLATION GENERAL AMENDMENTS BILL 2008

Clause 1 — Mr Koch moved —

1. Clause 1, page 2, lines 3 and 4, omit sub-paragraph (i).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 22
Mr Atkinson	Mr Barber
Mrs Coote (<i>Teller</i>)	Ms Broad (<i>Teller</i>)
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum (<i>Teller</i>)	Ms Hartland
Mr Finn	Ms Huppert
Mr Guy	Mr Jennings
Mr Hall	Mr Leane
Mr Kavanagh	Mr Lenders
Mr Koch	Mr Madden
Mrs Kronberg	Ms Mikakos
Ms Lovell	Mr Pakula
Mr O'Donohue	Ms Pennicuik
Mrs Petrovich	Ms Pulford
Mrs Peulich	Mr Scheffer
Mr Rich-Phillips	Mr Smith
Mr Vogels	Mr Somyurek
	Mr Tee (<i>Teller</i>)
	Mr Theophanous
	Ms Tierney
	Mr Viney

Amendment negated.

Clause 1 — put and agreed to.

Clauses 2 to 14 — put and agreed to.

Bill reported without amendment.

2 CRIMES AMENDMENT (IDENTITY CRIME) BILL 2009

Clauses 1 to 5 — put and agreed to.

Clause 6 — Ms Pennicuik moved —

1. Clause 6, page 9, lines 3 to 7, omit all words and expressions in these lines and insert—
 - "(1) A court may issue a certificate setting out that a person is a victim of an identity crime offence, if the court is satisfied, on the balance of probabilities—
 - (a) that the person is the victim of an identity crime offence; and
 - (b) that, if the certificate were issued, it might assist the person in dealing with the consequences of the identity crime offence in relation to his or her personal or business affairs."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3	NOES, 36
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland (<i>Teller</i>)	Ms Broad
Ms Pennicuik	Mrs Coote
	Mr Dalla-Riva
	Ms Darveniza
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum

Mr Eideh
Mr Elasmar
Mr Finn
Mr Guy (*Teller*)
Mr Hall
Ms Huppert
Mr Jennings
Mr Kavanagh
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford (*Teller*)
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Theophanous
Ms Tierney
Mr Viney
Mr Vogels

Amendment negatived.

Clause 6 — put and agreed to.

Clauses 7 to 10 — put and agreed to.

Bill reported without amendment.

3 GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2009

Clause 1 — Mr Madden moved —

1. Clause 1, line 3, omit "Bill" and insert "Act".
2. Clause 1, page 2, after line 13 insert—
"() to make further provision in relation to the placement of automatic teller machines in approved venues; and
() to make provision in relation to gaming machine pre-commitment mechanisms; and".
3. Clause 1, page 2, line 14, omit "(d)" and insert "(f)".
4. Clause 1, page 2, after line 15 insert—
"() The purpose of this Act is also to amend the **Casino Control Act 1991** to make further provision in relation to the placement of automatic teller machines in a casino."

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 1, as amended, stand part of the Bill — put and agreed to.

Clause 2 — Mr Madden moved —

5. Clause 2, line 17, omit "Division 1 of Part 4" and insert "sections 63 and 64".
6. Clause 2, line 18, omit "and sections 76 and 77" and insert "sections 76 and 77 and Division 5 of Part 4".

7. Clause 2, line 21, omit "subsection (3), Division 1 of Part 4" and insert "this section, sections 63 and 64".
8. Clause 2, line 24, omit "a provision referred to in subsection (2)" and insert "section 63(1) or 64, or a provision in Division 2 of Part 4 or section 76 or 77".
9. Clause 2, after line 26 insert—
 - "() If section 63(2), (3), (4) or (5) does not come into operation before 1 July 2012, it comes into operation on that day.
 - () Subject to subsection (6), Division 5 of Part 4 comes into operation on a day to be proclaimed.
 - () If Division 5 of Part 4 does not come into operation before 1 July 2012, it comes into operation on that day."

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 2, as amended, stand part of the Bill — put and agreed to.

Clause 3 — put and agreed to.

Clause 4 — Mr Madden moved —

10. Clause 4, line 5, before "In" insert "(1)".
 11. Clause 4, after line 6 insert—
 - ' "**authorising officer**, of a club that is—
 - (a) a company, means the company's secretary;
 - (b) a co-operative (within the meaning of the **Co-operatives Act 1996**), means the secretary of the co-operative;
 - (c) an incorporated association (within the meaning of the Associations Incorporation Act 1981), means the public officer or secretary of the association;

club gaming machine entitlement means a gaming machine entitlement that is subject to a venue condition that authorises the conduct of gaming in an approved venue in respect of which a club licence or racing club licence is in force;

constituting document, of a club that is—

 - (a) a company, means the constitution of the company;
 - (b) a co-operative (within the meaning of the **Co-operatives Act 1996**), means the rules of the co-operative;
 - (c) an incorporated association (within the meaning of the **Associations Incorporation Act 1981**), means the rules of the association;

hotel gaming machine entitlement means a gaming machine entitlement that is subject to a venue condition that authorises the conduct of gaming in an approved venue in respect of which a pub licence is in force;

pre-commitment mechanism means a prescribed mechanism or system that allows a person to set a time limit or net loss limit before that person plays a gaming machine;".
12. Clause 4, line 7, omit "**gaming**" and insert "**gaming**".
13. Clause 4, after line 18 insert—
 - "() In section 1.3(1) of the Principal Act, for the definition of **venue operator's licence substitute**—
 - "**venue operator's licence** means a club venue operator's licence or a hotel venue operator's licence issued under Division 2 of Part 4 of Chapter 3;".

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 4, as amended, stand part of the Bill — put and agreed to.

Clause 5 — Mr Madden moved —

14. Clause 5, page 6, lines 6 to 8, omit all words and expressions on these lines and insert—
 - "() In section 3.1.2 of the Principal Act, the definition of **State limit** is **repealed**."

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 5, as amended, stand part of the Bill — put and agreed to.

Clauses 6 to 8 — put and agreed to.

Clause 9 — Mr Madden moved —

15. Clause 9, lines 14 to 22, omit all words and expressions on these lines and insert—
"Section 3.2.3(1)(b), (c) and (e) of the Principal Act is **repealed**."

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 9, as amended, stand part of the Bill — put and agreed to.

Clause 10 — Mr Madden moved —

16. Clause 10, lines 12 to 17, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put and agreed to.

Mr Kavanagh moved —

3. Clause 10, page 12, line 27, after "entitlements" insert "or club gaming machine entitlements".
4. Clause 10, page 13, after line 11 insert—
() An entitlement holder holds a prohibited number of club gaming machine entitlements if—
(a) the entitlement holder holds more than 420 club gaming machine entitlements; or
(b) the sum of the club gaming machine entitlements held by an entitlement holder (the **first entitlement holder**) and one or more other entitlement holders that have a prescribed connection with the first entitlement holder equates to more than 420 club gaming machine entitlements."

Question — That the amendments be agreed to — put and agreed to.

Mr Madden moved —

17. Clause 10, page 13, lines 14 to 16, omit "all directions under section 3.2.3 that relate to hotel gaming machine entitlements must be applied" and insert "a notice published under section 3.4A.5(3) must be applied and the matters set out in section 3.4A.5(5) and (6) must be taken into account."

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 10, as amended, stand part of the Bill — put and agreed to.

Clause 11 — Mr Madden moved —

18. Clause 11, after line 25 insert—
"(ab) while holding gaming machine entitlements, conduct gaming on approved gaming machines in an approved venue operated by the licensee; and".
19. Clause 11, line 26, omit "(ab)" and insert "(ac)".
20. Clause 11, page 14, line 1, omit "(ac)" and insert "(ad)".
21. Clause 11, page 14, line 19, omit 'games.'" and insert "games."
22. Clause 11, page 14, after line 19 insert—
'(3) A venue operator's licence only authorises the licensee to conduct gaming on 105 approved gaming machines in every approved venue operated by the licensee.'".

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 11, as amended, stand part of the Bill — put and agreed to.

Clauses 12 to 14 — put and agreed to.

Clause 15 — Mr Madden moved —

23. Clause 15, lines 24 to 26, omit all words and expressions on these lines and insert—
() For section 3.4.8(1) of the Principal Act **substitute**—
"(1) Only a person who is not a natural person may apply to the Commission for a club venue operator's licence or a hotel venue operator's licence.
(1A) An application for a club venue operator's licence may only be made by a club—
(a) that is established for a community purpose; and
(b) the constituting document of which contains provisions prohibiting—
(i) the distribution of any annual profit or surplus to its members; and
(ii) the distribution of any surplus to its members on winding up.'".

- () After section 3.4.8(2) of the Principal Act **insert**—
- "(2A) In addition to the requirements of subsection (2), an application for a club venue operator's licence must also be accompanied by a copy of the club liquor licence, or the racing club licence, for the club and the following information—
- (a) a copy of the constituting document of the club that is certified as true and correct by the authorising officer of the club with the provisions referred to in subsection (1A)(b) clearly marked; and
 - (b) a statement of community purpose which sets out the purposes for which the club is established (if these purposes are not set out in the constituting document of the club); and
 - (c) any further information that the Commission requires to be satisfied that the applicant is a club established for a community purpose.".

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 15, as amended, stand part of the Bill — put and agreed to.

Clause 16 — Mr Madden moved —

24. Clause 16, line 29, before "venue" insert "hotel".
25. Clause 16, line 32, before "venue" insert "hotel".
26. Clause 16, page 18, line 1, before "venue" insert "hotel".
27. Clause 16, page 18, line 4, before "venue" insert "hotel".
28. Clause 16, page 18, line 9, before "venue" insert "hotel".

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 16, as amended, stand part of the Bill — put and agreed to.

Clause 17 — Mr Madden moved —

29. Clause 17, after line 14 insert—

() After section 3.4.11(1)(b) of the Principal Act **insert**—

"(ba) in the case of an application for a club venue operator's licence, the applicant is a club; and".'.

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 17, as amended, stand part of the Bill — put and agreed to.

Clause 18 — Mr Madden moved —

30. Clause 18, after line 20 insert—

() After section 3.4.12(2)(a) of the Principal Act **insert**—

"(ab) whether the licence is a club venue operator's licence or a hotel venue operator's licence; and".'.
31. Clause 18, page 19, after line 5 insert—

() After section 3.4.13(2)(b) of the Principal Act **insert**—

"(ba) details as to whether the venue operator is the holder of a club venue operator's licence or a hotel venue operator's licence;".'.

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 18, as amended, stand part of the Bill — put and agreed to.

Clauses 19 to 22 — put and agreed to.

Clause 23 — Mr Madden moved —

32. Clause 23, page 31, line 5, omit "10" and insert "15".

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 23, as amended, stand part of the Bill — put and agreed to.

Clause 24 — put and agreed to.

Clause 25 — Mr Madden moved —

33. Clause 25, page 60, line 22, omit "managed or".
34. Clause 25, page 62, line 22, omit "The" and insert "Subject to this section, the".
35. Clause 25, page 62, after line 27 insert—
 "() The Minister—
 (a) must not create more gaming machine entitlements than the Minister has specified in a notice under subsection (3); and
 (b) must not allocate a club gaming machine entitlement to a venue operator who does not hold a club venue operator's licence.
 () The Minister, by notice published in the Government Gazette, must specify the maximum number of gaming machine entitlements the Minister will create under subsection (1)."
36. Clause 25, page 62, line 28, omit "this section" and insert "subsections (5) to (8)".
37. Clause 25, page 63, after line 8 insert—
 "() The imposition of geographic area conditions under subsection (4)(a) must result in at least 20% of all gaming machine entitlements created authorising the conduct of gaming in a region or municipal district outside the Melbourne Statistical Division.
 () The imposition of venue conditions under subsection (4)(b) must not result in—
 (a) more than 50% of gaming machine entitlements created authorising the conduct of gaming in an approved venue in respect of which a pub licence is in force; and
 (b) more than 50% of gaming machine entitlements created authorising the conduct of gaming in an approved venue in respect of which a club licence or racing club licence is in force.

Note

In addition to specifying, under subsection (3), the maximum number of gaming machine entitlements the Minister will create, the Minister may direct the Commission as to the maximum permissible number of gaming machines available for gaming in the State and the Commission is bound by such a direction: see section 3.2.3(1)(a) and (5)."

38. Clause 25, page 63, line 9, omit "A" and insert "In addition, a".
39. Clause 25, page 63, line 13, omit "A" and insert "In addition, a".
40. Clause 25, page 63, line 29, after "entitlements" insert "including any eligibility criteria".
41. Clause 25, page 63, line 33, omit "(5)(a)" and insert "(9)(a)".
42. Clause 25, page 64, line 4, omit "(5)(a)" and insert "(9)(a)".
43. Clause 25, page 64, line 20, omit "3.4A.5(5)(e)" and insert "3.4A.5(9)(e)".
44. Clause 25, page 69, line 1, omit "subsection (3)" and insert "this section".
45. Clause 25, page 69, after line 5 insert—
 "() The effect of a decision of the Commission to amend a geographic area condition must not be inconsistent with the effect of section 3.4A.5(5).
 () The effect of a decision of the Commission to amend a venue condition must not be inconsistent with the effect of section 3.4A.5(6)."
46. Clause 25, page 69, line 6, omit "A" and insert "In addition, a".
47. Clause 25, page 79, lines 25 to 31, omit all words and expressions on these lines.
48. Clause 25, page 80, line 1, omit "**3.4A.32**" and insert "**3.4A.31**".
49. Clause 25, page 80, line 8, omit "**3.4A.33**" and insert "**3.4A.32**".
50. Clause 25, page 80, line 24, omit "**3.4A.34**" and insert "**3.4A.33**".

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 25, as amended, stand part of the Bill — put and agreed to.

Clause 26 — put and agreed to.

Clause 27 — Mr Kavanagh moved —

5. Clause 27, page 83, lines 6 to 8, omit all words and expressions on these lines.

By leave, the amendment moved by Mr Kavanagh was withdrawn.

Question — That Clause 27 stand part of the Bill — put and agreed to.

Clauses 28 to 53 — put and agreed to.

Clause 54 — Mr Madden moved —

51. Clause 54, page 118, line 5, omit "4.2.8(3)" and insert "4.2.9(3)".
52. Clause 54, page 118, line 10, omit "4.2.8(3)" and insert "4.2.9(3)".
53. Clause 54, page 118, line 15, omit "4.2.8(3)" and insert "4.2.9(3)".
54. Clause 54, page 118, line 29, omit "4.2.8(3)" and insert "4.2.9(3)".

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 54, as amended, stand part of the Bill — put and agreed to.

Clauses 55 and 56 — put and agreed to.

Clause 57 — Mr Madden moved —

55. Clause 57, page 126, line 20, omit "4.3A.34I or 4.3A.34J" and insert "4.3A.34I, 4.3A.34J or 4.3A.34K".

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 57, as amended, stand part of the Bill — put and agreed to.

Clauses 58 to 62 — put and agreed to.

Heading to Clause 63 — Mr Madden moved —

56. Heading to clause 63, line 4, omit all words and expressions on this line and insert—

"New gaming machine advertising prohibitions and responsible gambling sign requirements".

Question — That the amendment be agreed to — put and agreed to.

Clause 63 — Mr Madden moved —

57. Clause 63, line 5, before "After" insert "(1)".
58. Clause 63, page 143, after line 21 insert—

() In section 1.3(1) of the Principal Act, after the definition of **Responsible Gambling Code of Conduct**, insert—

"responsible gambling sign means a sign (whether consisting of words, symbols, pictures or any other thing) that—

- (a) can reasonably be taken to be intended to foster responsible gambling in order to minimise the harm caused by problem gambling; and
- (b) is prescribed;"

() After section 3.5.34AA(6)(b) and 3.5.34AB(4)(b) of the Principal Act insert—
"(ba) a responsible gambling sign; or".

() After section 3.5.35 of the Principal Act insert—

"3.5.35A Responsible gambling signs

- (1) A venue operator must display, or cause to be displayed, outside every entrance to a gaming machine area of an approved venue a responsible gambling sign.
Penalty: 60 penalty units.
- (2) This section does not apply to a venue operator who is a casino operator."

() In Part 3 of Schedule 1 to the Principal Act, after item 3.25 insert—

"3.25A Responsible gambling signs including—

- (a) the information that must be included in a responsible gambling sign;
- (b) the size of a responsible gambling sign;
- (c) the placement of a responsible gambling sign outside an entrance to a gaming machine area of an approved venue;
- (d) the manner in which a responsible gambling sign must be displayed."

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 63, as amended, stand part of the Bill — put and agreed to.

Clauses 64 to 74 — put and agreed to.

Clause 75 — Mr Madden moved —

59. Clause 75, after line 19 insert—

"22.1A Existing venue operator's licences to be club venue operator's licences or hotel venue operator's licences

On the commencement of section 16 of the **Gambling Regulation Amendment (Licensing) Act 2009**—

- (a) a venue operator that holds a club liquor licence or a racing club licence is deemed to be the holder of a club venue operator's licence; and
- (b) a venue operator that holds a pub liquor licence is deemed to be the holder of a hotel venue operator's licence.

22.1B Minister's power to make directions relating to gaming machine numbers to continue until specified date

Section 3.2.3, as in force immediately before the commencement of section 9 of the **Gambling Regulation Amendment (Licensing) Act 2009**, continues to have effect until 15 August 2012 as if section 9 had not come into operation.

22.1C Current Ministerial directions relating to gaming machine numbers

- (1) This clause applies to a direction of the Minister—
 - (a) made under section 3.2.3 that contains a matter or thing provided for under section 3.2.3(1)(b), (c) or (e); and
 - (b) that is in force immediately before the commencement of section 9 of the **Gambling Regulation Amendment (Licensing) Act 2009**.
- (2) The direction continues to have effect until 15 August 2012 despite the commencement of section 9 of the of the **Gambling Regulation Amendment (Licensing) Act 2009** and may be amended or revoked accordingly."

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 75, as amended, stand part of the Bill — put and agreed to.

Clause 76 — Mr Madden moved —

60. Clause 76, line 16, omit "3.5.34AA(7)" and insert "3.5.34AA(8)".

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 76, as amended, stand part of the Bill — put and agreed to.

Clause 77 — put and agreed to.

Division heading preceding clause 78 — Mr Madden moved —

61. Division heading preceding clause 78, omit "5" and insert "7".

Question — That the amendment be agreed to — put and agreed to.

Clause 78 — put and agreed to.

Clause 79 — Mr Madden moved —

62. Clause 79, line 3, omit "1 January 2011" and insert "1 July 2013".

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 79, as amended, stand part of the Bill — put and agreed to.

New clauses — Mr Madden moved —

63. Insert the following New Clauses and Division headings to follow clause 77—

'Division 5—Placement of automatic teller machines**AA New Subdivision heading inserted**

Before section 3.5.29 of the Principal Act insert—

"Subdivision 1—General measures".

BB New Subdivision inserted into Division 3 of Part 5 of Chapter 3

After section 3.5.33A of the Principal Act **insert—**

"Subdivision 2—Automatic teller machine measures**3.5.33B Definitions**

In this Subdivision—

approval means an approval granted under section 3.5.33F;

approved venue, where that venue is not on a racecourse, includes—

- (a) the exterior walls of the venue; and
- (b) any land that is owned or leased (under a retail lease or otherwise) by the venue operator on which the venue is located; and
- (c) any car park owned or occupied by the venue operator and used primarily by patrons of the venue;

default conditions means the conditions specified under section 3.5.33H;

Ministerial direction means a direction of the Minister under section 3.5.33G.

3.5.33C Automatic teller machines prohibited in approved venues not on racecourses

(1) A venue operator must not provide, or allow another person to provide on the venue operator's behalf, an automatic teller machine in an approved venue that is not on a racecourse unless the venue operator holds an approval that authorises the provision of that machine.

Penalty: 60 penalty units.

(2) This section does not apply to a venue operator who is a casino operator.

3.5.33D Limiting placement of automatic teller machines on racecourses

(1) In relation to a gaming machine area in an approved venue that is on a racecourse, a venue operator must not provide, or allow another person to provide on the venue operator's behalf, an automatic teller machine—

- (a) in the gaming machine area; or
- (b) in an area that is less than 50 metres walking distance away from an entrance to the gaming machine area.

Penalty: 60 penalty units.

(2) Section 43 of the **Interpretation of Legislation Act 1984** does not apply to the measurement of any distance for the purposes of subsection (1).

3.5.33E Application for approval

(1) A venue operator may apply to the Commission for an approval to provide, or for another person to provide on its behalf, an automatic teller machine in an approved venue.

(2) An application for an approval must—

- (a) be in a form approved by the Commission; and
- (b) contain or be accompanied by any additional information the Commission requires; and
- (c) be accompanied by the prescribed fee (if any).

3.5.33F Approvals

(1) Subject to this section, on receipt of an application under section 3.5.33E, the Commission may grant or refuse to grant an approval.

(2) The Commission must not grant an approval unless—

- (a) the approved venue in which the venue operator proposes to place or allow to be placed an automatic teller machine is or will be situated outside the Melbourne Statistical Division; and
- (b) the Commission is satisfied that the community in which the approved venue is or will be situated would, if the approval is not granted—
 - (i) have no reasonable alternative access to cash facilities; and
 - (ii) suffer hardship.

(3) For the purpose of being satisfied under subsection (2)(b), the Commission—

- (a) must apply any criteria specified in a Ministerial direction; and
- (b) must take into account any other matters specified in a Ministerial direction; and
- (c) may take into account any other matter it considers relevant.

(4) The Commission must—

- (a) notify, in writing, the venue operator of its decision under this section; and
- (b) publish notice of the granting of an approval in the Government Gazette under this section.

- (5) An approval comes into effect on the day notice of its granting is published in the Government Gazette or on a later date specified in the notice.
- (6) An approval remains in force until revoked by the Commission under this Subdivision.

3.5.33G Ministerial directions as to approvals

- (1) The Minister may give a written direction to the Commission in relation to—
 - (a) criteria the Commission must apply for the purpose of section 3.5.33F(2)(b);
 - (b) any other matters that the Commission must take into account for the purpose of section 3.5.33F(2)(b).
- (2) The Commission, as soon as possible after receiving a direction under this section, must publish the direction in the Government Gazette.

3.5.33H Conditions of approvals

- (1) Every approval is subject to the following conditions (**default conditions**)—
 - (a) it is a condition of the approval that the automatic teller machine to which the approval applies has a withdrawal limit of not more than \$200 for every transaction;
 - (b) it is a condition of the approval that the automatic teller machine to which the approval applies does not allow cash advances from credit accounts;
 - (c) it is a condition of the approval that the automatic teller machine to which the approval applies is not located within the gaming machine area of the approved venue;
 - (d) a condition that is prescribed.
- (2) The Commission may grant an approval subject to any further conditions the Commission considers fit.
- (3) The further conditions that the Commission may impose on an approval under subsection (2) may relate to, but are not restricted to, the following—
 - (a) specifying the location of or providing further restrictions on the location of automatic teller machines at the approved venue;
 - (b) specifying the times when automatic teller machines may or must be available for use at the approved venue;
 - (c) the number of automatic teller machines that may be installed and used at the approved venue;
 - (d) any further withdrawal limits to apply to automatic teller machines at the approved venue.
- (4) However, a condition imposed by the Commission under subsection (2) must not be inconsistent with any default condition.

3.5.33I Amendment of conditions of approvals—Applications by venue operators

- (1) A venue operator who holds an approval may apply to the Commission for an amendment to, or a revocation or a substitution of, a condition of the approval.
- (2) An application under subsection (1) cannot be made in respect of a default condition.
- (3) Sections 3.5.33E to 3.5.33H apply to an application under subsection (1)—
 - (a) as if a reference to an application for an approval were an application under subsection (1); and
 - (b) as if a reference to a decision granting or refusing to grant an approval were a reference to a decision amending, or revoking or substituting, or a refusal to amend, or revoke or substitute, a condition of an approval (as the case may be); and
 - (c) with any other modifications that are necessary.

3.5.33J Review of approvals

- (1) The Commission must review an approval and the conditions that apply to that approval—
 - (a) not less than once every 5 years after that approval has taken effect; and
 - (b) within 90 days after the Commission becomes aware that there has been a change in access to banking services in the community in which the approved venue to which the approval relates is situated.
- (2) The Commission must notify, in writing, the venue operator who is the holder of the approval of the Commission's review.
- (3) A venue operator may make a written submission in relation to a review within 28 days after being notified of the review.
- (4) The Commission must consider any submission it receives under subsection (3) in conducting a review.

- (5) Following a review, the Commission may decide that—
 - (a) the approval be revoked; or
 - (b) the approval not be revoked; or
 - (c) that a condition of the approval be amended, revoked or substituted.
- (6) The Commission must—
 - (a) give the venue operator written notice of its decision under this section; and
 - (b) if the decision is that the approval is revoked or a condition of the approval is amended, revoked or substituted, publish a notice to that effect in the Government Gazette.
- (7) If the Commission decides to revoke an approval or amend, revoke or substitute a condition of the approval, that revocation, amendment or substitution (as the case may be) takes effect 90 days after the Commission notifies the venue operator who is the holder of the approval of its decision under subsection (6)(a).

3.5.33K Amendment of conditions of approvals—By the Commission

The Commission may, on its initiative, amend revoke or substitute a condition of the approval only after a review of the approval under section 3.5.33J.

3.5.33L Functions and powers under this Subdivision may be performed or exercised by a single Commissioner

A function of the Commission under this Subdivision may be performed by any Commissioner.

3.5.33M Appeal

- (1) If a decision to refuse to grant an approval under this Subdivision, or a decision to amend, or revoke or substitute a condition of an approval under this Subdivision, is made by a single commissioner, the venue operator may appeal against the decision to the Commission within 28 days of notification of the decision.
- (2) An appeal must—
 - (a) be in writing; and
 - (b) specify the grounds on which it is made.
- (3) After consideration of an appeal, the Commission may—
 - (a) confirm the decision; or
 - (b) in the case of a decision to refuse to grant an approval—grant the approval, subject to conditions;
 - (c) in the case of a decision to decision to amend, or revoke or substitute a condition of an approval—make a decision not to amend, revoke or substitute the condition.
- (4) The decision of the Commission on an appeal—
 - (a) must be notified in writing to the applicant;
 - (b) may include the reasons for the decision.
- (5) The Commission as constituted for the purposes of the appeal must not include the commissioner who made the decision appealed against."

CC Repeal of certain automatic teller machine measures

Section 3.5.32A of the Principal Act is **repealed**.

DD Casino Control Act 1991—automatic teller machine measures

For section 81AAA of the **Casino Control Act 1991** substitute—

"81AAA Limiting placement of automatic teller machines

- (1) In relation to a casino, a casino operator must not provide, or allow another person to provide on the casino operator's behalf, an automatic teller machine—
 - (a) in the casino; or
 - (b) in an area that is less than 50 metres walking distance away from an entrance to the casino.
 Penalty: 60 penalty units.
- (2) Section 43 of the **Interpretation of Legislation Act 1984** does not apply to the measurement of any distance for the purposes of subsection (1)."

Division 6—Pre-commitment mechanism requirements

EE New sections 3.4.31A and 3.4.31B inserted

After section 3.4.31 of the Principal Act **insert—**

"3.4.31A Pre-commitment mechanisms required for prescribed gaming machines—1 December 2010 to 30 November 2015

On and after 1 December 2010 and until 30 November 2015, a gaming operator or a venue operator must not allow a game to be played on a prescribed gaming machine that does not have a pre-commitment mechanism that applies to that machine.

Penalty: 120 penalty units.

3.4.31B Pre-commitment mechanisms required for gaming machines—from 1 December 2015

On and after 1 December 2015, a venue operator must not allow a game to be played on a gaming machine that does not have a pre-commitment mechanism that applies to that machine.

Penalty: 120 penalty units."

FF New subject matter for regulations inserted

After clause 3.26 of Part 3 of Schedule 1 to the Principal Act **insert—**

"3.26A In relation to pre-commitment mechanisms—

- (a) the method by which a time limit or net loss limit is set;
- (b) if a person has previously set a time limit or net loss limit, the period of time during which a new time limit or new net loss limit set by a person will not be effective;
- (c) if a person has previously set a time limit or net loss limit, the responsible gambling information that may be provided to the person, electronically or otherwise, before or during the playing of a gaming machine;
- (d) the method by which a person who has set a time limit or net loss limit may access an historical record of his or her spending on the playing of a gaming machine;
- (e) options that a person may choose to apply to his or her playing of a gaming machine if a time limit or net loss limit set by the person has been exceeded;
- (f) the period of time during which a person may not play a gaming machine if a time limit or net loss limit set by the person has been exceeded;
- (g) the kinds of networks and connections that may constitute a pre-commitment mechanism that is a system;
- (h) persons who may install and maintain pre-commitment mechanisms."

Question — That the new clauses stand part of the Bill — put and agreed to.

Long title — Mr Madden moved —

64. Long title, after "2003" insert ", the **Casino Control Act 1991**".

Question — That the amendment be agreed to — put and agreed to.

Question — That the long title, as amended, be the long title of the Bill — put and agreed to.

Bill reported with amendments.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 121, 122 and 123

No. 121 — Tuesday, 9 June 2009

- 1 The President took the Chair and read the Prayer.
- 2 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Acting Clerk:
 - Major Events (Crowd Management) Act 2003 — Minister's Order of 27 May 2009 in relation to land surrounding Bob Jane Stadium.
 - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
 - Bass Coast Planning Scheme — Amendment C99.
 - Baw Baw Planning Scheme — Amendments C56 Part 1 and C64 Part 1.
 - Bayside Planning Scheme — Amendment C44.
 - East Gippsland Planning Scheme — Amendment C65.
 - Frankston Planning Scheme — Amendment C50.
 - Glen Eira Planning Scheme — Amendment C79.
 - Golden Plains Planning Scheme — Amendment C41.
 - Horsham Planning Scheme — Amendment C37.
 - Moirra Planning Scheme — Amendments C37 and C41.
 - Pyrenees Planning Scheme — Amendment C18.
 - Queenscliffe Planning Scheme — Amendment C18.
 - Whitehorse Planning Scheme — Amendment C87.
 - Wyndham Planning Scheme — Amendment C109.
 - Yarra Ranges Planning Scheme — Amendments C71 and C84.
 - Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 57.

* * * * *

PROCLAMATION — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Acting Clerk:

Liquor Control Reform Amendment (Enforcement) Act 2009 — Except section 8 — 2 June 2009 (*Gazette No. S163, 2 June 2009*).

- 4 **BUSINESS OF THE COUNCIL** — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 10 June 2009:
 - (1) Notice of Motion No. 38, standing in the name of Mr Guy, relating to the growth areas infrastructure contribution;
 - (2) Notice of Motion No. 25, standing in the name of Mr Barber, relating to the production of certain documents relating to the Public Transport Tender; and

- (3) Notice of Motion No. 29, standing in the name of Mr Hall, relating to the Federal Government's proposed changes to the Youth Allowance and the Commonwealth Accommodation Scholarship scheme.

Debate ensued.

Leave having been refused in relation to Notice of Motion No. 25 —

Question — That precedence be given to the following General Business on Wednesday, 10 June 2009:

- (1) Notice of Motion No. 38, standing in the name of Mr Guy, relating to the growth areas infrastructure contribution; and
- (2) Notice of Motion No. 29, standing in the name of Mr Hall, relating to the Federal Government's proposed changes to the Youth Allowance and the Commonwealth Accommodation Scholarship scheme.

— put and agreed to.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 BUSINESS POSTPONED — Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

7 STATE TAXATION ACTS AMENDMENT BILL 2009 — Mr Pakula (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned until Thursday, 11 June 2009.

8 FAIR WORK (COMMONWEALTH POWERS) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

9 ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Koch (for Mrs Peulich) the debate was adjourned until the next day of meeting.

10 ENERGY LEGISLATION AMENDMENT (AUSTRALIAN ENERGY MARKET OPERATOR) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

11 JUSTICE LEGISLATION AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

12 SUPERANNUATION LEGISLATION AMENDMENT BILL 2009 — The Deputy President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Emergency Services Superannuation Act 1986, the Constitution Act 1975, the County Court Act 1958, the Parliamentary Salaries and Superannuation Act 1968, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988, the Transport*

Superannuation Act 1988 and the Superannuation (Portability) Act 1989 and for other purposes and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Lenders), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

13 ADJOURNMENT — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.45 p.m., adjourned until tomorrow.

MATTHEW TRICARICO
Acting Clerk of the Legislative Council

No. 122 — Wednesday, 10 June 2009

1 The President took the Chair and read the Prayer.

2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, this day, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

Bushfires (Royal Commission) Report Act 2009

Fair Trading and Other Acts Amendment Act 2009

Parliamentary Salaries and Superannuation Amendment Act 2009

Workplace Rights Advocate (Repeal) Act 2009.

3 **PETITIONS** —

GAMING MACHINE ENTITLEMENTS — Mr Atkinson presented a Petition bearing 40 signatures from certain citizens of Victoria requesting that the Government amend proposed legislative changes controlling the entitlements to gaming machines to include (1) a minimum of 75 per cent entitlements for clubs that currently have machines, with the remaining 25 per cent subject to the proposed auction process; (2) a limit on the concentration of ownership of club entitlements of 420 entitlements and four venues; (3) a tax system based on venue revenue, not revenue per machine; (4) provisions that protect club access in each local government area to ensure that hotels do not take up all available entitlements in any area; and (5) bidding for club entitlements to be restricted to genuine local community clubs.

Ordered to lie on the Table.

* * * * *

EQUAL OPPORTUNITY ACT EXEMPTIONS — Mr Atkinson presented a Petition bearing 212 signatures from certain citizens of Victoria requesting the Government abandon its plan for the removal of the exemptions to the *Equal Opportunity Act 1995* which currently serve to protect the core interests of faith-based schools, small business and churches.

Ordered to lie on the Table.

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

Auditor-General —

Report on Connecting Courts — the Integrated Courts Management System, June 2009.

Report on Effectiveness of Drought Assistance Measures, June 2009.

Report on Implementing Victoria Police's Code of Practice for the Investigation of Family Violence, June 2009.

Ombudsman — Report on Conflict of Interest and Abuse of Power by a Building Inspector at Brimbank City Council, June 2009.

Statutory Rules under the following Acts of Parliament:

Country Fire Authority Act 1958 — No. 64.

Infringements Act 2006 — No. 61.

Metropolitan Fire Brigades Act 1958 — No. 63.

Transfer of Land Act 1958 — No. 62.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 62.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 61, 63 and 64.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 GROWTH AREAS INFRASTRUCTURE CONTRIBUTION — Mr Guy moved, That this House notes the failure of the Minister for Planning to consult with industry, councils or land holders in the Urban Growth Boundary investigation area before announcing the imposition of a \$95,000 per hectare growth areas infrastructure contribution which will —

- (1) hurt business and investment in Victoria at a time that our economy is in serious trouble;
- (2) destroy the lives of many Victorians who will be forced to pay exorbitant amounts in taxation on land that they may have lived for generations; and
- (3) be a blatant grab for cash by a government that has squandered years of economic growth.

Debate ensued.

Mr Dalla-Riva moved, as an amendment, That the following new paragraph be inserted after paragraph (3) —

“and is symptomatic of a Government that has an arrogant, top down approach to planning in Victoria and which regards local communities with contempt.”.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

7 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

8 GROWTH AREAS INFRASTRUCTURE CONTRIBUTION — Debate continued on the motion moved by Mr Guy and on the amendment moved by Mr Dalla-Riva.

Question — That the amendment moved by Mr Dalla-Riva be agreed to — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Finn (*Teller*)
Mr Guy (*Teller*)
Mr Hall
Mr Koch
Mrs Kronberg
Ms Lovell
Mr O'Donohue
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

NOES, 17

Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmarr
Ms Huppert (*Teller*)
Mr Jennings
Mr Leane
Mr Madden
Ms Mikakos
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous (*Teller*)
Ms Tierney
Mr Viney

Amendment negatived.

Question — That this House notes the failure of the Minister for Planning to consult with industry, councils or land holders in the Urban Growth Boundary investigation area before announcing the imposition of a \$95,000 per hectare growth areas infrastructure contribution which will —

- (1) hurt business and investment in Victoria at a time that our economy is in serious trouble;
- (2) destroy the lives of many Victorians who will be forced to pay exorbitant amounts in taxation on land that they may have lived for generations; and
- (3) be a blatant grab for cash by a government that has squandered years of economic growth.

— put.

The Council divided — The President in the Chair.

AYES, 15	NOES, 17
Mr Atkinson	Ms Broad
Mrs Coote	Ms Darveniza
Mr Dalla-Riva	Mr Eideh (<i>Teller</i>)
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Ms Huppert
Mr Finn (<i>Teller</i>)	Mr Jennings
Mr Guy	Mr Leane
Mr Hall	Mr Madden
Mr Koch	Ms Mikakos
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Donohue	Mr Smith
Mrs Peulich	Mr Somyurek
Mr Rich-Phillips	Mr Tee (<i>Teller</i>)
Mr Vogels (<i>Teller</i>)	Mr Theophanous
	Ms Tierney
	Mr Viney

Question negatived.

- 9 YOUTH ALLOWANCE AND THE COMMONWEALTH ACCOMMODATION SCHOLARSHIP SCHEME** — Mr Hall moved, That this House expresses its opposition to the Federal Government's proposed changes to the Youth Allowance and the Commonwealth Accommodation Scholarship scheme.

Debate ensued.

Question — put and agreed to.

- 10 BUSINESS POSTPONED** — Ms Lovell moved, That the consideration of Notices of Motion, General Business, Nos. 3 to 26 inclusive, be postponed until later this day.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 17
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza (<i>Teller</i>)
Mrs Coote (<i>Teller</i>)	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings
Mr Finn	Mr Leane (<i>Teller</i>)
Mr Guy	Mr Lenders
Mr Hall	Mr Madden

Ms Hartland	Ms Mikakos
Mr Koch	Mr Pakula
Mr Kavanagh	Ms Pulford
Mrs Kronberg	Mr Scheffer
Ms Lovell	Mr Smith
Mr O'Donohue	Mr Somyurek
Ms Pennicuik	Mr Tee
Mrs Peulich	Mr Viney
Mr Rich-Phillips (<i>Teller</i>)	
Mr Vogels	

Question agreed to.

11 PRODUCTION OF DOCUMENTS — PUBLIC TRANSPORT TENDER — Mr Barber moved,
That this House —

- (1) notes with extreme displeasure the refusal of the Government and the Leader of the Government on behalf of the Government to comply with the Resolutions of the Council of 10 September 2008, 15 October 2008, 4 February 2009 and 1 April 2009 to provide certain documents specified in those Resolutions relating to the Public Transport Tender;
- (2) again reaffirms its view that the Council is fully entitled to scrutinise the activities of the Executive and demand accountability for all aspects of Executive behaviour;
- (3) condemns the Government for its apparent belief that it is not accountable to the people of Victoria through their elected representatives in the Parliament of Victoria;
- (4) does not accept the arguments of the Leader of the Government in support of his decision to not produce the said documents and regards the continual and persistent obstruction of its business by the Leader of the Government, on behalf of the Government, as unacceptable and an affront to the full and effectual exercise of its rightful and important functions;
- (5) accordingly adjudges the Leader of the Government guilty of a further contempt of the Council for his failure, on behalf of the Government, to table or lodge with the Clerk the public transport tender documents specified in the Resolution of the Council of 10 September 2008;
- (6) orders the Leader of the Government, on behalf of the Government, to lodge the said documents with the Clerk by 12 noon on Thursday, 11 June 2009; and
- (7) in the event that the said documents are not lodged with the Clerk by 12 noon on Thursday, 11 June 2009, suspends the Leader of the Government from the service of the Council from 2.00 p.m. for the remainder of the day's sitting. Provided that if the documents are subsequently lodged with the Clerk at any time during the period of suspension, the suspension will immediately cease to have effect.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings (<i>Teller</i>)
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos (<i>Teller</i>)
Ms Hartland	Mr Pakula
Mr Koch	Ms Pulford

Mr Kavanagh	Mr Scheffer
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue (<i>Teller</i>)	Mr Tee
Ms Pennicuik (<i>Teller</i>)	Mr Theophanous
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

12 BUSINESS POSTPONED — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

13 SUPERANNUATION LEGISLATION AMENDMENT BILL 2009 — Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

14 GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2009 — The President announced the receipt of a Message from the Assembly informing the Council that they had agreed to some of the amendments made by the Legislative Council, agreed to the remaining amendments with amendments and made consequential amendments to the Bill, with which agreement was requested.

On the motion of Mr Lenders, the Message was ordered to be taken into consideration the next day of meeting.

Business having been interrupted at 9.57 p.m. pursuant to Standing Orders —

15 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Sessional Orders.

And then the Council, at 10.28 p.m., adjourned until tomorrow.

MATTHEW TRICARICO
Acting Clerk of the Legislative Council

No. 123 — Thursday, 11 June 2009

1 The President took the Chair and read the Prayer.

2 ROAD LEGISLATION AMENDMENT BILL 2009 — The President announced that he had received a report from the Clerk of the Parliaments notifying that he had made the following correction in this Bill:

In Clause 50, line 9, 'section' (where secondly occurring) has been deleted so the line now reads "'section 176(3) or 176(4)" **substitute**'.

3 PETITION — TWELVE APOSTLES KIOSK — Ms Tierney presented a Petition bearing 742 signatures from certain citizens of Victoria requesting that the Corangamite Planning Scheme and zone boundaries are upheld, so that no commercial development, such as the proposed kiosk at the 12 Apostles, is permitted within the Port Campbell National Park, Bay of Islands Coastal Park or on land adjoining the Parks.

Ordered to lie on the Table.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 6 GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2009** — The Order of the Day was read for consideration of the Message from the Assembly informing the Council that they had agreed to some of the amendments made by the Legislative Council, agreed to the remaining amendments with amendments and made consequential amendments to the Bill, with which agreement was requested.

The amendments remaining for consideration by the Council were read and are as follows:

AMENDMENT NO 18

Clause 10, page 13, after line 11 insert—

- () An entitlement holder holds a prohibited number of club gaming machine entitlements if—
 - (a) the entitlement holder holds more than 420 club gaming machine entitlements; or
 - (b) the sum of the club gaming machine entitlements held by an entitlement holder (the first entitlement holder) and one or more other entitlement holders that have a prescribed connection with the first entitlement holder equates to more than 420 club gaming machine entitlements.”.

How dealt with by the Assembly

Agreed to with the following amendment:

Omit “() An” and insert “(3) An’ and make the following consequential amendment in the Bill:

Clause 10, page 13, line 12, omit “(3)” and insert “(4)”.

AMENDMENT NO 37

Clause 25, page 62, after line 27 insert—

- “() The Minister—
 - (a) must not create more gaming machine entitlements than the Minister has specified in a notice under subsection (3); and
 - (b) must not allocate a club gaming machine entitlement to a venue operator who does not hold a club venue operator's licence.
- () The Minister, by notice published in the Government Gazette, must specify the maximum number of gaming machine entitlements the Minister will create under subsection (1).”.

How dealt with by the Assembly

Agreed to with the following amendments:

Omit “() The” (where first occurring) and insert “(2) The” and Omit “() The” (where secondly occurring) and insert “(3) The” and make the following consequential amendment in the Bill:

Clause 25, page 62, line 28, omit “(2)” and insert “(4)”.

AMENDMENT NO 39

Clause 25, page 63, after line 8 insert—

- “() The imposition of geographic area conditions under subsection (4)(a) must result in at least 20% of all gaming machine entitlements created authorising the conduct of gaming in a region or municipal district outside the Melbourne Statistical Division.
- () The imposition of venue conditions under subsection (4)(b) must not result in—
 - (a) more than 50% of gaming machine entitlements created authorising the conduct of gaming in an approved venue in respect of which a pub licence is in force; and
 - (b) more than 50% of gaming machine entitlements created authorising the conduct of gaming in an approved venue in respect of which a club licence or racing club licence is in force.

Note

In addition to specifying, under subsection (3), the maximum number of gaming machine entitlements the Minister will create, the Minister may direct the Commission as to the maximum permissible number of gaming machines available for gaming in the State and the Commission is bound by such a direction: see section 3.2.3(1)(a) and (5).”.

How dealt with by the Assembly

Agreed to with the following amendments:

Omit "() The" (where first occurring) and insert "(5) The" and Omit "() The" (where secondly occurring) and insert "(6) The" and make the following consequential amendments in the Bill:

- (a) Clause 25, page 63, line 9, omit "(3)" and insert "(7)"; and
- (b) Clause 25, page 63, line 13, omit "(4)" and insert "(8)"; and
- (c) Clause 25, page 63, line 17, omit "(5)" and insert "(9)"; and
- (d) Clause 25, page 63, line 32, omit "(6)" and insert "(10)"; and
- (e) Clause 25, page 64, line 3, omit "(7)" and insert "(11)".

AMENDMENT NO 47

Clause 25, page 69, after line 5 insert—

"() The effect of a decision of the Commission to amend a geographic area condition must not be inconsistent with the effect of section 3.4A.5(5).

() The effect of a decision of the Commission to amend a venue condition must not be inconsistent with the effect of section 3.4A.5(6)."

How dealt with by the Assembly

Agreed to with the following amendments:

Omit "() The" (where first occurring) and insert "(3) The" and Omit "() The" (where secondly occurring) and insert "(4) The" and make the following consequential amendments in the Bill:

- (a) Clause 25, page 69, line 6, omit "(3)" and insert "(5)"; and
- (b) Clause 25, page 69, line 16, omit "(4)" and insert "(6)".

Mr Jennings moved, That the Council agree to the amendments made by the Assembly to the Council amendments and agree to the consequential amendments made in the Bill by the Assembly.

Debate ensued.

Question — put and agreed to.

Message sent to the Assembly acquainting them that the Council have agreed to the amendments made by the Assembly to the Council amendments and have agreed to the consequential amendments made to the Bill by the Assembly.

7 JUSTICE LEGISLATION AMENDMENT BILL 2009 — Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

8 SITTING OF THE COUNCIL — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 23 June 2009.

Question — put and agreed to.

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

10 ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009 — Question — That the Bill be now read a second time — put and agreed to.

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

House in Committee.

The Acting President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole later this day.

11 PLANNING LEGISLATION AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

12 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

13 SUSPENSION OF THE LEADER OF THE GOVERNMENT — The President advised that the public transport tender documents required to be lodged with the Clerk by 12 noon pursuant to the resolution of the Council of 10 June 2009 had not been lodged with him. Pursuant to the terms of the resolution, the Leader of the Government was therefore suspended from the service of the Council from 2.00 p.m. for the remainder of the sitting day.

14 PLANNING LEGISLATION AMENDMENT BILL 2009 — Debate continued on the question, That the Bill be now read a second time.

Mr Kavanagh announced that he proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

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

The Council divided — The President in the Chair.

AYES, 17

Ms Broad
 Ms Darveniza
 Mr Eideh
 Mr Elasmarr
 Ms Huppert
 Mr Jennings
 Mr Leane
 Mr Madden (*Teller*)
 Ms Mikakos
 Ms Pulford
 Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney

NOES, 19

Mr Atkinson
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr Drum
 Mr Finn
 Mr Guy
 Mr Hall (*Teller*)
 Ms Hartland
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Ms Lovell (*Teller*)
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips

Question negatived.

Bill returned to the Assembly with a Message acquainting them that the Council have rejected the Bill.

15 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2009 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 consequential on the Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Act 2008 of the Commonwealth and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

16 APPROPRIATION (2009/2010) BILL 2009 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the*

financial year 2009/2010 and for other purposes and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

17 ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009 — Bill further considered in Committee of the whole.

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole on the next day of meeting.

18 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 6, be postponed until the next day of meeting.

19 MAJOR SPORTING EVENTS BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

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

The Council divided — The President in the Chair

AYES, 34

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Hartland (*Teller*)

Mrs Coote

Ms Pennicuik

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis (*Teller*)

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Finn

Mr Guy

Mr Hall

Ms Huppert

Mr Jennings

Mr Kavanagh

Mr Koch

Mrs Kronberg

Mr Leane

Ms Lovell

Mr Madden

Ms Mikakos

Mr O'Donohue

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Rich-Phillips

Mr Scheffer

Mr Smith

Mr Somyurek (*Teller*)

Mr Tee

Mr Theophanous

Ms Tierney

Mr Viney

Question agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

20 ADJOURNMENT — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.20 p.m., adjourned until Tuesday, 23 June 2009.

MATTHEW TRICARICO
Acting Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 121, 122 and 123

Tuesday, 9 June 2009

1 JUSTICE LEGISLATION AMENDMENT BILL 2009

Clause 1 — Mr Kavanagh moved —

1. Clause 1, lines 21 to 24, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 1

Mr Kavanagh (*Teller*)

NOES, 39

Mr Atkinson
Mr Barber
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmar
Mr Finn
Mr Guy
Mr Hall
Ms Hartland
Ms Huppert
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos (*Teller*)
Mr O'Donohue
Mr Pakula
Ms Pennicuik
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Ms Tierney

Mr Viney
Mr Vogels (*Teller*)

[There being one member on the side of the Ayes, the Deputy President directed that the Assistant Clerk – House and Usher of the Black Rod act as a second teller for the Ayes, pursuant to Standing Order 17.04(2)]

Amendment negatived.

Clause 1 — put and agreed to.

Clauses 2 to 40 — put and agreed to.

Clause 41 — Debate commenced.

Business interrupted by the Deputy President pursuant to Standing Orders.

Thursday, 11 June 2009

1 JUSTICE LEGISLATION AMENDMENT BILL 2009

Clauses 41 to 54 — put and agreed to.

Bill reported without amendment.

2 ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009

Clause 1 — Mr Hall moved, That the Chair report progress and ask leave to sit again.

Question — put and agreed to.

Progress reported.

3 ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009

Clause 1 — Mr Hall moved, That the Chair report progress and ask leave to sit again on the next day of meeting.

Question — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 17
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert (<i>Teller</i>)
Mr Drum (<i>Teller</i>)	Mr Jennings
Mr Finn	Mr Leane
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland	Ms Pulford
Mr Koch	Mr Scheffer (<i>Teller</i>)
Mr Kavanagh	Mr Smith
Mrs Kronberg	Mr Somyurek
Ms Lovell	Mr Tee
Mr O'Donohue	Mr Theophanous

Ms Pennicuik (*Teller*)
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips

Ms Tierney
 Mr Viney

Question agreed to.

Progress reported.

4 MAJOR SPORTING EVENTS BILL 2009

Clauses 1 and 2 — put and agreed to.

Clauses 3 to 14 — Consideration of clauses postponed.

Division heading preceding clause 15 — Ms Pennicuik moved —

35. Division heading preceding clause 15, omit this heading.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber
 Ms Hartland (*Teller*)
 Mr Kavanagh (*Teller*)
 Ms Pennicuik

NOES, 31

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmar
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane (*Teller*)
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mrs Petrovich (*Teller*)
 Mrs Peulich
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney

Amendment negated.

Clauses 15 and 16 — put and agreed to.

Division heading preceding clause 17 — Ms Pennicuik moved —

38. Division heading preceding clause 17, omit this heading.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber (*Teller*)
Ms Hartland
Mr Kavanagh
Ms Pennicuik (*Teller*)

NOES, 32

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Ms Huppert
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mrs Petrovich
Mrs Peulich (*Teller*)
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous (*Teller*)
Ms Tierney
Mr Viney

Amendment negated.

Clauses 17 to 83 — put and agreed to.

Clause 84 — Ms Pennicuik moved —

114. Clause 84, after line 17 insert—

"() Before giving a direction under subsection (1), the authorised officer must warn or attempt to warn the person that he or she may have engaged in an activity specified in subsection (1)(a), (1)(b) or (1)(c), as the case requires."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber
Ms Hartland (*Teller*)
Mr Kavanagh (*Teller*)
Ms Pennicuik

NOES, 32

Mr Atkinson
Ms Broad
Mrs Coote (*Teller*)
Mr Dalla-Riva

Ms Darveniza (*Teller*)
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney

Amendment negatived.

Clause 84 — put and agreed to.

Clauses 85 to 206 — put and agreed to.

Clause 3 (postponed) — Ms Pennicuik moved —

4. Clause 3, page 4, line 5 omit "advertising;" and insert "advertising—".
5. Clause 3, page 4, after line 5 insert—
 "but does not include aerial advertising by a not-for profit organisation or by an organisation established for a public purpose;".

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4	NOES, 32
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland	Ms Broad
Mr Kavanagh	Mrs Coote
Ms Pennicuik (<i>Teller</i>)	Mr Dalla-Riva
	Ms Darveniza
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh
	Mr Elasmarr
	Mr Finn
	Mr Guy
	Mr Hall

Ms Huppert
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips (*Teller*)
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney (*Teller*)
 Mr Viney

Amendments negatived.

Clause 3 — put and agreed to

Clauses 4 to 7 (postponed) — put and agreed to.

Clause 8 (postponed) — Ms Pennicuik moved —

23. Clause 8, line 16, omit "event." and insert "event; and".

24. Clause 8, after line 16 insert—

"() the method for recording attendance at the major sporting event to ensure accurate recording for auditing purposes, including, but not limited to, use of turnstiles and electronic devices to record attendances."

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Mr Kavanagh
 Ms Pennicuik

NOES, 32

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn (*Teller*)
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Ms Lovell
 Mr Madden
 Ms Mikakos

Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek (*Teller*)
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney

Amendments negatived.

Clause 8 — put and agreed to

Clause 9 (postponed) — Ms Pennicuik moved —

28. Clause 9, lines 16 to 21, omit paragraphs (a) to (f).

29. Clause 9, after line 21 insert—

- "() the findings of a cost-benefit analysis carried out to determine the likely net economic benefit to the State from staging the event, including—
- (i) the size of the event;
 - (ii) the likely number of spectators for the event;
 - (iii) the likely media coverage of the event and revenue from media coverage of the event;
 - (iv) the contribution to Victoria's international profile as a host of major events;
 - (v) the commercial arrangements for the event;
 - (vi) the social and environmental impacts of the event;
 - (vii) the cost of staging the event;
 - (viii) the likely revenue from ticket sales and "new money" spent by visitors associated with the event;".

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber
 Ms Hartland (*Teller*)
 Mr Kavanagh (*Teller*)
 Ms Pennicuik

NOES, 32

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall (*Teller*)
 Ms Huppert
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich

Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee (*Teller*)
Mr Theophanous
Ms Tierney
Mr Viney

Amendments negatived.

Clause 9 — put and agreed to.

Clauses 10 to 14 (postponed) — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 124, 125 and 126

No. 124 — Tuesday, 23 June 2009

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - On 17 June 2009 —
 - Crimes Amendment (Identity Crime) Act 2009*
 - Energy Legislation Amendment (Australian Energy Market Operator) Act 2009*
 - Fair Work (Commonwealth Powers) Act 2009*
 - Justice Legislation Amendment Act 2009*
 - Transport Legislation General Amendments Act 2009*
 - Public Administration Amendment Act 2009*
 - Road Legislation Amendment Act 2009.*
 - On 23 June 2009 —
 - Gambling Regulation Amendment (Licensing) Act 2009*
 - Major Sporting Events Act 2009.*
- 3 **JUSTICE LEGISLATION AMENDMENT BILL 2009** — The President announced that he had received a report from the Clerk of the Parliaments notifying that he had made the following correction in this Bill:
 - In Clause 44, line 16, '4.5.10' has been deleted and '4.5A.10' inserted.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 5 **PETITIONS** —
 - PUBLIC OPEN SPACE, MORELAND** — Ms Hartland presented a Petition bearing 522 signatures from certain citizens of Victoria requesting that the Minister for Planning remove the requirement for the land currently owned by VicRoads at the junction of the Merri and Edgar creeks in Coburg North to be sold at market value, thereby allowing the transfer of the land to the people of Moreland at no cost for continued use as public open space.
Ordered to lie on the Table.

* * * * *

 - YOUTH ALLOWANCE SCHEME** — Mr Drum presented a Petition bearing 233 signatures from certain citizens of Victoria requesting that the State Government vigorously lobby the Federal Government to reject proposed changes to the Youth Allowance Scheme to ensure that a tertiary education is accessible to regional students.
Ordered to lie on the Table.

PUBLIC TRANSPORT — CARDINIA SHIRE — Mr O'Donohue presented a Petition bearing 2 signatures from certain citizens of Victoria requesting that the Government immediately begin construction of a railway station for the Lakeside-Cardinia Road precinct, and create a public transport service for the people of Lakeside and Cardinia Shire that is readily accessible, reliable and user friendly.

Ordered to lie on the Table.

6 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 7 of 2009 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

Mr O'Donohue moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

ROAD SAFETY COMMITTEE — IMPROVING SAFETY AT LEVEL CROSSINGS — Pursuant to section 36(2) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Road Safety Committee's Report on Improving Safety at Level Crossings.

* * * * *

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

Crown Land (Reserves) Act 1978 —

Minister's Order of 10 June 2009 giving approval to the granting of a lease at Glenfern Valley Bushland Reserve.

Minister's Order of 10 June 2009 giving approval to the granting of a lease at Queens Park Reserve.

Minister's Order of 10 June 2009 giving approval to the granting of a lease at Sandringham Beach Park Reserve.

Essential Services Commission — Review of the Victorian Grain Handling and Storage Access Regime Final Report, May 2009.

Multicultural Affairs — Whole of Government Report, 2007-08.

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

Ballarat Planning Scheme — Amendment C118.

Bass Coast Planning Scheme — Amendments C92 and C107.

Bayside Planning Scheme — Amendment C49.

Campaspe Planning Scheme — Amendment C67.

Cardinia Planning Scheme — Amendments C128 and C131.

Casey Planning Scheme — Amendment C140.

Colac Otway Planning Scheme — Amendments C17 and C55.

East Gippsland Planning Scheme — Amendment C62.

Golden Plains Planning Scheme — Amendment C40 Part 1.

Greater Bendigo Planning Scheme — Amendment C112.

Greater Dandenong Planning Scheme — Amendment C105.

Greater Shepparton Planning Scheme — Amendment C109.

Kingston Planning Scheme — Amendments C96, C98, C102 and C104.

Latrobe Planning Scheme — Amendments C3 and C63.

Macedon Ranges Planning Scheme — Amendment C56.

Moreland Planning Scheme — Amendment C93.

Moyne Planning Scheme — Amendment C35 Part 1.

Strathbogie Planning Scheme — Amendment C45.

Whitehorse Planning Scheme — Amendment C118.

Whittlesea Planning Scheme — Amendment C112.

Wodonga Planning Scheme — Amendment C46.

Yarra Planning Scheme — Amendment C105.

Statutory Rules under the following Acts of Parliament:

Country Fire Authority Act 1958 — No. 67.

Crimes Act 1958 — No. 65.

Road Safety Act 1986 — No. 68.

Sentencing Act 1991 — No. 66.

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 67.

7 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 24 June 2009:

- (1) Notice of Motion No. 14, standing in the name of Mr Barber, relating to the introduction of a Bill to amend the *Residential Tenancies Act 1997*;
- (2) Order of the Day No. 5, resumption of debate on the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2009;
- (3) the Notice of Motion given this day by Mr D.M. Davis, relating to references to Parliamentary Committees;
- (4) Notice of Motion No. 43, standing in the name of Mr D.M. Davis, relating to the production of documents relating to Crown Casino;
- (5) the Notice of Motion given this day by Mr D.M. Davis, relating to the production of Gateway Review documents relating to the desalination plant project; and
- (6) the Notice of Motion given this day by Mr D.M. Davis, relating to amendments to the Sessional Orders to provide for a Friday Adjournment debate.

Debate ensued.

Question — put and agreed to.

8 COGNATE DEBATE — Mr Viney moved, by leave, That this House authorises the President to permit the second reading debate on the Appropriation (2009/2010) Bill 2009 to be taken concurrently with further debate on the motion to take note of the Budget Papers, 2009-10.

Question — put and agreed to.

9 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

10 SUPERANNUATION LEGISLATION AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

11 BUSINESS POSTPONED —

Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until Thursday, 25 June 2009.

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

12 OCCUPATIONAL HEALTH AND SAFETY (EMPLOYEE PROTECTION) BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Lenders moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Barber
 Ms Broad
 Ms Darveniza
 Mr Eideh (*Teller*)
 Mr Elasmar
 Ms Hartland
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek (*Teller*)
 Mr Tee
 Ms Tierney
 Mr Viney

NOES, 16

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy (*Teller*)
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue (*Teller*)
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 5, be postponed for one week.

- 14 STATE TAXATION ACTS AMENDMENT BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 15 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 16 APPROPRIATION (2009/2010) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers 2009-10** having been authorised to be debated concurrently pursuant to an Order of the Council this day].

Business having been interrupted at 9.58 p.m. pursuant to Standing Orders —

- 17 CROWN LAND ACTS AMENDMENT (LEASE AND LICENCE TERMS) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Land Act 1958, the National Parks Act 1975, the Wildlife Act 1975, the Coastal Management Act 1995 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Jennings), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 18 PRIMARY INDUSTRIES LEGISLATION FURTHER AMENDMENT BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Primary Industries Legislation Amendment Act 2009 to change the dates of operation of various provisions of that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Pakula), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 19 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.43 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 125 — Wednesday, 24 June 2009

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

2 **PETITIONS** —

WALLAN AND KILMORE TRAFFIC MOVEMENTS — Mrs Petrovich presented a Petition bearing 58 signatures from certain citizens of Victoria requesting that the Minister for Roads and Ports conducts a proper, independent assessment of traffic movements between the townships of Wallan and Kilmore before proceeding with the duplication of the Northern Highway between Wallan and Kilmore.

Ordered to lie on the Table.

* * * * *

GROWTH AREAS INFRASTRUCTURE CONTRIBUTION — Mrs Petrovich presented a Petition bearing 674 signatures from certain citizens of Victoria requesting that the Government immediately withdraw the Growth Areas Infrastructure Contribution in its current form and consults further with affected landholders to create a fairer outcome.

Ordered to lie on the Table.

* * * * *

COMMUNITY CLUBS GAMING MACHINES — Mrs Petrovich presented a Petition bearing 173 signatures from certain citizens of Victoria requesting that the legislation controlling gaming machine entitlements is amended to guarantee the ongoing financial viability of smaller community clubs that return their income from gaming back into their own local communities.

Ordered to lie on the Table.

* * * * *

EQUAL OPPORTUNITY ACT EXEMPTIONS — Mrs Peulich presented a Petition bearing 3,038 signatures from certain citizens of Victoria requesting that the Government abandon its plan for the removal of the exemptions to the *Equal Opportunity Act 1995* which currently serve to protect the core interests of faith-based schools, single sexed clubs and small business.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

PLANNING SYSTEM — Mrs Peulich presented a Petition bearing 85 signatures from certain citizens of Victoria requesting that the Government immediately restore integrity to the planning system in Victoria by reinstating due process and democratic rights to Victorians.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

DINGLEY BYPASS — Mrs Peulich presented a Petition bearing 71 signatures from certain citizens of Victoria requesting that the Government build all stages of the Dingley Bypass.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

YOUTH ALLOWANCE SCHEME — Mr Drum presented a Petition bearing 111 signatures from certain citizens of Victoria requesting that the State Government vigorously lobby the Federal Government to reject proposed changes to the Youth Allowance Scheme to ensure that a tertiary education is accessible to regional students.

Ordered to lie on the Table.

3 PAPERS —

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION —

GOULBURN-MURRAY WATER'S PERFORMANCE FOR 2007-08 — Mr Rich-Phillips presented a Report from the Standing Committee on Finance and Public Administration on Goulburn-Murray Water's Performance for 2007-08 (including Appendices and a Transcript of Evidence).

Ordered to lie on the Table and to be printed.

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

VICTORIAN SKILLS COMMISSION'S PERFORMANCE FOR 2007-08 — Mr Rich-Phillips presented a Report from the Standing Committee on Finance and Public Administration on the Victorian Skills Commission's Performance for 2007-08 (including Appendices and a Transcript of Evidence).

Ordered to lie on the Table and to be printed.

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — IMPROVING ACCESS TO VICTORIAN PUBLIC SECTOR INFORMATION AND DATA —

Mr D.M. Davis presented a Report from the Economic Development and Infrastructure Committee on Improving Access to Victorian Public Sector Information and Data (including Appendices), together with Transcripts of Evidence.

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

Mr D.M. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — NOTIFICATION OF NEW INQUIRY INTO VICTORIA'S AUDIT ACT 1994 — Mr Dalla-Riva presented a Report from the Public Accounts and Estimates Committee on the Notification of a New Inquiry into Victoria's Audit Act 1994.

Ordered to lie on the Table and to be printed.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

Auditor-General —

Report on Buy-back of the Regional Intrastate Rail Network, June 2009.

Report on Funding of the Home and Community Care Program, June 2009.

Report on International Students: risks and responsibilities of universities, June 2009.

Report on Melbourne's New Bus Contracts, June 2009.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 RESIDENTIAL TENANCIES AMENDMENT (HOUSING STANDARDS) BILL 2009 — Mr Barber, pursuant to notice, introduced *A Bill for an Act to amend the Residential Tenancies Act 1997 in relation to the imposition of certain minimum housing standards and for other purposes.*

On the motion of Mr Barber, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Barber laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Barber moved, That the Bill be now read a second time.

On the motion of Ms Pulford, the debate was adjourned for two weeks.

6 ENVIRONMENT PROTECTION AMENDMENT (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

7 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

8 ENVIRONMENT PROTECTION AMENDMENT (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2009 — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair

AYES, 21

NOES, 18

Mr Atkinson

Ms Broad

Mr Barber (*Teller*)

Ms Darveniza (*Teller*)

Mrs Coote

Mr Eideh

Mr Dalla-Riva

Mr Elasmarr

Mr D.M. Davis (*Teller*)

Ms Huppert

Mr P.R. Davis

Mr Jennings

Mr Drum

Mr Leane

Mr Finn

Mr Lenders

Mr Guy

Mr Madden

Mr Hall

Ms Mikakos (*Teller*)

Ms Hartland

Mr Pakula

Mr Kavanagh

Ms Pulford

Mr Koch	Mr Scheffer
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue	Mr Tee
Ms Pennicuik	Ms Tierney
Mrs Petrovich	Mr Viney
Mrs Peulich	
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

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

House in Committee.

Bill reported with amendments, the Report was adopted.

Ms Hartland moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 20

NOES, 18

Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert (<i>Teller</i>)
Mr P.R. Davis	Mr Jennings (<i>Teller</i>)
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall (<i>Teller</i>)	Ms Mikakos
Ms Hartland (<i>Teller</i>)	Mr Pakula
Mr Kavanagh	Ms Pulford
Mr Koch	Mr Scheffer
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue	Mr Tee
Ms Pennicuik	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

Bill transmitted to the Assembly with a Message requesting their agreement.

9 PRODUCTION OF DOCUMENTS — ALPINE RESORT MANAGEMENT BOARDS — The Clerk laid on the Table a letter from the Attorney-General dated 24 June 2009 in response to the Resolution of the Council of 3 June 2009 seeking the production of documents relating to Alpine Resorts —

- referring to the Government's process for assessing documents for potential Executive privilege;
- advising that the Government was still in the process of identifying and assessing a significant number of the requested documents; and
- indicating that the Government would respond to the Council's resolution shortly.

10 PRODUCTION OF DOCUMENTS — CARBON POLLUTION REDUCTION SCHEME — The Clerk laid on the Table the following documents received in accordance with the Resolution of the Council of 6 May 2009:

- (1) Brief to the Treasurer: Commonwealth Treasury Modeling of CPRS design and impacts (30 October 2008);

- (2) Department of Treasury and Finance (DTF) Memorandum: Additional analysis of Commonwealth CPRS modeling (17 November 2008);
- (3) Background Paper: Key considerations for DTF around the impacts of the CPRS (undated);
- (4) Brief to the Treasurer: Price Impacts of a CPRS (31 July 2008);
- (5) Victorian Climate Change Summit Paper: A Climate of Opportunity (April 2008);
- (6) Strategic Implementation Plans 2008-2011 by DTF (undated);
- (7) Brief to the Treasurer: Garnaut Climate Change Review Draft Report (7 July 2008);
- (8) Brief to the Treasurer: KPMG, Brotherhood of St Laurence and Ecos Corporation Report (31 October 2008); and
- (9) Brief to the Treasurer: Summary and analysis of ANU 'Green Carbon – The Role of Natural Forests in Carbon Storage' Report (26 September 2008).

The Clerk also tabled a letter from the Attorney-General dated 24 June 2009 advising the Council that Executive privilege was claimed in relation to the following documents and that, therefore, those documents have not been provided:

- (1) Brief to the Treasurer (15 August 2008);
- (2) Brief to the Treasurer (3 September 2008);
- (3) Brief to the Treasurer (21 November 2008);
- (4) Brief to the Treasurer (11 December 2008);
- (5) Brief to the Treasurer (16 January 2009);
- (6) Brief to the Treasurer (5 April 2009);
- (7) Brief to the Treasurer (9 April 2009);
- (8) Brief to the Treasurer (13 February 2009);
- (9) Brief to the Treasurer (15 December 2008);
- (10) DTF Presentation (10 December 2008);
- (11) Briefing to the Treasurer (undated);
- (12) Cabinet Submission;
- (13) Briefing to the Treasurer on a Cabinet Submission;
- (14) Brief to the Treasurer (4 August 2008);
- (15) Briefing to Cabinet (undated);
- (16) Paper for Heads of Treasury Intergovernmental meeting (undated);
- (17) Paper for Heads of Treasury Intergovernmental meeting (undated);
- (18) Briefing to the Treasurer (undated);
- (19) Brief to the Treasurer (1 October 2008);
- (20) Brief to the Treasurer (5 September 2008);
- (21) Briefing to the Treasurer (undated);
- (22) Brief to the Treasurer (25 August 2008);
- (23) Brief to the Treasurer (2 October 2008);
- (24) Briefing by DTF (undated);
- (25) Brief to the Treasurer (6 April 2009);
- (26) Brief to the Treasurer (16 July 2008);
- (27) Brief to the Treasurer (15 July 2008);
- (28) Brief to the Treasurer (15 December 2008);
- (29) Paper on Carbon Pollution Reduction Scheme (undated);
- (30) Brief to the Treasurer (18 July 2008);
- (31) Brief to the Treasurer (undated);
- (32) Report commissioned by the Department of Innovation, Industry and Regional Development (March 2009);
- (33) Brief to the Treasurer (undated);
- (34) Brief to the Treasurer (10 February 2009);
- (35) Brief to the Treasurer (13 February 2009);
- (36) Presentation to Cabinet;
- (37) Presentation to Cabinet;

- (38) Brief to the Treasurer on a Cabinet Submission;
- (39) Brief to the Treasurer on a Cabinet Submission;
- (40) Briefing to the Treasurer for Cabinet;
- (41) Cabinet Submission; and
- (42) Briefing to the Treasurer on a Cabinet Submission.

11 REFERENCES TO JOINT INVESTIGATORY COMMITTEES — Mr D.M. Davis moved, That pursuant to the *Parliamentary Committees Act 2003*, the undermentioned Committees be required to inquire into, consider and report on the following:

(1) **Outer Suburban/Interface Services and Development Committee**

The impact of the State Government's decision to change the urban growth boundary on landholders and the environment and plans announced by the Government to introduce an increased development contribution for land in designated growth areas, including —

- (a) the likely quantum of the collections by Government;
- (b) mechanisms to ensure the contributions are directed only to the intended purposes;
- (c) the likely impact on the housing and development industries;
- (d) any unintended consequences including the impact on all landholders and purchasers to be impacted;
- (e) any displacement or replacement of Government spending likely to result from the increased collections; and
- (f) any alternative options, including any used in other jurisdictions;

and to report by 30 November 2009.

(2) **Environment and Natural Resources Committee**

The environmental effects statement process in Victoria, including the operation of the *Environment Effects Act 1978*, and in particular —

- (a) any weaknesses in the current system including poor environmental outcomes, excessive costs and unnecessary delays encountered through the process and its mechanisms;
- (b) community and industry consultation under the Act;
- (c) the independence of environmental effects examination when government is the proponent; and
- (d) how better environmental outcomes can be achieved more quickly and predictably and with a reduction in unnecessary costs;

and to report by 30 August 2010.

(3) **Family and Community Development Committee**

The adequacy of public housing in Victoria, including —

- (a) public housing waiting lists in Victoria;
- (b) the impact on individuals and families of waiting times to access public housing and how this varies by each segment;
- (c) the adequacy, quality and standards of Victorian public housing;
- (d) the safety and location of Victorian public housing and public housing estates; and
- (e) the impact of the failures in public housing on specific groups, including women, seniors, the homeless, indigenous Victorians, refugees, people with a mental illness, substance abuse and/or disability;

and to report by 30 September 2010.

(4) **Drugs and Crime Prevention Committee**

The level, nature and incidence of violent crime in Victoria in recent years including —

- (a) rising crime statistics on reported assaults and the impact of these levels of violent crime on Victorians and Victorian residents, including vulnerable groups, migrants, overseas students and the elderly;

- (b) the status of, resourcing of and staffing of suburban, regional city and rural police stations including an examination of police patrol hours and plans announced recently to close or down grade suburban police stations; and
- (c) the importance and role of local and community policing;
and to report by 30 August 2010.

(5) **Economic Development and Infrastructure Committee**

The impact and effectiveness of increased State Government taxation (including land tax, payroll tax, stamp duties, State Government taxes and charges and development levies) and increased State Government debt on Victorian —

- (a) development;
 - (b) competitiveness;
 - (c) sustainability;
 - (d) employment;
 - (e) job creation; and
 - (f) small businesses, including their national and international competitiveness under the State Government's current taxation arrangements;
- and to table an interim report by 28 February 2010 and a final report by 30 September 2010.

Debate ensued.

Mr Viney moved, That the debate be adjourned for one week.

Debate ensued.

Question — put and agreed to.

12 PRODUCTION OF DOCUMENTS — CROWN CASINO GAMING LICENCE — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 4.00 p.m. on 29 July 2009 a copy of —

- (1) all documents and communications held by the Government, including the Departments of Treasury and Finance, Justice and Premier and Cabinet and the Offices of the Ministers for Gaming and Finance, the Treasurer and the Premier regarding or involving the State Government's recent decision to provide an extension of licence for the number of gaming tables at Crown Casino, including but not limited to —
 - (a) the Treasurer's request for advice from the Victorian Commission for Gambling Regulation and the advice he received;
 - (b) the concluded agreement;
 - (c) correspondence between the Treasurer and the VCGR;
 - (d) Treasury analysis showing what the deal is worth to Crown, how much taxpayers are receiving and how much of the additional tax revenue from Crown is due to tax changes on gaming machines, how much is from the extra losses from the new gaming tables and how much is from natural business growth; and
 - (e) any other economic and cost analyses and assessment and social impact assessments undertaken or consulted; and
- (2) all communications and reports from, instructions to, and the terms of engagement of, any negotiators employed by the Government for the purpose of interacting with licence holders or other potential licence holders, including diary and meeting notes and reports of meetings and other communications or negotiations with Crown Casino or their agents.

Debate ensued.

Question — put and agreed to.

13 PRODUCTION OF DOCUMENTS — DESALINATION PLANT GATEWAY REVIEW — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 4.00 p.m. on 29 July 2009 a copy of all Gateway Review documents created to date that relate to the Public Private Partnership desalination plant project at

Wonthaggi/Kilcunda, including but not limited to Gate 1: Strategic Assessment, Gate 2: Business Case and Gate 3: Readiness for Market.

Debate ensued.

Question — put and agreed to.

14 SESSIONAL ORDERS — Mr D.M. Davis moved —

- (1) That the Sessional Orders adopted by the Council on 28 February 2007 and 14 March 2007 and amended on 9 August 2007 and 21 November 2007 be further amended as follows:

1. Omit Sessional Order 3, and insert the following new Sessional Order:

'ADJOURNMENT PROPOSED BY PRESIDENT

- (1) Paragraph (3) of Standing Order 4.08 is suspended.

DAILY ADJOURNMENT DEBATE

- (2) Paragraphs (2) to (5) inclusive, of Standing Order 4.10 are suspended.
 (3) The paragraph in Standing Order 5.04 relating to the Adjournment Debate is suspended and the following will apply:

"Adjournment debate (Standing Order 4.10)

Total time for Members to raise matters	No limit on Tuesday, Wednesday and Thursday, 30 minutes on Friday
Each Member	3 minutes".'

2. In Sessional Order 6, omit paragraph (5) and insert —

'Order of Business — Friday

- (5) Paragraph (4) of Standing Order 5.02 and the subsequent paragraph are suspended and the order of business on Friday will be:

"(4) On Friday —
 Formal Business
 Government Business
At 12 noon Questions
 Answers to Questions on Notice
 Government Business (continues)
 Adjournment (30 minutes for Members' issues)".'

- (2) That the Clerk be authorised to renumber the Sessional Orders and correct any internal references consequent upon these amendments.

Debate ensued.

Mr Viney moved, as an amendment, That all the words after "That" (where first occurring) be omitted with the view of inserting in their place "the Standing Orders Committee be required to inquire into and report by 1 September 2009 on the desirability of holding an Adjournment debate on a Friday."

Debate ensued.

Question — That the amendment moved by Mr Viney be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18

NOES, 19

Ms Broad

Mr Barber

Ms Darveniza

Mrs Coote

Mr Eideh	Mr Dalla-Riva
Ms Huppert	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Finn
Mr Kavanagh	Mr Guy
Mr Madden	Mr Hall
Ms Mikakos	Ms Hartland
Mr Pakula (<i>Teller</i>)	Mr Koch
Ms Pulford	Mrs Kronberg (<i>Teller</i>)
Mr Scheffer	Ms Lovell
Mr Smith	Mr O'Donohue
Mr Somyurek	Ms Pennicuik
Mr Tee	Mrs Petrovich
Ms Tierney (<i>Teller</i>)	Mrs Peulich
Mr Viney	Mr Rich-Phillips
	Mr Vogels (<i>Teller</i>)

Amendment negatived.

Question — That —

- (1) That the Sessional Orders adopted by the Council on 28 February 2007 and 14 March 2007 and amended on 9 August 2007 and 21 November 2007 be further amended as follows:

1. Omit Sessional Order 3, and insert the following new Sessional Order:

'ADJOURNMENT PROPOSED BY PRESIDENT

- (1) Paragraph (3) of Standing Order 4.08 is suspended.

DAILY ADJOURNMENT DEBATE

- (2) Paragraphs (2) to (5) inclusive, of Standing Order 4.10 are suspended.
 (3) The paragraph in Standing Order 5.04 relating to the Adjournment Debate is suspended and the following will apply:

"Adjournment debate (Standing Order 4.10)

Total time for Members to raise matters	No limit on Tuesday, Wednesday and Thursday, 30 minutes on Friday
Each Member	3 minutes".'

2. In Sessional Order 6, omit paragraph (5) and insert —

'Order of Business — Friday

- (5) Paragraph (4) of Standing Order 5.02 and the subsequent paragraph are suspended and the order of business on Friday will be:

"(4) On Friday —
 Formal Business
 Government Business
At 12 noon Questions
 Answers to Questions on Notice
 Government Business (continues)
 Adjournment (30 minutes for Members' issues)".'

- (2) That the Clerk be authorised to renumber the Sessional Orders and correct any internal references consequent upon these amendments.

— put.

The Council divided — The President in the Chair.

AYES, 20

Mr Barber
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Guy
Mr Hall
Ms Hartland
Mr Kavanagh
Mr Koch
Mrs Kronberg (*Teller*)
Ms Lovell
Mr O'Donohue
Ms Pennicuik
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels (*Teller*)

NOES, 17

Ms Broad
Ms Darveniza
Mr Eideh
Ms Huppert
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Mr Pakula (*Teller*)
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney (*Teller*)
Mr Viney

Question agreed to.

- 15 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

- 16 STATUTE LAW AMENDMENT (CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to make amendments to various Acts to ensure compatibility with the Charter of Human Rights and Responsibilities and for other purposes*, and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 17 ENVIRONMENT PROTECTION AMENDMENT (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2009** — The President announced the receipt of a Message from the Assembly returning the Bill and informing the Legislative Council that they refuse to entertain the Bill as it seeks to impose a levy which was unlawful, being the exclusive power of the Legislative Assembly as set out in the *Constitution Act 1975*.

On the motion of Mr D.M. Davis, the Message was ordered to be taken into consideration on the next day of meeting.

- 18 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until the next day of meeting.

- 19 CROWN LAND ACTS AMENDMENT (LEASE AND LICENCE TERMS) BILL 2009** — Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr D.M. Davis, the debate was adjourned for one week.

20 PRIMARY INDUSTRIES LEGISLATION FURTHER AMENDMENT BILL 2009 — Mr Jennings (for Mr Pakula) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Hall, the debate was adjourned until the next day of meeting.

21 APPROPRIATION (PARLIAMENT 2009/2010) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

22 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

23 APPROPRIATION (2009/2010) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers 2009-10** having been authorised to be debated concurrently pursuant to an Order of the Council on 23 June 2009].

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

24 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.31 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 126 — Thursday, 25 June 2009

1 The President took the Chair and read the Prayer.

2 PETITION — YOUTH ALLOWANCE SCHEME — Mr Drum presented a Petition bearing 87 signatures from certain citizens of Victoria requesting that the State Government vigorously lobby the Federal Government to reject proposed changes to the Youth Allowance Scheme to ensure that a tertiary education is accessible to regional students.

Ordered to lie on the Table.

3 PAPERS —

CHILD DEATH REVIEW COMMITTEE — Mr Jennings moved, by leave, That there be laid before this House a copy of the Victorian Child Death Review Committee's Annual Report of Inquiries into the deaths of children known to Child Protection 2009.

Question — put and agreed to.

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

* * * * *

MINISTERIAL INTERVENTION IN PLANNING MATTERS — Mr Madden moved, by leave, That there be laid before this House a copy of the Statement of Ministerial Intervention in Planning Matters for the period May 2008 to April 2009.

Question — put and agreed to.

The statement was presented by Mr Madden and ordered to lie on the Table.

On the motion of Mr Atkinson, the statement was ordered to be taken into consideration on the next day of meeting.

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

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 31 March 2009 and 24 June 2009.

- 4 COGNATE DEBATE** — Mr Viney moved, by leave, That this House authorises the President to permit the second reading debate on the Primary Industries Legislation Further Amendment Bill 2009 to be taken concurrently with the consideration of the Message from the Assembly on the Primary Industries Legislation Amendment Bill 2008.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 6 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

- 8 STATUTE LAW AMENDMENT (CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES) BILL 2009** — Mr Jennings (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.

- 9 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2008 — MESSAGE FROM THE LEGISLATIVE ASSEMBLY** — The Order of the Day was read for the consideration of the Message from the Assembly disagreeing with amendments made by the Council to this Bill [the Order of the Day for the resumption of the debate on the question, That the **Primary Industries Legislation Further Amendment Bill 2009** be now read a second time having been authorised to be debated concurrently pursuant to an Order of the Council this day].

The amendments disagreed with by the Assembly were read and are as follows:

AMENDMENT NO 1

Clause 1, page 2, lines 23 and 24, omit subparagraph (i).

AMENDMENT NO 2

Clause 2, line 5, omit "107" and insert "85".

AMENDMENT NO 3

Clause 2, line 6, omit "109 to 119" and insert "87 to 97".

AMENDMENT NO 4

Clause 2, line 12, omit "107" and insert "85".

AMENDMENT NO 5

Clause 2, line 14, omit "109 to 119" and insert "87 to 97".

AMENDMENT NO 6

Clause 3, page 6, lines 11 to 14, omit all words and expressions on these lines.

AMENDMENT NO 7

Clause 4, omit this clause.

AMENDMENT NO 8

Clause 8, omit this clause.

AMENDMENT NO 9

Clause 27, omit this clause.

AMENDMENT NO 10

Clause 28, omit this clause.

AMENDMENT NO 11

Clause 29, lines 18 to 20, omit subsection (1).

AMENDMENT NO 12

Clause 29, lines 21 and 22, omit "Sections 32(1)(a) and 32(6) of the **Fisheries Act 1995** are" and insert "Section 32(6) of the **Fisheries Act 1995** is".

AMENDMENT NO 13

Clause 30, omit this clause.

AMENDMENT NO 14

Clause 31, omit this clause.

AMENDMENT NO 15

Clause 32, omit this clause.

AMENDMENT NO 16

Clause 33, lines 4 and 5, omit subsection (1).

AMENDMENT NO 17

Clause 34, lines 10 to 12, omit subsection (1).

AMENDMENT NO 18

Clause 34, lines 13 and 14, omit subsection (2).

AMENDMENT NO 19

Clause 35, omit this clause.

AMENDMENT NO 20

Clause 36, omit this clause.

AMENDMENT NO 21

Clause 37, omit this clause.

AMENDMENT NO 22

Clause 38, omit this clause.

AMENDMENT NO 23

Clause 39, omit this clause.

AMENDMENT NO 24

Clause 40, omit this clause.

AMENDMENT NO 25

Clause 41, omit this clause.

AMENDMENT NO 26

Clause 42, omit this clause.

AMENDMENT NO 27

Clause 43, omit this clause.

AMENDMENT NO 28

Clause 44, omit this clause.

AMENDMENT NO 29

Clause 45, omit this clause.

AMENDMENT NO 30

Clause 46, omit this clause.

AMENDMENT NO 31

Clause 47, omit this clause.

AMENDMENT NO 32

Clause 48, omit this clause.

AMENDMENT NO 33

Clause 49, omit this clause.

AMENDMENT NO 34

Clause 74, lines 22 and 23, omit "50(4), 50(6), 55, 56(1), 56(2), 58(1) and 61(3)" and insert "28(4), 28(6), 33, 34(1), 34(2), 36(1) and 39(3)".

AMENDMENT NO 35

Clause 105, line 15, omit "88" and insert "66".

AMENDMENT NO 36

Clause 105, line 20, omit "88" and insert "66".

AMENDMENT NO 37

Clause 105, line 25, omit "90" and insert "68".

AMENDMENT NO 38

Clause 105, line 28, omit "90" and insert "68".

Mr Pakula moved, That the Council do not insist on their amendments to the Primary Industries Legislation Amendment Bill 2008 with which the Assembly have disagreed.

Debate ensued.

Question — That the Council do not insist on their amendments to the Primary Industries Legislation Amendment Bill 2008 with which the Assembly have disagreed — put.

The Council divided — The President in the Chair.

AYES, 37

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva (*Teller*)
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane (*Teller*)
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips

NOES, 3

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney
 Mr Vogels

Question agreed to.

Message sent to the Assembly acquainting them that the Council do not insist on their amendments with which the Assembly have disagreed.

10 PRIMARY INDUSTRIES LEGISLATION FURTHER AMENDMENT BILL 2009 — The concurrent debate having concluded —

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

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

11 DUTIES AMENDMENT BILL 2008 — Bill further considered in Committee of the whole.
Business having been interrupted at 12 noon pursuant to Sessional Orders —

12 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

13 DUTIES AMENDMENT BILL 2008 — Consideration of the Bill continued in Committee of the whole.

Bill reported with amendments, the Report was adopted.

Mr Lenders moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 23

Mr Barber
 Ms Broad
 Ms Darveniza
 Mr Eideh
 Mr Elasmarr (*Teller*)
 Ms Hartland (*Teller*)
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney

NOES, 17

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva (*Teller*)
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips (*Teller*)
 Mr Vogels

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

- 14 LEGISLATION REFORM (REPEALS NO. 4) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to repeal certain spent Acts relating to land* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 15 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.

- 16 APPROPRIATION (2009/2010) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers 2009-10** having been authorised to be debated concurrently pursuant to an Order of the Council on 23 June 2009].

On motion of Ms Lovell, the debate was adjourned until later this day.

- 17 ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2008** — Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

- 18 APPROPRIATION (2009/2010) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2009-10** having been authorised to be debated concurrently pursuant to an Order of the Council on 23 June 2009].

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 19 BUDGET PAPERS, 2009-10** — The concurrent debate having concluded —

Question — That the Council take note of the Budget Papers, 2009-10 — put and agreed to.

- 20 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 28 July 2009.

Question — put and agreed to.

- 21 FOOD AMENDMENT (REGULATION REFORM) BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Food Act 1984 to reform the regulatory framework under the Act and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mrs Petrovich), the debate was adjourned for one week.

- 22 GAMBLING REGULATION AMENDMENT BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Gambling Regulation Act 2003 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Guy), the debate was adjourned for one week.

- 23 NATIONAL PARKS AMENDMENT (POINT NEPEAN) BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the National Parks Act 1975 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr D.M. Davis), the debate was adjourned for one week.

- 24 LEGISLATION REFORM (REPEALS NO. 4) BILL 2009** — Mr Jennings (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr O'Donohue, the debate was adjourned for one week.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

- 25 DUTIES AMENDMENT BILL 2008** — The Acting President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.

- 26 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Sessional Orders.

And then the Council, at 10.33 p.m., adjourned until Tuesday, 28 July 2009.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 124, 125 and 126

Tuesday, 23 June 2009

1 OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (EMPLOYEE PROTECTION) BILL 2008

Clauses 1 to 3 — put and agreed to.

Clause 4 — Mr Rich-Phillips moved —

1. Clause 4, lines 11 to 18, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 21
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad (<i>Teller</i>)
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmr (<i>Teller</i>)
Mr Drum	Ms Hartland
Mr Finn	Ms Huppert
Mr Guy	Mr Jennings
Mr Koch	Mr Leane
Mrs Kronberg	Mr Lenders
Ms Lovell	Mr Madden
Mr O'Donohue (<i>Teller</i>)	Ms Mikakos
Mrs Petrovich (<i>Teller</i>)	Mr Pakula
Mrs Peulich	Ms Pennicuik
Mr Rich-Phillips	Ms Pulford
Mr Vogels	Mr Scheffer
	Mr Smith
	Mr Somyurek
	Mr Tee
	Ms Tierney
	Mr Viney

Amendment negatived.

Clause 4 — put and agreed to.

Clause 5 — put and agreed to.

Clause 6 — Mr Rich-Phillips moved —

2. Clause 6, page 4, lines 16 and 17, omit "an authorised representative of a registered employee organisation,".

Question — That the amendment be agreed to — put and negatived.

Mr Rich-Phillips moved —

4. Clause 6, page 4, line 33, omit "substantial" and insert "dominant".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 22
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum (<i>Teller</i>)	Ms Hartland (<i>Teller</i>)
Mr Finn	Ms Huppert
Mr Guy	Mr Jennings
Mr Koch	Mr Kavanagh
Mrs Kronberg	Mr Leane
Ms Lovell	Mr Lenders
Mr O'Donohue	Mr Madden
Mrs Petrovich	Ms Mikakos
Mrs Peulich (<i>Teller</i>)	Mr Pakula
Mr Rich-Phillips	Ms Pennicuik
Mr Vogels	Ms Pulford
	Mr Scheffer
	Mr Smith
	Mr Somyurek
	Mr Tee (<i>Teller</i>)
	Ms Tierney
	Mr Viney

Amendment negated.

Mr Rich-Phillips moved —

5. Clause 6, page 5, lines 1 to 7, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 22
Mr Atkinson	Mr Barber (<i>Teller</i>)
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum	Ms Hartland
Mr Finn	Ms Huppert
Mr Guy	Mr Jennings
Mr Koch	Mr Kavanagh
Mrs Kronberg (<i>Teller</i>)	Mr Leane
Ms Lovell	Mr Lenders
Mr O'Donohue	Mr Madden
Mrs Petrovich	Ms Mikakos
Mrs Peulich	Mr Pakula
Mr Rich-Phillips	Ms Pennicuik
Mr Vogels (<i>Teller</i>)	Ms Pulford
	Mr Scheffer
	Mr Smith
	Mr Somyurek
	Mr Tee
	Ms Tierney
	Mr Viney (<i>Teller</i>)

Amendment negated.

Mr Rich-Phillips moved —

8. Clause 6, page 6, after line 14, insert—

"(4) In fixing an amount of damages under this section, the Court must not fix an amount that exceeds—

(a) in the case of an employee, the total of the following amounts—

(i) the total amount of remuneration received by the employee or to which the employee was entitled (whichever is greater) for any period of employment with the employer during the period of 6 months immediately before the discriminatory conduct (other than any period of leave without full pay); and

(ii) if the employee was on leave without pay or without full pay while so employed during any part of that period, the amount of remuneration taken to have been received by the employee for the relevant period of leave;

(b) in the case of a prospective employee, the total amount of 6 months' remuneration that the prospective employee would have received or to which the prospective employee would have reasonably been entitled (whichever is greater) but for the discriminatory conduct."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 22
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum	Ms Hartland
Mr Finn	Ms Huppert (<i>Teller</i>)
Mr Guy (<i>Teller</i>)	Mr Jennings
Mr Koch (<i>Teller</i>)	Mr Kavanagh
Mrs Kronberg	Mr Leane
Ms Lovell	Mr Lenders
Mr O'Donohue	Mr Madden
Mrs Petrovich	Ms Mikakos
Mrs Peulich	Mr Pakula
Mr Rich-Phillips	Ms Pennicuik
Mr Vogels	Ms Pulford (<i>Teller</i>)
	Mr Scheffer
	Mr Smith
	Mr Somyurek
	Mr Tee
	Ms Tierney
	Mr Viney

Amendment negated.

Mr Rich-Phillips moved —

15. Clause 6, page 7, line 5, omit "1 year" and insert "21 days".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 22
Mr Atkinson	Mr Barber
Mrs Coote (<i>Teller</i>)	Ms Broad
Mr Dalla-Riva (<i>Teller</i>)	Ms Darveniza (<i>Teller</i>)
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum	Ms Hartland
Mr Finn	Ms Huppert
Mr Guy	Mr Jennings
Mr Koch	Mr Kavanagh
Mrs Kronberg	Mr Leane

Ms Lovell
Mr O'Donohue
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

Mr Lenders
Mr Madden
Ms Mikakos
Mr Pakula
Ms Pennicuik
Ms Pulford
Mr Scheffer (*Teller*)
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney

Amendment negated.

Clause 6 — put and agreed to.

Clauses 7 and 8 — put and agreed to.

Bill reported without amendment.

Wednesday, 24 June 2009

1 ENVIRONMENT PROTECTION AMENDMENT (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2009

Clauses 1 and 2 — put and agreed to.

Clause 3 — Ms Hartland moved —

1. Clause 3, page 3, line 16, omit "52L" and insert "52M".

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 3, as amended, stand part of the Bill — put and agreed to.

Clause 4 — Ms Hartland moved —

2. Clause 4, page 5, line 35, after "Victoria" insert "for the purpose of sale within Victoria".
3. Clause 4, page 6, line 1, after "Victoria" insert "for the purpose of sale within Victoria".

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 4, as amended, stand part of the Bill — put and agreed to.

Clauses 5 to 7 — put and agreed to.

Bill reported with amendments.

Thursday, 25 July 2009

1 DUTIES AMENDMENT BILL 2008

Clause 1 — By leave, the amendments previously moved by Mr Kavanagh were withdrawn.

Clauses 1 and 2 — Consideration of clauses postponed.

Clause 3 — Question — That amendments nos. 1, 2 and 3 previously moved by Mr Lenders on 2 June 2009 be agreed to — put and agreed to.

Question — That Clause 3, as amended, stand part of the Bill — put and agreed to.

Leave was granted for postponed clauses 1 and 2 to be considered before the remaining clauses of the Bill.

Clause 1 (postponed) — Mr Kavanagh moved —

1. Clause 1, line 8, omit "ownership;" and insert "ownership."
2. Clause 1, lines 9 and 10, omit all words and expressions on these lines.

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 1, as amended, stand part of the Bill — put and agreed to.

Clause 2 (postponed) — put and agreed to.

Clause 4 — Question — That amendments nos. 4 and 5 previously moved by Mr Lenders on 2 June 2009 be agreed to — put and agreed to.

Question — That Clause 4, as amended, stand part of the Bill — put and agreed to.

Clauses 5 to 14 — put and agreed to.

Part heading preceding Clause 15 — Mr Kavanagh moved —

3. Part heading preceding clause 15, omit this heading.

Question — That the amendment be agreed to — put and agreed to.

Clauses 15 to 19 — put and negatived.

Clauses omitted.

Part heading preceding clause 20 — Mr Kavanagh moved —

9. Part heading preceding clause 20, omit "4" and insert "3".

Question — That the amendment be agreed to — put and agreed to.

Clause 20 — put and agreed to.

New Clause — Mr Lenders moved —

15. Insert the following New Clause to follow Clause 10—

'AA New section 49 inserted

After section 48A of the **Duties Act 2000** insert—

"49 Leases of residential sites in caravan parks

- (1) No duty is chargeable under this Chapter in respect of the granting, transfer, assignment or surrender of a lease if—
 - (a) the lease is a lease for a site or a site and caravan in a registered caravan park; and
 - (b) a caravan is located or to be located on the site and is used or intended to be used as the principal place of residence of the lessee or intended lessee.
- (2) In this section—
 - (a) **site** and **caravan** and **caravan park** have the same meanings as they have in the **Residential Tenancies Act 1997**; and
 - (b) **registered caravan park** means a caravan park that is registered in accordance with the regulations made under section 515 of the **Residential Tenancies Act 1997**."

Question — That the new clause stand part of the Bill — put and agreed to.

Bill reported with amendments.

2 ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009

Clauses 1 to 3 — put and agreed to.

Clause 4 — Mr Pakula moved —

1. Clause 4, page 4, lines 5 to 9, omit all words and expressions on these lines and insert—
 - "(b) engages in the generation of electricity—
 - (i) at a property that the person occupies as their principal place of residence by means of one qualifying solar energy generating facility at the property; or
 - (ii) at one or more properties—
 - (A) that the person occupies, otherwise than as a place of residence, by means of one qualifying solar energy generating facility at each of those properties; and
 - (B) at which the person's annual consumption rate of electricity is 100 megawatt hours or less; and".
2. Clause 4, page 4, line 17, omit "3.2 kilowatts" and insert "5 kilowatts".

Question — That the amendments be agreed to — put and agreed to.

Mr Barber moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

6. Clause 4, page 4, line 22, omit "and does not use".

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4	NOES, 36
Mr Barber	Mr Atkinson
Ms Hartland (<i>Teller</i>)	Ms Broad
Mr Kavanagh	Mrs Coote
Ms Pennicuik (<i>Teller</i>)	Mr Dalla-Riva
	Ms Darveniza
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh
	Mr Elasmarr
	Mr Finn
	Mr Guy
	Mr Hall
	Ms Huppert
	Mr Jennings
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Mr Lenders
	Ms Lovell
	Mr Madden
	Ms Mikakos
	Mr O'Donohue
	Mr Pakula
	Mrs Petrovich
	Mrs Peulich
	Ms Pulford
	Mr Rich-Phillips
	Mr Scheffer (<i>Teller</i>)
	Mr Smith
	Mr Somyurek

Mr Tee
Mr Theophanous
Ms Tierney
Mr Viney
Mr Vogels (*Teller*)

Question negatived.

Question — That Clause 4, as amended, stand part of the Bill — put and agreed to.

Clause 5 — Mr Pakula moved —

3. Clause 5, page 9, lines 32 to 35 and page 10, lines 1 and 2, omit all words and expressions on these lines and insert—
 - "(2) The Minister may declare a day under subsection (1) only if—
 - (a) the Minister is satisfied that the aggregate of the installed or name-plate generating capacity of qualifying solar energy generating facilities is equal to or greater than 100 megawatts; or
 - (b) the Minister has estimated that the average cost per customer of electricity per year arising out of the operation of the premium solar feed-in tariff scheme is \$10 or more—
whichever occurs first.
 - (3) In this section **premium solar feed-in tariff scheme** means the amendments made to this Division by the **Electricity Industry Amendment (Premium Solar Feed-in Tariff) Act 2009**."
4. Clause 5, page 13, line 29, omit 'day.'" and insert "day."
5. Clause 5, page 13, after line 29 insert—
 - '(3) The Minister must include the information given to the Minister in respect of a year under subsection (1) in the report of operations of the Department of Primary Industries for that year under Part 7 of the **Financial Management Act 1994**."

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 5, as amended, stand part of the Bill — put and agreed to.

Clauses 6 to 16 — put and agreed to.

Bill reported with amendments.

3 APPROPRIATION (2009/2010) BILL 2009

Clauses 1 to 8 — put and agreed to.

Schedules 1 to 3 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 127, 128 and 129

No. 127 — Tuesday, 28 July 2009

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had —

On 30 June 2009, given the Royal Assent to the following Acts presented to him by the Speaker of the Legislative Assembly:

Appropriation (2009/2010) Act 2009

Appropriation (Parliament 2009/2010) Act 2009.

On 30 June 2009, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Act 2009

Occupational Health and Safety Amendment (Employee Protection) Act 2009

Primary Industries Legislation Amendment Act 2009

Primary Industries Legislation Further Amendment Act 2009

State Taxation Acts Amendment Act 2009

Superannuation Legislation Amendment Act 2009.

On 7 July 2009, given the Royal Assent to the following Act presented to him by the Clerk of the Legislative Council:

Duties Amendment Act 2009.

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 4 **PETITIONS** —

NORTH-SOUTH PIPELINE — Ms Lovell presented a Petition bearing 14 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the construction of the North-South pipeline.

Ordered to lie on the Table.

* * * * *

BENDIGO BUS ROUTES — Ms Lovell presented a Petition bearing 272 signatures from certain citizens of Victoria requesting that the Government immediately review Bendigo's bus routes and establish alternative arrangements that suit the needs of all parties concerned.

Ordered to lie on the Table.

PUBLIC LAND AND FIRE MANAGEMENT PRACTICES — Mr O'Donohue presented a Petition bearing 44 signatures from certain citizens of Victoria requesting that the State Government fully implement the recommendations of the Environment and Natural Resources Committee's report on the Impact of Public Land Management Practices on Bushfires in Victoria, including providing the resources and direction to increase the levels of fuel reduction and ecological burning to 385,000 hectares per annum.

Ordered to lie on the Table.

* * * * *

PLANNING SYSTEM — Mrs Peulich presented a Petition bearing 45 signatures from certain citizens of Victoria requesting that the Government immediately restore integrity to the planning system in Victoria by reinstating due process and democratic rights to Victorians.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

PUBLIC TRANSPORT — SUNDAY SERVICES — Mrs Peulich presented a Petition bearing 215 signatures from certain citizens of Victoria requesting that the Government and the Minister for Public Transport bring forward Sunday morning services by one hour to ensure early morning commuters are not disadvantaged by Melbourne's substandard public transport network.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

EQUAL OPPORTUNITY ACT EXEMPTIONS — Mrs Peulich presented a Petition bearing 2,701 signatures from certain citizens of Victoria requesting that the Government abandon its plan for the removal of the exemptions to the *Equal Opportunity Act 1995* which currently serve to protect the core interests of faith-based schools, single sex clubs and small business.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

YOUTH ALLOWANCE AND TAFE FEES — Mrs Peulich presented a Petition bearing 128 signatures from certain citizens of Victoria requesting that the Government drop its TAFE reforms and vigorously lobby the Federal Government to ensure that education is accessible and affordable to all Victorians.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

GAMING MACHINE ENTITLEMENTS — Mrs Peulich presented a Petition bearing 755 signatures from certain citizens of Victoria requesting that the Government amend proposed legislative changes controlling the entitlements to gaming machines to include (1) a minimum of 75 per cent entitlements for clubs that currently have machines, with the remaining 25 per cent subject to the proposed auction process; (2) a limit on the concentration of ownership of club entitlements of 420 entitlements and four venues; (3) a tax system based on venue revenue, not revenue per machine; (4) provisions that protect club access in each local government area to ensure that hotels do not take up all available entitlements in any area; and (5) bidding for club entitlements to be restricted to genuine local community clubs.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

5 PAPERS —

DRUGS AND CRIME PREVENTION COMMITTEE — STRATEGIES TO PREVENT HIGH VOLUME OFFENDING BY YOUNG PEOPLE — Mr Leane presented a Report from the Drugs and Crime Prevention Committee on Strategies to Prevent High Volume Offending by Young People (including Appendices), together with Transcripts of Evidence.

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

Mr Leane moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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EDUCATION AND TRAINING COMMITTEE — GEOGRAPHICAL DIFFERENCES IN THE RATE IN WHICH VICTORIAN STUDENTS PARTICIPATE IN HIGHER EDUCATION —

Mr Hall presented a Report from the Education and Training Committee on Geographical Differences in the Rate in which Victorian Students Participate in Higher Education (including Appendices), together with Transcripts of Evidence.

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

Mr Hall moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

REGULATIONS 2008 ANNUAL REVIEW — Mr Eideh presented the Annual Review 2008 on Regulations 2008 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

Mr Eideh moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

ALERT DIGEST — Mr Eideh presented Alert Digest No. 8 of 2009 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

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

Crown Land (Reserves) Act 1978 —

Minister's Order of 10 June 2009 giving approval to the granting of a lease at Sandringham Beach Park Reserve.

Minister's Order of 19 June 2009 giving approval to the granting of a lease at Old Springfield Cheese Factory Reserve.

Minister's Order of 5 July 2009 giving approval to the granting of a lease at Yarra Park Reserve.

Minister's Order of 7 July 2009 giving approval to the granting of a lease at Kardinia Park Reserve.

Minister's Order of 7 July 2009 giving approval to the granting of a lease at Sandringham Beach Park Reserve.

Minister's Order of 14 July 2009 giving approval to the granting of a lease at Geelong Telegraph Station Reserve.

Essential Services Commission — Report on Review of Victorian Ports Regulation, June 2009.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 12 July 2009 pursuant to section 7(4) of the Act.

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

- Benalla Planning Scheme — Amendment C4 Part 1.
- Boroondara Planning Scheme — Amendment C95.
- Brimbank Planning Scheme — Amendment C112 Part 1.
- Campaspe Planning Scheme — Amendment C68.
- Cardinia Planning Scheme — Amendments C105 Part 2 and C119.
- Casey Planning Scheme — Amendments C72 and C110.
- Central Goldfields Planning Scheme — Amendment C16.
- East Gippsland Planning Scheme — Amendments C64, C73 and C74.
- Glen Eira Planning Scheme — Amendment C63.
- Glenelg Planning Scheme — Amendment C41.
- Golden Plains Planning Scheme — Amendments C44 and C47.
- Greater Dandenong Planning Scheme — Amendment C107.
- Greater Geelong Planning Scheme — Amendments C145, C172, C174, C180 and C181.
- Greater Shepparton Planning Scheme — Amendment C108.
- Horsham Planning Scheme — Amendment C45.
- Indigo Planning Scheme — Amendment C38.
- Kingston Planning Scheme — Amendment C80.
- Latrobe Planning Scheme — Amendments C42 and C61.
- Manningham Planning Scheme — Amendments C74 and C82.
- Melton Planning Scheme — Amendments C89 and C93.
- Mildura Planning Scheme — Amendments C53 and C54.
- Moira Planning Scheme — Amendments C44 and C52.
- Moonee Valley Planning Scheme — Amendment C81.
- Nillumbik Planning Scheme — Amendment C48.
- Northern Grampians Planning Scheme — Amendment C30.
- Pyrenees Planning Scheme — Amendment C24.
- South Gippsland Planning Scheme — Amendment C47.
- Stonnington Planning Scheme — Amendment C58.
- Warrnambool Planning Scheme — Amendments C53 and C58.
- Wellington Planning Scheme — Amendment C61.
- Whitehorse Planning Scheme — Amendments C100, C101 and C102.
- Whittlesea Planning Scheme — Amendments C41 Part 3 and C112.
- Wodonga Planning Scheme — Amendment C49.
- Wyndham Planning Scheme — Amendment C118 Part 1.
- Yarra Planning Scheme — Amendment C125.

Project Development and Construction Management Act 1994 — Nomination order, application order and a statement of reasons for making a nomination order, 30 June 2009.

Road Management Act 2004 — Order in Council of 7 July 2009 pursuant to clause 4(1)(a) of Schedule 5A to the Act.

Statutory Rules under the following Acts of Parliament:

- Accident Towing Services Act 2007 — No. 80.
- Building Act 1993 — Nos. 79 and 82.
- Chattel Securities Act 1987 — No. 75.
- Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 — No. 69.
- Disability Act 2006 — No. 76.
- Environment Protection Act 1970 — No. 77.
- Fundraising Act 1998 — No. 72.
- Magistrates' Court Act 1989 — No. 83.
- National Parks Act 1975 — No. 81.
- Road Safety Act 1986 — Nos. 73 and 74.

Supreme Court Act 1986 — No. 70.

Trade Measurement Act 1995 — Trade Measurement (Administration) Act 1995 — No. 71.

Transport Act 1983 — No. 84.

Zoological Parks and Gardens Act 1995 — No. 78.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 70, 73, 74, 75, 78, 79, 81 and 83.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 68, 71, 72, 76 and 80.

Ministers' infringements offence consultation certificates under Section 6A(3) in respect of Statutory Rules Nos. 72 and 80.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

Crimes Amendment (Identity Crime) Act 2009 — Except Parts 3 and 4 — 16 July 2009 — (*Gazette No. G29, 16 July 2009*).

Energy Legislation Amendment (Australian Energy Market Operator) Act 2009 — 1 July 2009 — (*Gazette No. S222, 30 June 2009*).

Fair Work (Commonwealth Powers) Act 2009 — Schedule — 23 June 2009 (*Gazette No. S196, 23 June 2009*); Remaining provisions other than Part 3 — 1 July 2009 (*Gazette No. S227, 1 July 2009*); Part 3 — 2 July 2009 (*Gazette No. S230, 2 July 2009*).

Public Administration Amendment Act 2009 — Part 2 — 8 July 2009 (*Gazette No. S233, 7 July 2009*).

6 PRODUCTION OF DOCUMENTS —

CROWN CASINO — The Clerk laid on the Table a letter from the Attorney-General dated 23 July 2009 in response to the Resolution of the Council of 24 June 2009 seeking the production of documents relating to Crown Casino —

- advising that certain documents have been publicly released and are available on the Department of Justice website;
- referring to the Government's process for assessing documents for potential Executive privilege;
- advising that the Government was still in the process of identifying and assessing the remaining documents and would respond to the Council's resolution shortly.

On the motion of Mr D.M. Davis, the Attorney-General's letter was ordered to be taken into consideration on the next day of meeting.

* * * * *

CLEARWAY TIMES — The Clerk laid on the Table the following documents received in accordance with the Resolution of the Council of 1 April 2009:

- (1) Letter from VicRoads to Stonnington City Council (undated);
- (2) E-mail to Premier (29 April 2008);
- (3) Letter to Minister for Roads and Ports (30 April 2008);
- (4) Letter from Bridge Road Main Street Inc. to Minister for Roads and Ports (7 May 2008);
- (5) Letter from Chapel Street Precinct to Cabinet Secretary (22 May 2008);
- (6) Letter from Premier to Metropolitan Transport Forum (27 May 2008);
- (7) Letter from Stonnington City Council, Yarra City Council, Boroondara City Council and Moonee Valley City Council to Premier (28 May 2008);
- (8) Keeping Melbourne Moving — Business Briefing invitation (undated);
- (9) Keeping Melbourne Moving briefing, Easing Melbourne's Congestion (undated);
- (10) Letter from VECCI to VicRoads (25 June 2008);
- (11) Letter from Boroondara City Council to Premier (3 July 2008);
- (12) Clearways Implementation Reference Group Minutes (10 July 2008);

- (13) Report by Landell on Public Submissions Process (undated);
- (14) Letter from VECCI to Premier (22 August 2008);
- (15) Email from Melbourne City Council to VicRoads (29 August 2008);
- (16) Letter from VicRoads to Moreland City Council (5 September 2008);
- (17) Letter from VicRoads to Yarra City Council (8 September 2008);
- (18) Letter from VicRoads to Stonnington City Council (8 September 2008);
- (19) Letter from VicRoads to Boroondara City Council (8 September 2008);
- (20) Letter from VicRoads to Stonnington City Council (8 September 2008);
- (21) Letter from VicRoads to Banyule City Council (8 September 2008);
- (22) Letter from City of Port Phillip to VicRoads (16 September 2008);
- (23) Letter from Yarra City Council to Minister for Local Government (23 September 2008);
- (24) Letter from Hobsons Bay City Council to VicRoads (23 September 2008);
- (25) Letter from Minister for Roads and Ports to Prahran East Traders Association (23 September 2008);
- (26) Letter from City of Melbourne to VicRoads (30 September 2008);
- (27) Letter from Stonnington City Council to VicRoads (7 October 2008);
- (28) Letter from Stonnington City Council to Minister for Roads and Ports (7 October 2008);
- (29) Letter from Stonnington City Council to Minister for Local Government (7 October 2008);
- (30) Letter from Boroondara City Council to VicRoads (20 October 2008);
- (31) Letter from Moreland City Council to Minister for Roads and Ports (10 October 2008);
- (32) Letter from Yarra City Council to VicRoads (13 October 2008);
- (33) Letter from Boroondara City Council to Minister for Roads and Ports (12 October 2008);
- (34) Letter from Darebin City Council to VicRoads (17 October 2008);
- (35) Letter from Maribyrnong City Council to VicRoads (22 October 2008);
- (36) Letter from Moonee Valley City Council to VicRoads (23 October 2008);
- (37) Letter from Yarra City Council to Minister for Roads and Ports (18 December 2008);
- (38) Letter from Minister for Roads and Ports to Banyule City Council (23 February 2009);
- (39) Email from VicRoads to Clearways Implementation Reference Group (23 March 2009);
- (40) Email from VicRoads to clearways Implementation Reference Group (25 March 2009);
- (41) Report by Cubit on Editorial Content Analysis 29 April – 30 May 2008;
- (42) Brief to Minister for Roads and Ports (13 October 2007);
- (43) Brief to Minister for Roads and Ports (2 June 2008);
- (44) Ministerial brief (17 June 2008);
- (45) Report by Auspoll, Keeping Melbourne Moving (7 July 2008);
- (46) Brief to Minister for Roads and Ports (16 July 2008);
- (47) Brief to Minister for Roads and Ports (27 July 2008);
- (48) Report by Meyrick and Associates, Impact Assessment of Extension of Clearways Policy (August 2008);
- (49) Brief to Minister for Roads and Ports (11 August 2008);
- (50) Brief to Minister for Roads and Ports (18 August 2008);
- (51) Brief to Minister for Roads and Ports (27 August 2008);
- (52) Brief to Minister for Roads and Ports (28 August 2008);
- (53) Brief to Minister for Roads and Ports (3 September 2008);
- (54) Brief to Minister for Roads and Ports (undated);
- (55) Brief to Minister for Roads and Ports (12 February 2009);
- (56) E-mail from Department of Transport (DOT) to the Department of Planning and Community Development (DPCD) (30 April 2008);
- (57) Letter from Stonnington City Council to Minister for Local Government (28 May 2008) and response from Minister for Local Government to Stonnington City Council (2 July 2008);
- (58) Letter from Stonnington City Council to Minister for Roads and Ports (3 July 2008);

- (59) Brief to Minister for Local Government (undated);
- (60) E-mail from DOT to DPCD (4 August 2008);
- (61) E-mail from DOT to DPCD (21 August 2008);
- (62) E-mail from VicRoads to DPCD (9 September 2008);
- (63) E-mail from VicRoads to DPCD (23 September 2008);
- (64) Letter from Minister for Roads and Ports to Minister for Local Government (8 September 2008);
- (65) E-mail from DPCD to VicRoads (25 September 2008);
- (66) E-mail from VicRoads to DPCD (29 September 2008);
- (67) E-mail update from VicRoads to DPCD (6 October 2008);
- (68) Letter from Stonnington City Council to Minister for Local Government (7 October 2008);
- (69) Letter from Yarra City Council to Minister for Local Government (23 September 2008);
- (70) Letter from Boroondara City Council to Minister for Local Government (14 October 2008);
- (71) Letter from Moreland City Council to Minister for Local Government (20 October 2008);
- (72) E-mail from VicRoads to DPCD (13 October 2008);
- (73) E-mail from DPCD to VicRoads (17 October 2008);
- (74) E-mail from VicRoads to DPCD (17 October 2008);
- (75) E-mail from DPCD to VicRoads (24 October 2008);
- (76) E-mail from VicRoads to DPCD (24 October 2008);
- (77) E-mail from DPCD to VicRoads (24 October 2008);
- (78) E-mail from VicRoads to DPCD (24 October 2008);
- (79) E-mail from VicRoads to DPCD (13 November 2008);
- (80) Brief to Minister for Local Government (25 November 2008);
- (81) Letter from Minister for Local Government to Minister for Roads and Ports (10 December 2008);
- (82) Letter from Minister for Local Government to Boroondara City Council (10 December 2008);
- (83) Letter from Minister for Local Government to Moreland City Council (10 December 2008);
- (84) Letter from Minister for Local Government to Stonnington City Council (10 December 2008);
- (85) Letter from Minister for Local Government to Yarra City Council (10 December 2008);
- (86) E-mail from DPCD to VicRoads (9 December 2008);
- (87) E-mail from VicRoads to DPCD (18 February 2009);
- (88) E-mail from VicRoads to DPCD (27 March 2009);
- (89) E-mail from VicRoads to DPCD (6 April 2009);
- (90) Letter from Metropolitan Transport Forum to Premier (30 April 2008);
- (91) Letter from Premier to Metropolitan Transport Forum (27 May 2008);
- (92) RACV paper on dealing with congestion in Melbourne (undated);
- (93) Letter from Premier to Moonee Valley City Council (27 October 2008);
- (94) VicRoads paper on Keeping Melbourne Moving – Information update (October 2008);
- (95) Letter from U3A Stonnington Inc to Premier (undated);
- (96) Letter from Office of the Premier to U3A Stonnington Inc (31 July 2008);
- (97) Briefing on Keeping Melbourne Moving, easing Melbourne's congestion;
- (98) Letter from Premier to Yarra City Council (22 August 2008);
- (99) Letter from Premier to Stonnington City Council (22 August 2008);
- (100) Letter from Premier to Boroondara City Council (22 August 2008);
- (101) Letter from Premier to Moonee Valley City Council (22 August 2008);
- (102) Letter from Landell to VicRoads (24 July 2008);
- (103) Clearways Implementation Reference Group paper (undated);
- (104) Letter from Premier to Stonnington Trader Steering Group (9 July 2008);

- (105) Letter from Premier to Bridge Rd Main Street Inc (13 June 2008);
- (106) Brief to Premier, Adjournment Debate response – Clearways (27 May 2008);
- (107) Brief to Premier, Meeting with Municipal Association of Victoria (24 July 2008);
- (108) E-mail from Northern Grampians Shire Council to DOT (7 May 2008); and
- (109) E-mail from DOI to DPC (4 July 2008).

The Clerk also laid on the table a letter from the Attorney-General dated 28 July 2009 —

- referring to the Government's process for assessing documents for potential Executive privilege;
- advising that certain documents requested from Legislative Assembly Ministers will not be provided as Members of the Assembly are immune from the processes of the Council; and
- advising the Council that Executive privilege was claimed in relation to the following documents and that, therefore, those documents have not been provided:
 - (1) Brief to Minister for Roads and Ports (undated);
 - (2) Memorandum of advice to VicRoads (undated);
 - (3) Briefing on Keeping Melbourne Moving (17 April 2009);
 - (4) Brief to Minister for Roads and Ports (29 August 2008);
 - (5) Brief to Minister for Roads and Ports (17 June 2008);
 - (6) Brief to Minister for Roads and Ports (undated);
 - (7) Brief to Minister for Roads and Ports (12 November 2008);
 - (8) Report by Meyrick and Associates (2008);
 - (9) Letter from the Victorian Government Solicitor's Office (VGSO) to Department of Infrastructure (27 March 2008);
 - (10) Brief to Minister for Roads and Ports (31 March 2008);
 - (11) E-mail from VicRoads to the Office of the Minister for Roads and Ports (15 April 2008);
 - (12) Brief to Minister for Roads and Ports (9 May 2008);
 - (13) Ministerial briefing (23 May 2008);
 - (14) Brief to Minister for Roads and Ports (21 May 2008);
 - (15) Memorandum of Advice to DOT (4 June 2008);
 - (16) Brief to Minister for Roads and Ports (5 June 2008);
 - (17) E-mail from DOT to Auspoll (22 July 2007);
 - (18) Brief to Minister for Roads and Ports (12 September 2008);
 - (19) Memorandum of advice to VicRoads (29 September 2008);
 - (20) Legal advice from VicRoads (13 October 2008);
 - (21) E-mail from VicRoads to the office of the Minister for Roads and Ports (14 October 2008);
 - (22) Brief to the Minister for Roads and Ports (3 October 2008);
 - (23) Brief to Minister for Roads and Ports (9 November 2008);
 - (24) Brief to Minister for Roads and Ports (9 December 2008);
 - (25) Brief to Minister for Roads and Ports (29 February 2009);
 - (26) Brief to Minister for Roads and Ports (31 December 2008);
 - (27) E-mail from VicRoads to DOT (5 January 2009);
 - (28) Letter from VicRoads to DOT (19 January 2009);
 - (29) Letter from Moreland City Council to DOT (2 February 2009);
 - (30) Brief to Minister for Roads and Ports (10 February 2009);
 - (31) Brief to Minister for Roads and Ports (18 February 2009);
 - (32) Letter from VicRoads to DOT (5 March 2009);
 - (33) Internal DOT e-mail with attachment (2 November 2007);
 - (34) E-mail from Department of Premier and Cabinet (DPC) to DOT (1 February 2008);
 - (35) Brief to Minister for Roads and Ports (9 September 2008);
 - (36) Brief to Minister for Local Government (17 June 2008);
 - (37) Brief to Minister for Local Government (24 July 2008);
 - (38) E-mail from DPCD to VicRoads (1 September 2008);

- (39) E-mail from VicRoads to DPCD (3 September 2008);
- (40) E-mail from VicRoads to DPCD (4 September 2008);
- (41) Internal DPCD e-mail with attachment (5 September 2008);
- (42) E-mail chain from DPCD to VicRoads (25 September 2008);
- (43) Brief to Minister for Local Government (1 October 2008);
- (44) Brief to Minister for Local Government (22 October 2008);
- (45) Internal DPCD e-mail with attachment (5 November 2008);
- (46) Brief to Minister for Local Government (28 November 2008);
- (47) Ministerial Debrief (5 December 2008);
- (48) Brief to Minister for Local Government (21 January 2009);
- (49) Brief to Minister for Local Government (17 February 2009);
- (50) Brief to Minister for Local Government (5 March 2009);
- (51) Brief to Minister for Local Government (24 March 2009);
- (52) Brief to Premier (19 February 2008);
- (53) Brief to Premier (25 January 2008);
- (54) Project Review Committee business case (25 January 2008);
- (55) Brief to Premier (15 January 2008);
- (56) Brief to Premier (11 January 2008);
- (57) Brief to Premier (28 December 2007);
- (58) Brief to Minister for Roads and Ports (9 November 2007);
- (59) Brief to Premier (23 November 2007);
- (60) Brief to Premier (13 August 2008);
- (61) E-mail from DOT to DPC (26 May 2008);
- (62) Brief to Premier (17 August 2007); and
- (63) Brief to Premier (30 March 2009).

7 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 29 July 2009:

- (1) Order of the Day No. 12, resumption of debate on the motion to refer matters to various Joint Investigatory Committees;
- (2) Order of the Day No. 11, consideration of the Message from the Legislative Assembly refusing to consider the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2009;
- (3) the Notice of Motion given this day by Mr D.M. Davis, relating to the production of carbon trading documents;
- (4) the Notice of Motion given this day by Mr Hall, relating to the closure and merger of schools by the Government; and
- (5) the Notice of Motion given this day by Mr D.M. Davis, relating to the Victorian public hospital system.

Question — put and agreed to.

8 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

9 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 1 and 2, be postponed until the next day of meeting.

10 STATUTE LAW AMENDMENT (CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

11 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed for one week.

12 GAMBLING REGULATION AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

13 FOOD AMENDMENT (REGULATION REFORM) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

14 ADJOURNMENT — Mr Madden moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.31 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 128 — Wednesday, 29 July 2009

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

EQUAL OPPORTUNITY ACT EXEMPTIONS — Mrs Peulich presented a Petition bearing 1,401 signatures from certain citizens of Victoria requesting that the Government abandon its plan for the removal of the exemptions to the *Equal Opportunity Act 1995* which currently serve to protect the core interests of faith-based schools, single sex clubs and small business.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

YOUTH ALLOWANCE AND TAFE FEES — Mrs Peulich presented a Petition bearing 21 signatures from certain citizens of Victoria requesting that the Government drop its TAFE reforms and vigorously lobby the Federal Government to ensure that education is accessible and affordable to all Victorians .

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

E6 FREEWAY — Ms Hartland presented a Petition bearing 470 signatures from certain citizens of Victoria requesting that the Government immediately withdraw the proposed E6 Freeway in its current form and consult further with affected landowners and communities to create a fairer outcome.

Ordered to lie on the Table.

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

Ombudsman — Report on an investigation into the Transport Accident Commission's and the Victorian WorkCover Authority's administrative processes for medical practitioner billing, July 2009.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 84.

Victorian Law Reform Commission — Final Report on Jury Directions.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 REFERENCES TO JOINT INVESTIGATORY COMMITTEES — The Order of the Day having been read for the resumption of the debate on the motion to refer matters to various Joint Investigatory Committees —

Mr Pakula moved, That the debate be adjourned until later this day.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

NOES, 18

Mr Barber

Mr Atkinson

Ms Broad

Mrs Coote

Ms Darveniza

Mr Dalla-Riva

Mr Eideh

Mr D.M. Davis

Mr Elasmr

Mr P.R. Davis

Ms Hartland

Mr Drum

Ms Huppert

Mr Finn

Mr Jennings

Mr Guy

Mr Leane

Mr Hall (*Teller*)

Mr Lenders

Mr Kavanagh (*Teller*)

Mr Madden

Mr Koch

Ms Mikakos (*Teller*)

Mrs Kronberg

Mr Pakula

Ms Lovell

Ms Pennicuik

Mr O'Donohue

Ms Pulford

Mrs Petrovich

Mr Scheffer

Mrs Peulich

Mr Smith

Mr Rich-Phillips

Mr Somyurek

Mr Vogels

Mr Tee (*Teller*)

Ms Tierney

Mr Viney

Question agreed to.

6 ENVIRONMENT PROTECTION AMENDMENT (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2009 — MESSAGE FROM THE ASSEMBLY — Ms Hartland moved, That the Council take note of the Message from the Assembly refusing to entertain the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2009 because it seeks to impose an unlawful levy, being the exclusive power of the Assembly.

Debate ensued.

Question — put and agreed to.

- 7 PRODUCTION OF DOCUMENTS — CARBON TRADING INSTITUTIONS** — Mr D.M. Davis moved, That, in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 11 August 2009 a copy of all documents examining the placement of carbon trading institutions and carbon trading institutes (including a planned cooperative carbon market institute) and/or carbon exchanges including feasibility studies, assessments, analyses and/or examinations of the economic benefits and costs of establishing such institutions in Victoria and including submissions to other governments and other institutions advocating that such a carbon exchange or carbon trading institution (including Australian Carbon Institute) be sited in Melbourne or other Victorian location.

Debate ensued.

Question — put and agreed to.

- 8 SCHOOL CLOSURES AND MERGERS** — Mr Hall moved, That this House —
- (1) notes the Brumby Government's extreme hypocrisy in its criticism of the previous Government's rationalisation of schools across the State, when it has itself closed or merged more than 135 primary and secondary schools since 1999, including —
 - (a) 21 schools closed or merged in the Loddon Mallee region since 2000;
 - (b) 19 schools closed or merged in the Barwon South Western region since 2000;
 - (c) 13 schools closed or merged in the Eastern Metropolitan region since 2003;
 - (d) 11 schools closed or merged in the Northern Metropolitan region since 2002;
 - (e) 15 schools closed or merged in the Southern Metropolitan region since 1999;
 - (f) 19 schools closed or merged in the Western Metropolitan region since 2000;
 - (g) 16 schools closed or merged in the Hume region since 2000;
 - (h) 15 schools closed or merged in the Grampians region since 2000; and
 - (i) 6 schools closed or merged in the Gippsland region since 2005; and
 - (2) further notes the Brumby Government has gagged school principals from speaking on mergers, closures and school infrastructure issues and therefore calls on the Government to ensure that —
 - (a) any proposed or future school closures or mergers only occur with the full and genuine support of school communities;
 - (b) a publicly accessible code of practice be developed with provisions that —
 - (i) the principals and school councils must be notified in writing by the Department of Education and Early Childhood Development of any proposed mergers or closures that will affect their school;
 - (ii) all meetings to discuss proposed mergers must be minuted and signed off by all parties involved;
 - (iii) principals and school councils must be free to speak out and comment publicly on any proposed merger or closure;
 - (iv) no Department official may coerce or threaten schools involved in merger or closure discussions with threats of reduced funding or limited access to resources; and
 - (v) once a decision has been made by a school council a “cooling off” period of one month be imposed before any further consequential action takes place; and
 - (c) Government officials and Members of Parliament adhere to high standards of transparency and accountability in all dealings with school communities where proposed mergers or closures are contemplated.

Debate ensued.

On the motion of Mrs Peulich, the debate was adjourned until later this day.

9 REFERENCES TO JOINT INVESTIGATORY COMMITTEES — Debate resumed on the question, That pursuant to the *Parliamentary Committees Act 2003*, the undermentioned Committees be required to inquire into, consider and report on the following:

(1) **Outer Suburban/Interface Services and Development Committee**

The impact of the State Government's decision to change the urban growth boundary on landholders and the environment and plans announced by the Government to introduce an increased development contribution for land in designated growth areas, including —

- (a) the likely quantum of the collections by Government;
 - (b) mechanisms to ensure the contributions are directed only to the intended purposes;
 - (c) the likely impact on the housing and development industries;
 - (d) any unintended consequences including the impact on all landholders and purchasers to be impacted;
 - (e) any displacement or replacement of Government spending likely to result from the increased collections; and
 - (f) any alternative options, including any used in other jurisdictions;
- and to report by 30 November 2009.

(2) **Environment and Natural Resources Committee**

The environmental effects statement process in Victoria, including the operation of the Environment Effects Act 1978, and in particular —

- (a) any weaknesses in the current system including poor environmental outcomes, excessive costs and unnecessary delays encountered through the process and its mechanisms;
- (b) community and industry consultation under the Act;
- (c) the independence of environmental effects examination when government is the proponent; and
- (d) how better environmental outcomes can be achieved more quickly and predictably and with a reduction in unnecessary costs;

and to report by 30 August 2010.

(3) **Family and Community Development Committee**

The adequacy of public housing in Victoria, including —

- (a) public housing waiting lists in Victoria;
- (b) the impact on individuals and families of waiting times to access public housing and how this varies by each segment;
- (c) the adequacy, quality and standards of Victorian public housing;
- (d) the safety and location of Victorian public housing and public housing estates; and
- (e) the impact of the failures in public housing on specific groups, including women, seniors, the homeless, indigenous Victorians, refugees, people with a mental illness, substance abuse and/or disability;

and to report by 30 September 2010.

(4) **Drugs and Crime Prevention Committee**

The level, nature and incidence of violent crime in Victoria in recent years including —

- (a) rising crime statistics on reported assaults and the impact of these levels of violent crime on Victorians and Victorian residents, including vulnerable groups, migrants, overseas students and the elderly;
- (b) the status of, resourcing of and staffing of suburban, regional city and rural police stations including an examination of police patrol hours and plans announced recently to close or down grade suburban police stations; and

(c) the importance and role of local and community policing; and to report by 30 August 2010.

(5) **Economic Development and Infrastructure Committee**

The impact and effectiveness of increased State Government taxation (including land tax, payroll tax, stamp duties, State Government taxes and charges and development levies) and increased State Government debt on Victorian —

- (a) development;
- (b) competitiveness;
- (c) sustainability;
- (d) employment;
- (e) job creation; and
- (f) small businesses, including their national and international competitiveness under the State Government's current taxation arrangements;

and to table an interim report by 28 February 2010 and a final report by 30 September 2010.

Mr Viney moved, as amendments —

1. In the reference to the Family and Community Development Committee in sub-clause (3) —
 - (a) after “adequacy” (where first occurring) insert “and future directions”; and
 - (b) in paragraph (e) omit “the failures in public housing” and insert “public housing need”.
2. Omit the reference to the Drugs and Crime Prevention Committee in sub-clause (4) and insert —

“(4) **Drugs and Crime Prevention Committee**

Strategies to reduce crime against the person in Victoria and, in particular —

- (a) the level, nature and incidence of crimes against the person in Victoria and the trends in recent years;
- (b) the impact of these crimes on vulnerable groups, migrants, overseas students and the elderly;
- (c) strategies to address these crimes and reduce their incidence and increase the apprehension and conviction of offenders;
- (d) the role of community policing and local community organisations; and
- (e) the level of police resources in Victoria and their distribution throughout the State;

and to report by 30 August 2010.”.

Debate ensued.

Mr D.M. Davis moved, as amendments to the amendments moved by Mr Viney —

1. In Amendment No. 2, after “person” (where first occurring) insert “, including violent crime,”.
2. In Amendment No. 2, in sub-clause (4)(e), after “State” insert “and the status of, resourcing of and staffing of suburban, regional city and rural police stations including an examination of police patrol hours and plans announced recently to close or down grade suburban police stations”.

Debate ensued.

Question — That Amendment No. 1 moved by Mr Viney be agreed to — put and agreed to.

Question — That Amendment No. 1 moved by Mr D.M. Davis to Amendment No. 2 moved by Mr Viney be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson

Mrs Coote

NOES, 21

Mr Barber (*Teller*)

Ms Broad (*Teller*)

Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmar
Mr Drum (<i>Teller</i>)	Ms Hartland
Mr Finn	Ms Huppert
Mr Guy (<i>Teller</i>)	Mr Jennings
Mr Hall	Mr Leane
Mr Kavanagh	Mr Lenders
Mr Koch	Mr Madden
Mrs Kronberg	Ms Mikakos
Ms Lovell	Mr Pakula
Mr O'Donohue	Ms Pennicuik
Mrs Petrovich	Ms Pulford
Mrs Peulich	Mr Scheffer
Mr Rich-Phillips	Mr Smith
Mr Vogels	Mr Somyurek
	Mr Tee
	Ms Tierney
	Mr Viney

Amendment negatived.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

10 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and an answer to a certain question on notice was circulated pursuant to Standing Order 8.10.

11 REFERENCES TO JOINT INVESTIGATORY COMMITTEES — Question — That Amendment No. 2 moved by Mr D.M. Davis to Amendment No. 2 moved by Mr Viney be agreed to — put.

The Council divided — The President in the Chair.

AYES, 15	NOES, 22
Mr Atkinson	Mr Barber
Mrs Coote (<i>Teller</i>)	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh (<i>Teller</i>)
Mr P.R. Davis (<i>Teller</i>)	Mr Elasmar
Mr Finn	Ms Hartland
Mr Hall	Ms Huppert
Mr Kavanagh	Mr Jennings
Mr Koch	Mr Leane
Ms Lovell	Mr Lenders
Mr O'Donohue	Mr Madden
Mrs Petrovich	Ms Mikakos
Mrs Peulich	Mr Pakula
Mr Rich-Phillips	Ms Pennicuik
Mr Vogels	Ms Pulford
	Mr Scheffer
	Mr Smith
	Mr Somyurek
	Mr Tee
	Mr Theophanous
	Ms Tierney (<i>Teller</i>)
	Mr Viney

Amendment negatived.

Question — That Amendment No. 2 moved by Mr Viney be agreed to — put and agreed to.

Question — That pursuant to the *Parliamentary Committees Act 2003*, the undermentioned Committees be required to inquire into, consider and report on the following:

(1) **Outer Suburban/Interface Services and Development Committee**

The impact of the State Government's decision to change the urban growth boundary on landholders and the environment and plans announced by the Government to introduce an increased development contribution for land in designated growth areas, including —

- (a) the likely quantum of the collections by Government;
 - (b) mechanisms to ensure the contributions are directed only to the intended purposes;
 - (c) the likely impact on the housing and development industries;
 - (d) any unintended consequences including the impact on all landholders and purchasers to be impacted;
 - (e) any displacement or replacement of Government spending likely to result from the increased collections; and
 - (f) any alternative options, including any used in other jurisdictions;
- and to report by 30 November 2009.

(2) **Environment and Natural Resources Committee**

The environmental effects statement process in Victoria, including the operation of the *Environment Effects Act 1978*, and in particular —

- (a) any weaknesses in the current system including poor environmental outcomes, excessive costs and unnecessary delays encountered through the process and its mechanisms;
 - (b) community and industry consultation under the Act;
 - (c) the independence of environmental effects examination when government is the proponent; and
 - (d) how better environmental outcomes can be achieved more quickly and predictably and with a reduction in unnecessary costs;
- and to report by 30 August 2010.

(3) **Family and Community Development Committee**

The adequacy and future directions of public housing in Victoria, including —

- (a) public housing waiting lists in Victoria;
 - (b) the impact on individuals and families of waiting times to access public housing and how this varies by each segment;
 - (c) the adequacy, quality and standards of Victorian public housing;
 - (d) the safety and location of Victorian public housing and public housing estates; and
 - (e) the impact of public housing need on specific groups, including women, seniors, the homeless, indigenous Victorians, refugees, people with a mental illness, substance abuse and/or disability;
- and to report by 30 September 2010.

(4) **Drugs and Crime Prevention Committee**

Strategies to reduce crime against the person in Victoria and, in particular —

- (a) the level, nature and incidence of crimes against the person in Victoria and the trends in recent years;
 - (b) the impact of these crimes on vulnerable groups, migrants, overseas students and the elderly;
 - (c) strategies to address these crimes and reduce their incidence and increase the apprehension and conviction of offenders;
 - (d) the role of community policing and local community organisations; and
 - (e) the level of police resources in Victoria and their distribution throughout the State;
- and to report by 30 August 2010.

(5) **Economic Development and Infrastructure Committee**

The impact and effectiveness of increased State Government taxation (including land tax, payroll tax, stamp duties, State Government taxes and charges and development levies) and increased State Government debt on Victorian —

- (a) development;
- (b) competitiveness;
- (c) sustainability;
- (d) employment;
- (e) job creation; and
- (f) small businesses, including their national and international competitiveness under the State Government's current taxation arrangements;

and to table an interim report by 28 February 2010 and a final report by 30 September 2010.

— put and agreed to.

12 SCHOOL CLOSURES AND MERGERS — Debate resumed on the question, That this House —

(1) notes the Brumby Government's extreme hypocrisy in its criticism of the previous Government's rationalisation of schools across the State, when it has itself closed or merged more than 135 primary and secondary schools since 1999, including —

- (a) 21 schools closed or merged in the Loddon Mallee region since 2000;
- (b) 19 schools closed or merged in the Barwon South Western region since 2000;
- (c) 13 schools closed or merged in the Eastern Metropolitan region since 2003;
- (d) 11 schools closed or merged in the Northern Metropolitan region since 2002;
- (e) 15 schools closed or merged in the Southern Metropolitan region since 1999;
- (f) 19 schools closed or merged in the Western Metropolitan region since 2000;
- (g) 16 schools closed or merged in the Hume region since 2000;
- (h) 15 schools closed or merged in the Grampians region since 2000; and
- (i) 6 schools closed or merged in the Gippsland region since 2005; and

(2) further notes the Brumby Government has gagged school principals from speaking on mergers, closures and school infrastructure issues and therefore calls on the Government to ensure that —

- (a) any proposed or future school closures or mergers only occur with the full and genuine support of school communities;
- (b) a publicly accessible code of practice be developed with provisions that —
 - (i) the principals and school councils must be notified in writing by the Department of Education and Early Childhood Development of any proposed mergers or closures that will affect their school;
 - (ii) all meetings to discuss proposed mergers must be minuted and signed off by all parties involved;
 - (iii) principals and school councils must be free to speak out and comment publicly on any proposed merger or closure;
 - (iv) no Department official may coerce or threaten schools involved in merger or closure discussions with threats of reduced funding or limited access to resources; and
 - (v) once a decision has been made by a school council a "cooling off" period of one month be imposed before any further consequential action takes place; and
- (c) Government officials and Members of Parliament adhere to high standards of transparency and accountability in all dealings with school communities where proposed mergers or closures are contemplated.

Interruption —

13 PRODUCTION OF DOCUMENTS —

ALPINE RESORTS — The Clerk laid on the Table the following documents received in accordance with the Resolution of the Council of 3 June 2009:

- (1) Submission to SSA Review of Alpine Resort Area Management Boards from President, Arrabri Ski Club Incorporated (29 February 2008);
- (2) Submission to SSA Review of Alpine Resort Area Management Boards (29 February 2008);
- (3) Submission to SSA Review of Alpine Resort Area Management Boards (29 February 2008);
- (4) Submission to SSA Review of Alpine Resort Area Management Boards (28 February 2008);
- (5) Letter in support of Submission to SSA Review of Alpine Resort Area Management Boards made by the Falls Creek Alpine Association 25 February 2008 (29 February 2008);
- (6) Submission to SSA Review of Alpine Resort Area Management Boards from Mystic Mountains Tourism (29 February 2008);
- (7) Submission to SSA Review of Alpine Resort Area Management Boards (28 February 2008);
- (8) Submission to SSA Review of Alpine Resort Area Management Boards (28 February 2008);
- (9) Letter in support of Submission to SSA Review of Alpine Resort Area Management Boards made by the Falls Creek Alpine Association 25 February 2008 (28 February 2008);
- (10) Submission to SSA Review of Alpine Resort Area Management Boards from Chief Executive Officer, Mansfield Shire Council (27 February 2008);
- (11) Submission to SSA Review of Alpine Resort Area Management Boards from Secretary, Mt Buller Ratepayers Association (28 February 2008);
- (12) E-mail in support of Submission to SSA Review of Alpine Resort Area Management Boards made by the Falls Creek Alpine Association 25 February 2008 (28 February 2008);
- (13) Submission to SSA Review of Alpine Resort Area Management Boards from General Manager, Pulitano Bus Group (28 February 2008);
- (14) Submission to SSA Review of Alpine Resort Area Management Boards from Secretary, Victorian High Country Huts Association (28 February 2008);
- (15) Submission to SSA Review of Alpine Resort Area Management Boards from President, Falls Creek Alpine Association (25 February 2008);
- (16) Submission to SSA Review of Alpine Resort Area Management Boards from Secretary, Hangman's Drop Ski Club (27 February 2008);
- (17) Submission to SSA Review of Alpine Resort Area Management Boards (27 February 2008);
- (18) Submission to SSA Review of Alpine Resort Area Management Boards from President, Australian Alpine Club (12 February 2008);
- (19) Submission to SSA Review of Alpine Resort Area Management Boards from Kalyna Ski Club (7 February 2008);
- (20) Letter and Submission to SSA Review of Alpine Resort Area Management Boards from Chairperson, Mt Baw Baw Alpine Resort Management Board (28 February 2008) (attachment 3 is subject to a claim of Executive Privilege);
- (21) Letter in support of Submission to SSA Review of Alpine Resort Area Management Boards made by the Falls Creek Alpine Association 25 February 2008, from Chairman, BSM Ski Co-Operative (29 February 2008);
- (22) Submission to SSA Review of Alpine Resort Area Management Boards from Vice President, Leeton Alpine Sports Club (undated);
- (23) Submission to SSA Review of Alpine Resort Area Management Boards from Falls Creek Chamber of Commerce (28 February 2008);

- (24) Submission to SSA Review of Alpine Resort Area Management Boards (undated);
- (25) Submission to SSA Review of Alpine Resort Area Management Boards from Honorary Secretary, Hotham Ski Association Include (29 February 2008);
- (26) Email Submission to SSA Review of Alpine Resort Area Management Boards (29 February 2008) (attachment 9 was not provided to the SSA);
- (27) Submission to SSA Review of Alpine Resort Area Management Boards from Manager Diana Alpine Lodge Pty Ltd (28 February 2008);
- (28) Submission to SSA Review of Alpine Resort Area Management Boards from Victorian National Parks Association (29 February 2008);
- (29) Submission to SSA Review of Alpine Resort Area Management Boards from Secretary, Mt Baw Baw Ski Club Include (28 February 2008);
- (30) Submission to SSA Review of Alpine Resort Area Management Boards from Falls Creek Country Club (3 March 2008);
- (31) Submission to SSA Review of Alpine Resort Area Management Boards from Pretty Valley Alpine (28 February 2008);
- (32) Submission to SSA Review of Alpine Resort Area Management Boards from Chairperson, Mt Baw Baw Association (9 February 2008);
- (33) Letter in support of Submission to SSA Review of Alpine Resort Area Management Boards made by the Falls Creek Alpine Association 25 February 2008, from Secretary, Falls Creek Co-Operative Society (29 February 2008);
- (34) Submission to SSA Review of Alpine Resort Area Management Boards from Director, Hotham Management Pty Ltd (29 February 2008);
- (35) Submission to SSA Review of Alpine Resort Area Management Boards from President, Mt Hotham Chamber of Commerce (29 February 2008);
- (36) Submission to SSA Review of Alpine Resort Area Management Boards from Managing Director, The Man Hotel (29 February 2008);
- (37) Submission to SSA Review of Alpine Resort Area Management Boards from First National Real Estate (29 February 2008);
- (38) Submission to SSA Review of Alpine Resort Area Management Boards from the Emergency Services Commissioner (29 February 2008);
- (39) Submission to SSA Review of Alpine Resort Area Management Boards from Partner, Nevin Lenne & Gross, Barristers and Solicitors (11 February 2008);
- (40) Letter in support of Submission to SSA Review of Alpine Resort Area Management Boards made by the Falls Creek Alpine Association 25 February 2008, from Honorary Secretary, Camber Ski Club (28 February 2008);
- (41) Letter re Submission to SSA Review of Alpine Resort Area Management Boards, from Acting Chief Executive, Parks Victoria (22 February 2008);
- (42) Submission to SSA Review of Alpine Resort Area Management Boards (22 February 2008);
- (43) Letter re Submission to SSA Review of Alpine Resort Area Management Boards from Chief Executive, VicRoads (11 February 2008);
- (44) Submission to SSA Review of Alpine Resort Area Management Boards from Halleys Lodge Apartments (6 February 2008);
- (45) Submission to SSA Review of Alpine Resort Area Management Boards from Acting Chief Executive, CFA (5 March 2008);
- (46) Submission to SSA Review of Alpine Resort Area Management Boards from Chairman, Australian Alpine Club (28 February 2008);
- (47) Letter in support of Submission to SSA Review of Alpine Resort Area Management Boards made by the Falls Creek Alpine Association 25 February 2008, from Secretary, Langrenn Ski Club (28 February 2008);
- (48) Submission to SSA Review of Alpine Resort Area Management Boards from Chairman, Mt Buller Chamber of Commerce (28 February 2008);
- (49) Letter in support of Submission to SSA Review of Alpine Resort Area Management Boards made by the Falls Creek Alpine Association 25 February 2008 (28 February 2008);

- (50) Submission to SSA Review of Alpine Resort Area Management Boards from Chairman, Alpine Resorts Co-ordinating Council to Commissioner (5 March 2008);
- (51) Submission to SSA Review of Alpine Resort Area Management Boards from General Manager, Mt Buller Ski Lifts (28 February 2008);
- (52) Submission to SSA Review of Alpine Resort Area Management Boards (28 February 2008);
- (53) Submission to SSA Review of Alpine Resort Area Management Boards (28 February 2008);
- (54) Submission to SSA Review of Alpine Resort Area Management Boards from Secretary, Ski Cross Country Victoria Incorporated (28 February 2008);
- (55) Submission to SSA Review of Alpine Resort Area Management Boards from Chairman and Chief Executive Officer, Mt Buller & Mt Stirling Resort Management (28 February 2008);
- (56) Submission to SSA Review of Alpine Resort Area Management Boards from Executive Director, Australian Ski Areas Association (7 March 2008);
- (57) Submission to SSA Review of Alpine Resort Area Management Boards from Chairperson, Mt Hotham Alpine Resort Management Board to Commissioner (29 February 2008);
- (58) Letter in support of Submission to SSA Review of Alpine Resort Area Management Boards made by the Falls Creek Alpine Association 25 February 2008, from Secretary, Riverina Alpine Ski Club (28 February 2008);
- (59) Submission to SSA Review of Alpine Resort Area Management Boards from Chief Executive Officer, Australian Alpine Enterprises Pty Ltd (13 March 2008);
- (60) Submission to SSA Review of Alpine Resort Area Management Boards from Acting Chairman, Falls Creek Alpine Resort Management Board (17 March 2008);
- (61) Submission to SSA Review of Alpine Resort Area Management Boards from Secretary, Australian Ski Patrol Association (22 March 2008);
- (62) Submission to SSA Review of Alpine Resort Area Management Boards from Chief Executive Officer, Victorian Employers' Chamber of Commerce and Industry (5 March 2008);
- (63) Submission to SSA Review of Alpine Resort Area Management Boards from Chief Executive Officer, Alpine Shire (14 March 2008);
- (64) Submission to SSA Review of Alpine Resort Area Management Boards from Chief Executive, Tourism Victoria (2 April 2008);
- (65) Submission to SSA Review of Alpine Resort Area Management Boards from Manager, Victorian Network on Recreation and Disability, 'Access above 5000ft Taskgroup' (4 June 2008);
- (66) Agenda for the SSA Review of Alpine Resort Areas Reference Group meeting (13 March 2008);
- (67) Minutes of the SSA Review of Alpine Resort Areas Reference Group meeting (13 March 2008);
- (68) Agenda for the SSA Review of Alpine Resort Areas Reference Group meeting (30 April 2008);
- (69) Minutes of the SSA Review of Alpine Resort Areas Reference Group meeting (30 April 2008);
- (70) Agenda for the SSA Review of Alpine Resort Areas Reference Group meeting (3 June 2008); and
- (71) Minutes of the SSA Review of Alpine Resort Areas Reference Group meeting (3 June 2008).

The Clerk also laid on the Table a letter from the Attorney-General dated 29 July 2009 —

- referring to the Government's process for assessing documents for potential Executive privilege;
- advising that the Government makes a claim of Executive privilege in relation to the Mt Baw Baw Alpine Resort Management Board Corporate Plan 2007-10; and
- drawing the attention of the Council to documents numbered (34) and (39) which contain some material the publication of which could, in other contexts, raise issues of

defamation and suggesting the Council may wish to consider whether it should publish or distribute the documents.

ELECTRIC CAR INDUSTRY AND 'BETTER PLACE' DOCUMENTS AND DESALINATION PLANT GATEWAY REVIEW DOCUMENTS — The Clerk laid on the Table a letter from the Attorney-General dated 29 July 2009 in response to the Resolution of the Council of 6 May 2009 seeking the production of documents relating to the electric car industry and the company Better Place and the Resolution of the Council of 24 June 2009 seeking the production of documents relating to the Desalination Plant Gateway Review —

- referring to the Government's process for assessing documents for potential Executive privilege;
- advising that due to the large volume of documents involved, the Government is still in the process of assessing the documents; and
- indicating that the Government would respond to the Council's resolutions shortly.

14 SCHOOL CLOSURES AND MERGERS — Debate continued on the question, That this House —

- (1) notes the Brumby Government's extreme hypocrisy in its criticism of the previous Government's rationalisation of schools across the State, when it has itself closed or merged more than 135 primary and secondary schools since 1999, including —
 - (a) 21 schools closed or merged in the Loddon Mallee region since 2000;
 - (b) 19 schools closed or merged in the Barwon South Western region since 2000;
 - (c) 13 schools closed or merged in the Eastern Metropolitan region since 2003;
 - (d) 11 schools closed or merged in the Northern Metropolitan region since 2002;
 - (e) 15 schools closed or merged in the Southern Metropolitan region since 1999;
 - (f) 19 schools closed or merged in the Western Metropolitan region since 2000;
 - (g) 16 schools closed or merged in the Hume region since 2000;
 - (h) 15 schools closed or merged in the Grampians region since 2000; and
 - (i) 6 schools closed or merged in the Gippsland region since 2005; and
- (2) further notes the Brumby Government has gagged school principals from speaking on mergers, closures and school infrastructure issues and therefore calls on the Government to ensure that —
 - (a) any proposed or future school closures or mergers only occur with the full and genuine support of school communities;
 - (b) a publicly accessible code of practice be developed with provisions that —
 - (i) the principals and school councils must be notified in writing by the Department of Education and Early Childhood Development of any proposed mergers or closures that will affect their school;
 - (ii) all meetings to discuss proposed mergers must be minuted and signed off by all parties involved;
 - (iii) principals and school councils must be free to speak out and comment publicly on any proposed merger or closure;
 - (iv) no Department official may coerce or threaten schools involved in merger or closure discussions with threats of reduced funding or limited access to resources; and
 - (v) once a decision has been made by a school council a "cooling off" period of one month be imposed before any further consequential action takes place; and
 - (c) Government officials and Members of Parliament adhere to high standards of transparency and accountability in all dealings with school communities where proposed mergers or closures are contemplated.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 19
Mr Atkinson	Ms Broad
Mrs Coote	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmr
Mr P.R. Davis	Ms Huppert
Mr Drum	Mr Jennings
Mr Finn	Mr Leane
Mr Guy	Mr Lenders (<i>Teller</i>)
Mr Hall	Mr Madden (<i>Teller</i>)
Mr Koch	Ms Mikakos
Mrs Kronberg	Mr Pakula
Ms Lovell	Ms Pulford
Mr O'Donohue	Mr Scheffer
Mrs Petrovich (<i>Teller</i>)	Mr Smith
Mrs Peulich	Mr Somyurek
Mr Rich-Phillips (<i>Teller</i>)	Mr Tee
Mr Vogels	Mr Theophanous
	Ms Tierney
	Mr Viney

Question negatived.

15 PUBLIC HOSPITAL SYSTEM PERFORMANCE — Mr D.M. Davis moved, That this House —

- (1) expresses its concern at the poor performance of the Victorian public hospital system reflected in the Your Hospitals, July to December 2008 report where only four of nine key performance targets were achieved;
- (2) believes the Brumby Labor Government should release in full the waiting list figures not made public as part of that report, including any assessments of their veracity, and particularly the data relating to the Royal Women's Hospital held back from the report; and
- (3) further believes that the full results of spot audits of three hospitals — the Mercy Hospital at Werribee, Box Hill Hospital and the Austin Hospital, should be released in full to the Victorian community.

Debate ensued.

On the motion of Mr Drum, the debate was adjourned for one week.

16 BUSINESS POSTPONED — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

17 ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009 — The Acting President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.

18 ADJOURNMENT — Mr Madden moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 7.03 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 129 — Thursday, 30 July 2009

1 The President took the Chair and read the Prayer.

2 **PETITIONS —**

YOUTH ALLOWANCE SCHEME — Mr Drum presented a Petition bearing 1,307 signatures from certain citizens of Victoria requesting that the State Government vigorously lobby the Federal Government to reject proposed changes to the Youth Allowance Scheme to ensure that a tertiary education is accessible to regional students.

Ordered to lie on the Table.

* * * * *

GROWTH AREAS INFRASTRUCTURE CONTRIBUTION — Mrs Petrovich presented a Petition bearing 1,862 signatures from certain citizens of Victoria requesting that the Government immediately withdraw the Growth Areas Infrastructure Contribution in its current form and consult further with affected landholders to create a fairer outcome.

Ordered to lie on the Table.

3 **PAPERS —**

ELECTORAL MATTERS COMMITTEE — VOTER PARTICIPATION AND INFORMAL VOTING — Mr Somyurek presented a Report from the Electoral Matters Committee on Voter Participation and Informal Voting (including Appendices, Extracts of Proceedings and a Minority Report), together with Transcripts of Evidence.

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

Mr Somyurek moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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

Office of Police Integrity — Report on Review of the Use of Force by and against Victorian Police, July 2009.

4 **SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 11 August 2009.

Question — put and agreed to.

5 **STANDING ORDERS COMMITTEE** — Mr Viney moved, by leave, That the Resolution of the Council of 10 September 2008, as amended on 13 November 2008 and 31 March 2009, requiring the Standing Orders Committee to inquire into and report by 31 July 2009 on the establishment of new Standing Committees for the Legislative Council, be further amended so as to now require the Committee to present its report by 30 September 2009.

Debate ensued.

Question — put and agreed to.

6 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

7 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

8 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

9 **CROWN LAND ACTS AMENDMENT (LEASE AND LICENCE TERMS) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

10 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 11 CROWN LAND ACTS AMENDMENT (LEASE AND LICENCE TERMS) BILL 2009** — Debate continued on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and committed to a Committee of the whole.
House in Committee.
Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 12 GAMBLING REGULATION AMENDMENT BILL 2009** — The Acting President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.
- 13 LEGISLATION REFORM (REPEALS NO. 4) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 14 TOBACCO AMENDMENT (PROTECTION OF CHILDREN) BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Tobacco Act 1987 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Lenders (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.
Mr Lenders moved, That the Bill be now read a second time.
On the motion of Mr Koch (for Mrs Petrovich), the debate was adjourned for one week.
- 15 NATIONAL PARKS AMENDMENT (POINT NEPEAN) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.
On the motion of Mr Scheffer, the debate was adjourned until the next day of meeting.
- 16 COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Courts Legislation (Neighbourhood Justice Centre) Act 2006 and the Family Violence Protection Act 2008 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Pakula (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.
Mr Pakula moved, That the Bill be now read a second time.
On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.
- 17 HUMAN TISSUE AMENDMENT BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Human Tissue Act 1982 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Pakula (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr D.M. Davis), the debate was adjourned for one week.

- 18 CHILDREN LEGISLATION AMENDMENT BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005 and the Child Wellbeing and Safety Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Pakula (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Ms Lovell, the debate was adjourned for one week.

- 19 ADJOURNMENT** — Mr Pakula moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 4.52 p.m., adjourned until Tuesday, 11 August 2009.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 127, 128 and 129

Tuesday, 28 July 2009

**1 STATUTE LAW AMENDMENT (CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES)
BILL 2009**

Clauses 1 to 3 — put and agreed to.

Clause 4 — Question — That Clause 4 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 36

Mr Atkinson

Ms Broad

Mrs Coote

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Finn

Mr Guy

Mr Hall (*Teller*)

Ms Huppert

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Mr Madden

Ms Mikakos (*Teller*)

Mr O'Donohue

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Rich-Phillips

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Mr Theophanous

Ms Tierney

Mr Viney

Mr Vogels

NOES, 3

Mr Barber (*Teller*)

Ms Hartland

Ms Pennicuik (*Teller*)

Question agreed to.

Clauses 5 to 9 — put and agreed to.

Clause 10 — Question — That Clause 10 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 36

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva (*Teller*)
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr (*Teller*)
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney
 Mr Vogels

NOES, 3

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

Question agreed to.

Clause 11 — Question — That Clause 11 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 36

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh

NOES, 3

Mr Barber (*Teller*)
 Ms Hartland
 Ms Pennicuik (*Teller*)

Mr Elasmar
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney
 Mr Vogels (*Teller*)

Question agreed to.

Clauses 12 and 13 — put and agreed to.

Clause 14 — Ms Pennicuik moved —

4. Clause 14, lines 9 to 11, omit "defence if the person charged proves on the balance of probabilities that" and insert "reasonable excuse if".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3	NOES, 36
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland (<i>Teller</i>)	Ms Broad
Ms Pennicuik	Mrs Coote
	Mr Dalla-Riva
	Ms Darveniza
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh
	Mr Elasmar
	Mr Finn
	Mr Guy
	Mr Hall (<i>Teller</i>)
	Ms Huppert
	Mr Jennings
	Mr Koch
	Mrs Kronberg
	Mr Leane

Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee (*Teller*)
 Mr Theophanous
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negatived.

Clause 14 — put and agreed to.

Clauses 15 to 18 — put and agreed to.

Bill reported without amendment.

2 GAMBLING REGULATION AMENDMENT BILL 2009

Clause 1 — Mr Madden moved —

1. Clause 1, page 2, line 3 omit "games." and insert "games; and".
2. Clause 1, page 2, after line 3 insert—
 - "(d) to make further provision in relation to the holder of the monitoring licence; and
 - (e) to make further provision in relation to applications for club venue operators licences."

Question — That the amendments be agreed to — put and agreed to.

Clause 1, as amended — put and agreed to.

Clauses 2 and 3 — put and agreed to.

Clause 4 — Question — That Clause 4 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 36	NOES, 4
Mr Atkinson	Mr Barber
Ms Broad (<i>Teller</i>)	Ms Hartland (<i>Teller</i>)
Mrs Coote	Mr Kavanagh (<i>Teller</i>)
Mr Dalla-Riva	Ms Pennicuik
Ms Darveniza	
Mr D.M. Davis	
Mr P.R. Davis (<i>Teller</i>)	
Mr Drum	
Mr Eideh	
Mr Elasmarr	
Mr Finn	
Mr Guy	
Mr Hall	

Ms Huppert
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney
 Mr Vogels

Question agreed to.

Clauses 5 to 9 — put and agreed to.

New clauses — Mr Madden moved —

3. Insert the following New Clauses to follow Clause 8—

'AA Ownership and related person restrictions

In section 3.2A.1 of the Principal Act **insert** the following definitions—

"**monitoring licensee** means the holder of the monitoring licence;

monitoring licence means the monitoring licence that is in effect (other than for the purpose of preparatory action taken in accordance with an authorisation under section 3.4.54(2));".

BB Application for venue operator's licence

For section 3.4.8(2A) of the Principal Act **substitute**—

"(2A) In addition to the requirements of subsection (2), in the case of an application for a club venue operator's licence where the applicant holds a club liquor licence or a racing club licence, the application must also be accompanied by—

- (a) a copy of the club liquor licence, or the racing club licence (as the case may be) for the club; and
- (b) any further information that the Commission requires to be satisfied that the applicant is a club established for a community purpose.

(2AB) In addition to the requirements of subsection (2), in the case of an application for a club venue operator's licence where the applicant does not hold a club liquor licence or a racing club licence, the application must also be accompanied by—

- (a) a copy of the constituting document of the club that is certified as true and correct by the authorising officer of the club with the provisions referred to in subsection (1A)(b) clearly marked; and
- (b) a statement of community purpose which sets out the purposes for which the club is established (if these purposes are not set out in the constituting document of the club); and
- (c) any further information that the Commission requires to be satisfied that the applicant is a club established for a community purpose.".

Question — That the new clauses stand part of the Bill — put and agreed to.

Bill reported with amendments.

Thursday, 30 July 2009

1 CROWN LAND ACTS AMENDMENT (LEASE AND LICENCE TERMS) BILL 2009

Clauses 1 to 56 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 130, 131 and 132

No. 130 — Tuesday, 11 August 2009

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had on 5 August 2009, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - Crown Land Acts Amendment (Lease and Licence Terms) Act 2009*
 - Electricity Industry Amendment (Premium Solar Feed-in Tariff) Act 2009*
 - Food Amendment (Regulation Reform) Act 2009*
 - Gambling Regulation Amendment Act 2009*
 - Legislation Reform (Repeals No. 4) Act 2009*
 - Statute Law Amendment (Charter of Human Rights and Responsibilities) Act 2009.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
VICTORIAN INDUSTRY MANUFACTURING COUNCIL ACTIVITIES — Mr Pakula having given an answer to a question without notice relating to Victorian Industry Manufacturing Council activities —
On the motion of Mr Dalla-Riva, the Minister's answer was ordered to be taken into consideration on the next day of meeting.
QUESTIONS — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITIONS** —
YOUTH ALLOWANCE SCHEME — Mr Drum presented a Petition bearing 84 signatures from certain citizens of Victoria requesting that the State Government vigorously lobby the Federal Government to reject proposed changes to the Youth Allowance Scheme to ensure that a tertiary education is accessible to regional students.
Ordered to lie on the Table.

* * * * *

POWER LINES — Ms Pulford presented a Petition bearing 218 signatures from certain citizens of Victoria requesting that the relevant legislation or regulations be amended so that all power lines will require planning approval for their construction or alteration, and that all new power lines in areas of high bushfire risk be placed underground.
Ordered to lie on the Table.
- 5 **PAPERS** —
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 9 of 2009 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

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

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 71.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 30 July 2009 pursuant to section 7(4) of the Act.

Melbourne Cricket Ground Trust — Report for the year ended 31 March 2009.

Parliamentary Committees Act 2003 — Government response to the Education and Training Committee's Report on Effective Strategies for Teacher Professional Learning.

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

Ballarat Planning Scheme — Amendments C134 and C136.

Bass Coast Planning Scheme — Amendments C94 and C102.

Buloke Planning Scheme — Amendment C21.

Cardinia Planning Scheme — Amendment C108.

Casey Planning Scheme — Amendments C83 and C124.

Gannawarra Planning Scheme — Amendments C23 and C27.

Greater Dandenong Planning Scheme — Amendment C80.

Greater Geelong Planning Scheme — Amendment C162.

Latrobe Planning Scheme — Amendment C51.

Macedon Ranges Planning Scheme — Amendment C46.

Melbourne Planning Scheme — Amendments C148 and C149.

Mitchell Planning Scheme — Amendment C70.

Monash Planning Scheme — Amendments C57, C70 and C100.

Mornington Peninsula Planning Scheme — Amendment C89.

Mount Alexander Planning Scheme — Amendment C47.

Moyne Planning Scheme — Amendments C27 and C37.

Port Phillip Planning Scheme — Amendment C69.

Surf Coast Planning Scheme — Amendment C45.

Swan Hill Planning Scheme — Amendment C37.

Whitehorse Planning Scheme — Amendment C93.

Wyndham Planning Scheme — Amendment C125.

Yarriambiack Planning Scheme — Amendment C13.

A Statutory Rule under the Associations Incorporation Act 1981 — No. 85.

Subordinate Legislation Act 1994 —

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 85.

Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule No. 85.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

Primary Industries Legislation Amendment Act 2009 — section 107 — 1 September 2009 (*Gazette No. G32, 6 August 2009*).

Transport Legislation General Amendments Act 2009 — except Part 5 — 31 July 2009 (*Gazette No. S259, 28 July 2009*).

6 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 12 August 2009:

- (1) the Notice of Motion given this day by Mr Hall, relating to the disallowance of a Bulk Entitlement Order under the *Water Act 1989*;
- (2) Notice of Motion No. 32, standing in the name of Ms Pennicuik, relating to the revocation of Amendment C50 to the Frankston Planning Scheme;
- (3) the Notice of Motion given this day by Mr D.M. Davis, relating to the production of documents concerning tenders for the desalination project;

- (4) Notice of Motion No. 42, standing in the name of Mr Hall, relating to Registered Training Organisations;
- (5) Order of the Day No. 17, resumption of debate on the motion expressing concern at the poor performance of the Victorian public hospital system; and
- (6) the Notice of Motion given this day by Ms Pennicuik, relating to political donations.

Question — put and agreed to.

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

8 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

9 NATIONAL PARKS AMENDMENT (POINT NEPEAN) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

10 TOBACCO AMENDMENT (PROTECTION OF CHILDREN) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

11 COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

12 PRODUCTION OF DOCUMENTS —

DESALINATION PLANT GATEWAY REVIEW — The Clerk laid on the Table a letter from the Attorney-General dated 11 August 2009 in response to the Resolution of the Council of 24 June 2009 seeking the production of Gateway review documents —

- referring to the Government's process for assessing documents for potential Executive privilege;
- advising the release of these documents would be prejudicial to the public interest; and
- making a claim of Executive privilege in relation to the following documents:
 - (1) Gateway Review Report; and
 - (2) Gateway Review Report.

* * * * *

CARBON TRADING INSTITUTIONS — The Clerk laid on the Table a letter from the Attorney-General dated 11 August 2009 in response to the Resolution of the Council of 29 July 2009 seeking the production of documents relating to carbon trading institutions —

- referring to the Government's process for assessing documents for potential Executive privilege;
- advising that due to the large volume of documents involved, the Government is still in the process of assessing the documents; and
- indicating that the Government would respond to the Council's resolution shortly.

13 ADJOURNMENT — Mr Pakula moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 7.00 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 131 — Wednesday, 12 August 2009

1 The President took the Chair and read the Prayer.

2 **DISPUTE RESOLUTION COMMITTEE — PLANNING LEGISLATION AMENDMENT BILL 2009** — The President announced the receipt of a Message from the Assembly informing the Council that they had agreed to the following Resolution:

That the Planning Legislation Amendment Bill 2009 be referred to the Dispute Resolution Committee for consideration under section 65C of the *Constitution Act 1975*.

3 **PETITIONS** —

EQUAL OPPORTUNITY ACT EXEMPTIONS — Mrs Peulich presented a Petition bearing 588 signatures from certain citizens of Victoria requesting that the Government abandon its plan for the removal of the exemptions to the *Equal Opportunity Act 1995* which currently serve to protect the core interests of faith-based schools, small business and churches.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

EQUAL OPPORTUNITY ACT EXEMPTIONS — Mrs Peulich presented a Petition bearing 526 signatures from certain citizens of Victoria requesting that the Government abandon its plan for the removal of the exemptions to the *Equal Opportunity Act 1995* which currently serve to protect the core interests of our faith schools, single sex clubs and small business.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

YOUTH ALLOWANCE AND TAFE FEES — Mrs Peulich presented a Petition bearing 15 signatures from certain citizens of Victoria requesting that the Government drop its TAFE reforms and vigorously lobby the Federal Government to ensure that education is accessible and affordable to all Victorians.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

PUBLIC HOUSING, MOORABBIN — Mr D.M. Davis presented a Petition bearing 293 signatures from certain citizens of Victoria requesting that the Government immediately suspends the proposed seven storey public housing development at the back of Kingston Town Hall in Moorabbin and identifies a more suitable site.

Ordered to lie on the Table.

* * * * *

BENDIGO BUS ROUTES — Ms Lovell presented a Petition bearing 76 signatures from certain citizens of Victoria requesting that the Government immediately review Bendigo's

bus routes and establish alternative arrangements that suit the needs of all parties concerned.

Ordered to lie on the Table.

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

Education and Training Reform Act 2006 — Ministerial Order of 12 June 2009 relating to Procedures for Suspension and Expulsion pursuant to section 5.10.6 of the Act.

Ombudsman — Report of investigations into the City of Port Phillip, August 2009.

Surveyor-General — Report on the Administration of the Survey Co-ordination Act 1958, 2008-09.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 BULK ENTITLEMENT (EILDON-GOULBURN WEIR) CONVERSION FURTHER AMENDING ORDER 2009 — Mr Hall moved, That the following parts of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Further Amending Order 2009 be disallowed:

- (1) Paragraph (a) of clause 3;
- (2) All definitions, except the definition for Wimmera–Mallee Pipeline water saving, in paragraph (c) of clause 6;
- (3) Clause 7;
- (4) Clause 9; and
- (5) The item relating to “Modernisation Water Savings” in proposed new Schedule 3 in clause 10.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

7 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

8 BULK ENTITLEMENT (EILDON-GOULBURN WEIR) CONVERSION FURTHER AMENDING ORDER 2009 — Debate continued on the question, That the following parts of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Further Amending Order 2009 be disallowed:

- (1) Paragraph (a) of clause 3;
- (2) All definitions, except the definition for Wimmera–Mallee Pipeline water saving, in paragraph (c) of clause 6;
- (3) Clause 7;
- (4) Clause 9; and
- (5) The item relating to “Modernisation Water Savings” in proposed new Schedule 3 in clause 10.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

NOES, 18

Mr Atkinson

Ms Broad

Mr Barber (*Teller*)

Ms Darveniza

Mr Dalla-Riva

Mr Eideh

Mr D.M. Davis

Mr Elasmarr

Mr P.R. Davis

Ms Huppert

Mr Drum

Mr Jennings

Mr Finn

Mr Leane

Mr Guy

Mr Lenders

Mr Hall

Mr Madden

Ms Hartland

Ms Mikakos

Mr Kavanagh

Mr Pakula (*Teller*)

Mr Koch

Ms Pulford

Mrs Kronberg

Mr Scheffer (*Teller*)

Ms Lovell (*Teller*)
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney

Question agreed to.

9 PRODUCTION OF DOCUMENTS — CROWN CASINO GAMING LICENCE — The Clerk laid on the Table the following documents received in accordance with the Resolution of the Council of 24 June 2009 seeking the production of documents relating to Crown Casino:

- (1) Mutual Confidentiality Agreement;
- (2) Letter from James Packer to the Treasurer;
- (3) Letter from James Packer to the Premier;
- (4) Letter from the Treasurer to VCGR (Dunn) re: Amendments to the Casino License;
- (5) Letters from Crown to VCGR and VCGR to Crown re: Heads of Agreement between Crown Melbourne Limited and the State of Victoria — Applications to the VCGR;
- (6) Letter from VCGR (Dunn) to the Treasurer re: Heads of Agreement between Crown Melbourne Limited and the State of Victoria — Applications to the VCGR;
- (7) Heads of Agreement;
- (8) Letter from the Treasurer to the Premier re: Casino Legislation Amendment Bill 2009;
- (9) Letter from the Treasurer to the Minister for Gaming re: Ninth Variation to the Casino Management Agreement (Ref: DO9/47823);
- (10) Letter from the Minister for Gaming to VCGR (Cohen) re: Ninth Variation to the Casino Management Agreement;
- (11) Letter from VCGR (Cohen) to the Minister for Gaming re: Ninth Variation to the Casino Management Agreement;
- (12) Letter from the Minister for Gaming to Crown re: Heads of Agreement between Crown Melbourne Limited and the State of Victoria; and
- (13) Letter from the Treasurer to the Minister for Gaming re: Ninth Variation to the Casino Management Agreement (Ref: DO9/42782).

The Clerk also laid on the Table a letter from the Attorney-General dated 12 August 2009 —

- referring to the Government's process for assessing documents for potential Executive privilege; and
- advising that the Government was still in the process of assessing the remaining documents and would respond to the Council's resolution shortly.

10 FRANKSTON PLANNING SCHEME — AMENDMENT C50 — Ms Pennicuik moved, That Amendment C50 to the Frankston Planning Scheme be revoked.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 4
 Mr Barber
 Ms Hartland
 Mr Kavanagh (*Teller*)
 Ms Pennicuik (*Teller*)

NOES, 33
 Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn

Mr Guy
Mr Hall (*Teller*)
Ms Huppert
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Ms Tierney
Mr Viney (*Teller*)

Question negatived.

- 11 PRODUCTION OF DOCUMENTS — WATER PROJECTS AND DESALINATION** — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 1 September 2009 a copy of all meeting notes, minutes of meetings and diary notes of Government Ministers and senior bureaucrats in the Departments of Treasury and Finance, Sustainability and Environment (including the Office of Water) and Innovation, Industry and Regional Development (including Major Projects Victoria) concerning tenders for the desalination project and lobbyists including staff of Hawker Britton, including Mr David White, and InsideOut Strategic, including Mr Philip Staindl, and including briefings on water projects and desalination (including speech notes for Ministers appearing at or visiting the Progressive Business organisation).

Debate ensued.

Question — put and agreed to.

- 12 REGISTERED TRAINING ORGANISATIONS** — Mr Hall moved, That this House requires the Minister for Industry and Trade, as the representative of the Minister for Skills and Workforce Participation in the Legislative Council, to explain —
- (1) the process involved in gaining approval as a Registered Training Organisation (RTO);
 - (2) the criteria that must be met to become an RTO;
 - (3) how compliance with the conditions of accreditation are monitored;
 - (4) the level and regularity of auditing undertaken by external bodies;
 - (5) how complaints about RTOs are dealt with;
 - (6) how it is that a relatively small number of RTOs have been able to continue operating despite a history of complaints concerning the quality of programs delivered, allegations of document falsification and excessive costs being imposed on students.

Debate ensued.

On the motion of Mr Koch (for Mrs Peulich), the debate was adjourned until the next day of meeting.

- 13 PUBLIC HOSPITAL SYSTEM PERFORMANCE** — Debate resumed on the question, That this House —

- (1) expresses its concern at the poor performance of the Victorian public hospital system reflected in the Your Hospitals, July to December 2008 report where only four of nine key performance targets were achieved;
- (2) believes the Brumby Labor Government should release in full the waiting list figures not made public as part of that report, including any assessments of their veracity, and particularly the data relating to the Royal Women's Hospital held back from the report; and
- (3) further believes that the full results of spot audits of three hospitals — the Mercy Hospital at Werribee, Box Hill Hospital and the Austin Hospital, should be released in full to the Victorian community.

On the motion of Mr Finn, the debate was adjourned until the next day of meeting.

Business having been interrupted at 9.58 p.m. pursuant to Standing Orders —

14 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.24 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 132 — Thursday, 13 August 2009

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

GROWTH AREAS INFRASTRUCTURE CONTRIBUTION — Mrs Petrovich presented a Petition bearing 387 signatures from certain citizens of Victoria requesting that the Government immediately withdraw the Growth Areas Infrastructure Contribution in its current form and consult further with affected landholders to create a fairer outcome.

Ordered to lie on the Table.

* * * * *

CORRUPTION ROYAL COMMISSION — Mr Atkinson presented a Petition bearing 1,260 signatures from certain citizens of Victoria requesting that the Government establish a Royal Commission to investigate corruption, with broad terms of reference.

Ordered to lie on the Table.

3 **SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 1 September 2009.

Question — put and agreed to.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

5 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

6 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

7 **CHILDREN LEGISLATION AMENDMENT BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

8 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and an answer to a question on notice was circulated pursuant to Standing Order 8.10.

- 9 CHILDREN LEGISLATION AMENDMENT BILL 2009** — Debate continued on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 10 HUMAN TISSUE AMENDMENT BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 11 ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2009** — Debate resumed on the question, That the Council take note of the Annual Statement of Government Intentions for 2009.
On the motion of Mr Tee, the debate was adjourned until the next day of meeting.
- 12 CASINO LEGISLATION AMENDMENT BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Casino Control Act 1991 and the Casino (Management Agreement) Act 1993 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Pakula (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.
Mr Pakula moved, That the Bill be now read a second time.
On the motion of Mr Guy, the debate was adjourned for one week.
- 13 COURTS LEGISLATION AMENDMENT (JUDICIAL RESOLUTION CONFERENCE) BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989 and the Children, Youth and Families Act 2005 to clarify that judicial immunity applies to judges, associate judges and magistrates when carrying out judicial resolution conferences and to further provide for the conduct of those processes by judges, associate judges and magistrates and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Pakula (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.
Mr Pakula moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 14 LOCAL GOVERNMENT AMENDMENT (CONFLICTING DUTIES) BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Local Government Act 1989 to provide for conflicting duties of persons who are or want to be Councillors and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Pakula (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Hall), the debate was adjourned for one week.

15 RACING LEGISLATION AMENDMENT (RACING INTEGRITY ASSURANCE) BILL 2009 —

The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Racing Act 1958 and the Gambling Regulation Act 2003 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Pakula (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Koch, the debate was adjourned for one week.

16 WATER AMENDMENT (NON WATER USER LIMIT) BILL 2009 — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Water Act 1989 to remove the non water user limit and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Pakula (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Ms Lovell), the debate was adjourned for one week.

17 ADJOURNMENT — Mr Pakula moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 5.05 p.m., adjourned until Tuesday, 1 September 2009.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 130, 131 and 132

Tuesday, 11 August 2009

1 COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL 2009

Clause 1 — Mr Rich-Phillips moved —

1. Clause 1, page 2, lines 1 to 4, omit all words and expressions on these lines and insert—

"(b) to amend the **Family Violence Protection Act 2008** to defer the commencement of Part 15 of that Act to enable the continued operation of the Family Violence Court Intervention Program to 31 December 2011."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Finn
Mr Guy
Mr Hall (*Teller*)
Mr Kavanagh
Mr Koch
Mrs Kronberg
Ms Lovell
Mr O'Donohue
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels (*Teller*)

NOES, 21

Mr Barber
Ms Broad
Ms Darveniza (*Teller*)
Mr Eideh
Mr Elasmarr
Ms Hartland (*Teller*)
Ms Huppert
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Mr Pakula
Ms Pennicuik
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney

Amendment negatived.

Ms Pennicuik moved —

1. Clause 1, page 2, lines 1 to 4, omit all words and expressions on these lines and insert—

"(b) to amend the **Family Violence Protection Act 2008** to defer the commencement of Part 15 of that Act to enable the continued operation of the Family Violence Court Intervention Program to 31 December 2013."

Question — That the amendment be agreed to — put and agreed to.

Clause 1, as amended — put agreed to.

Clauses 2 to 4 — put and agreed to.

Clause 5 — Question that Clause 5 stand part of the Bill — put and negatived.

Clause 6 — put and agreed to.

New Clause — Ms Pennicuik moved —

3. Insert the following New Clause to follow clause 4—

'AA Family Violence Protection Act 2008—Deferral of Family Violence Court Intervention Program sunset provisions

After section 3(1) of the **Family Violence Protection Act 2008** insert—

"(1A) Part 15 comes into operation on 31 December 2013."!

Question — That the New Clause stand part of the Bill — put and agreed to.

Bill reported with amendments.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 133, 134 and 135

No. 133 — Tuesday, 1 September 2009

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor, as the Governor's deputy, informing the Council that she had, on 18 August 2009, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

Children Legislation Amendment Act 2009
Human Tissue Amendment Act 2009
National Parks Amendment (Point Nepean) Act 2009
Tobacco Amendment (Protection of Children) Act 2009.

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to questions on notice were circulated pursuant to Standing Order 8.10.

- 4 **PETITIONS** —

BENDIGO BUS ROUTES — Ms Lovell presented a Petition bearing 192 signatures from certain citizens of Victoria requesting that the Government immediately review Bendigo's bus routes and establish alternative arrangements that suit the needs of all parties concerned.

Ordered to lie on the Table.

* * * * *

GROWTH AREAS INFRASTRUCTURE CONTRIBUTION — Mrs Petrovich presented a Petition bearing 835 signatures from certain citizens of Victoria requesting that the Government immediately withdraw the Growth Areas Infrastructure Contribution in its current form and consult further with affected landholders to create a fairer outcome.

Ordered to lie on the Table.

* * * * *

EQUAL OPPORTUNITY ACT EXEMPTIONS — Mrs Peulich presented a Petition bearing 19 signatures from certain citizens of Victoria requesting that the Government abandon its plan for the removal of the exemptions to the *Equal Opportunity Act 1995* which currently serve to protect the core interests of our faith schools, single sex clubs and small business.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

- 5 **PAPERS** —

VICTORIAN BUSHFIRES ROYAL COMMISSION INTERIM REPORT 2009 — Pursuant to section 4(2)(b) of the *Bushfires Royal Commission (Report) Act 2009*, the Clerk laid on the Table a copy of the 2009 Victorian Bushfires Royal Commission's Interim Report.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 10 of 2009 from the Scrutiny of Acts and Regulations Committee (including 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:

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 77.

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

- Banyule Planning Scheme — Amendment C57.
- Bass Coast Planning Scheme — Amendment C85.
- Campaspe Planning Scheme — Amendment C21.
- Cardinia Planning Scheme — Amendment C134.
- Frankston Planning Scheme — Amendment C51.
- Glenelg Planning Scheme — Amendment C46.
- Horsham Planning Scheme — Amendment C42.
- Hume Planning Scheme — Amendment C90 Part 1.
- Knox Planning Scheme — Amendment C82.
- Mitchell Planning Scheme — Amendments C47 and C73.
- Moreland Planning Scheme — Amendments C96 and C106.
- Mornington Peninsula Planning Scheme — Amendment C115.
- Moyne Planning Scheme — Amendment C38.
- Murrindindi Planning Scheme — Amendment C24.
- Pyrenees Planning Scheme — Amendment C21.
- Warrnambool Planning Scheme — Amendments C60, C66 Part 1 and C71.
- Wodonga Planning Scheme — Amendment C42 Part 1.
- Wyndham Planning Scheme — Amendment C96.
- Yarra Planning Scheme — Amendments C84 and C106.

Statutory Rules under the following Acts of Parliament:

- Fair Trading Act 1999 — Nos. 86, 87 and 88.
- Planning and Environment Act 1987 — No. 89.
- Subordinate Legislation Act 1994 — No. 90.

Subordinate Legislation Act 1994 —

- Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 90.
- Minister's exemption certificates under section 9(6) in respect of Statutory Rule Nos. 86, 87 and 88.

* * * * *

PROCLAMATION — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk:

Road Legislation Amendment Act 2009 — section 19 — 27 August 2009 (*Gazette No. S289, 26 August 2009*).

6 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 2 September 2009:

- (1) Notice of Motion given this day by Mr D.M. Davis, to take note of the 2009 Victorian Bushfires Royal Commission Interim Report;
- (2) Notice of Motion No. 44, standing in the name of Mr D.M. Davis, relating to the conduct of proceedings of the Dispute Resolution Committee;
- (3) Notice of Motion No. 45, standing in the name of Mr D.M. Davis, relating to the substitution of members of the Dispute Resolution Committee;
- (4) Notice of Motion No. 46, standing in the name of Mr D.M. Davis, relating to the production of documents relating to the Review of the Victorian Child Protection Service Operating Model;

- (5) Notice of Motion No. 47, standing in the name of Mr D.M. Davis, relating to the production of documents relating to the Review of Cost Drivers and Prices for Out-of-Home Disability Services; and
- (6) Notice of Motion given this day by Mr Dalla-Riva, relating to the growing level of violent crime in Victoria.

Question — put and agreed to.

- 7 COGNATE DEBATE** — Mr D.M. Davis moved, by leave, That this House authorises the President to permit Notices of Motion Nos. 44 and 45, standing in the name of Mr D.M. Davis, relating to the Dispute Resolution Committee, to be moved and debated concurrently.

Question — put and agreed to.

- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 9 BUSINESS POSTPONED** —

Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until the next day of meeting.

- 10 COURTS LEGISLATION AMENDMENT (JUDICIAL RESOLUTION CONFERENCE) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik announced that she proposed to move amendments in Committee and requested that they be circulated.

Accordingly, the amendments were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 11 LOCAL GOVERNMENT AMENDMENT (CONFLICTING DUTIES) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Interruption —

- 12 PRODUCTION OF DOCUMENTS — WATER PROJECTS AND DESALINATION** — The Clerk laid on the Table a letter from the Attorney-General in response to the Resolution of the Council of 12 August 2009 seeking the production of documents relating to water projects and desalination —

- advising that the Government was still in the process of assessing relevant documents and would respond to the Council's resolution shortly; and
- encouraging the Council to carefully consider the terms of any future resolutions and the deadlines imposed by such resolutions to enable adequate time for the Government to respond.

- 13 LOCAL GOVERNMENT AMENDMENT (CONFLICTING DUTIES) BILL 2009** — Debate continued on the question, That the Bill be now read a second time.

Mr Barber announced that he proposed to move an amendment in Committee and requested that it be circulated.

Accordingly, the amendment was circulated.

Debate continued.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mrs Kronberg.

- 14 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.
And then the Council, at 10.45 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 134 — Wednesday, 2 September 2009

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

2 **PETITIONS** —

PUBLIC HOUSING, MOORABBIN — Mr D.M. Davis presented a Petition bearing 347 signatures from certain citizens of Victoria requesting that the Government immediately suspend the proposed seven storey public housing development at the back of Kingston Town Hall in Moorabbin and identifies a more suitable site.

Ordered to lie on the Table.

* * * * *

EQUAL OPPORTUNITY ACT EXEMPTIONS — Ms Huppert and Mrs Peulich each presented Petitions bearing 65 and 802 signatures, respectively, from certain citizens of Victoria requesting that the Government abandon its plan for the removal of the exemptions to the *Equal Opportunity Act 1995* which currently serve to protect the core interests of our faith schools, single sex clubs and small business.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

YOUTH ALLOWANCE SCHEME — Mr Drum presented a Petition bearing 44 signatures from certain citizens of Victoria requesting that the State Government vigorously lobby the Federal Government to reject proposed changes to the Youth Allowance Scheme to ensure that a tertiary education is accessible to regional students.

Ordered to lie on the Table.

* * * * *

BOX HILL HOSPITAL REDEVELOPMENT — Mr Atkinson presented a Petition bearing 123 signatures from certain citizens of Victoria requesting that the Government immediately commence planning for the redevelopment of the Box Hill Hospital and commit to a funding timetable.

Ordered to lie on the Table.

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

Planning and Environment Act 1987 — Amendment 118 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan, pursuant to section 46D of the Act.

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 89.

- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 5 **VICTORIAN BUSHFIRES ROYAL COMMISSION INTERIM REPORT 2009** — Mr D.M. Davis moved, That the Council take note of the 2009 Victorian Bushfires Royal Commission Interim Report.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 7 VICTORIAN BUSHFIRES ROYAL COMMISSION INTERIM REPORT 2009** — Debate continued on the question, That the Council take note of the 2009 Victorian Bushfires Royal Commission Interim Report.
Question — put and agreed to.
- 8 DISPUTE RESOLUTION COMMITTEE** — Pursuant to an Order of the Council on 1 September 2009, Mr D.M. Davis moved —
1. That this House believes that as much of the proceedings of the Dispute Resolution Committee as possible should be conducted in a way that is transparent to both chambers of the Victorian Parliament and to the Victorian community and that regular reports, including interim reports of the deliberations of the Committee, be made public.
 2. That a member of the Dispute Resolution Committee may be substituted by another Member of the same party by notice from the Member to the Clerk of the Legislative Council and that the substitute Member is a member of the Committee for all purposes.
- Debate ensued.
Ms Pennicuik moved, as an amendment to Motion No. 1, That “request” be inserted after “Victorian community and”.
Debate ensued.
Question — That the amendment moved by Ms Pennicuik to Motion No. 1, be agreed to — put and agreed to.
Question — That this House believes that as much of the proceedings of the Dispute Resolution Committee as possible should be conducted in a way that is transparent to both chambers of the Victorian Parliament and to the Victorian community and request that regular reports, including interim reports of the deliberations of the Committee, be made public — put and agreed to.
Question — That a member of the Dispute Resolution Committee may be substituted by another Member of the same party by notice from the Member to the Clerk of the Legislative Council and that the substitute Member is a member of the Committee for all purposes — put and agreed to.
- 9 PRODUCTION OF DOCUMENTS — VICTORIAN CHILD PROTECTION SERVICE OPERATING MODEL REVIEW REPORT** — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 15 September 2009 a copy of the report by Boston Consulting Group on the Review of Victorian Child Protection Service Operating Model, commissioned by the Department of Human Services in 2006.
Debate ensued.
Question — put and agreed to.
- 10 PRODUCTION OF DOCUMENTS — COST DRIVERS AND PRICES FOR OUT-OF-HOME DISABILITY SERVICES REVIEW REPORT** — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 15 September 2009 a copy the report by PricewaterhouseCoopers on the Review of Cost Drivers and Prices for Out-of-Home Disability Services, commissioned by the Department of Human Services in 2008.
Debate ensued.
Question — put and agreed to.
- 11 VIOLENT CRIME** — Mr Dalla-Riva moved, That this House —
- (1) expresses its concern at the Brumby Government’s inadequate response to the growing levels of violent crime in Victoria and calls on the Premier, in conjunction with the Minister for Police and Emergency Services, to accept responsibility for this situation and the violence on our streets; and
 - (2) notes that on 29 July 2009 this House referred these issues to the Drugs and Crime Prevention Committee which is to report by 30 August 2010.

Debate ensued.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Dalla-Riva.

12 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.30 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 135 — Thursday, 3 September 2009

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

BENDIGO BUS ROUTES — Ms Lovell presented a Petition bearing 64 signatures from certain citizens of Victoria requesting that the Government immediately review Bendigo's bus routes and establish alternative arrangements that suit the needs of all parties concerned.

Ordered to lie on the Table.

* * * * *

NORTH SOUTH PIPELINE — Ms Lovell presented a Petition bearing 9 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the construction of the North-South pipeline.

Ordered to lie on the Table.

* * * * *

EQUAL OPPORTUNITY ACT EXEMPTIONS — Mr Finn presented a Petition bearing 1,263 signatures from certain citizens of Victoria requesting that the Government abandon its plan for the removal of the exemptions to the *Equal Opportunity Act 1995* which currently serve to protect the core interests of our faith schools, single sex clubs and small business.

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's Office — Report, 2008-09.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 91.

Police Regulation Act 1958 — No. 92.

Road Safety Act 1986 — Nos. 93 and 95.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 93.

4 **RIGHT OF REPLY — MONASH CITY COUNCIL AND COUNCILLORS GEOFF LAKE, PAUL KLISARIS AND STEPHEN DIMOPOULOS** — Pursuant to the Standing Orders of the Legislative Council, the President presented a Right of Reply from Monash City Council and Councillors Geoff Lake, Paul Klisaris and Stephen Dimopoulos to statements made in the Council by Mrs Peulich on 3 and 25 June 2009.

Ordered to lie on the Table and to be printed.

5 **SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 15 September 2009.

Question — put and agreed to.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 7 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 1 to 5 inclusive, be postponed until later this day.
- 9 UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN — AMENDMENT 118** — Mr Madden moved, That, pursuant to section 46D of the *Planning and Environment Act 1987*, Amendment 118 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 11 UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN — AMENDMENT 118** — Debate continued on the question, That, pursuant to section 46D of the *Planning and Environment Act 1987*, Amendment 118 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.

Question — put.

The Council divided — The President in the Chair.

AYES, 36

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Hartland

Mrs Coote

Ms Pennicuik (*Teller*)

Mr Dalla-Riva

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Finn

Mr Guy (*Teller*)

Mr Hall

Ms Huppert (*Teller*)

Mr Jennings

Mr Kavanagh

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Mr Madden

Ms Mikakos

Mr O'Donohue

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Rich-Phillips

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Mr Theophanous

Ms Tierney

Mr Viney
Mr Vogels

Question agreed to.

- 12 COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL 2009** — The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.

- 13 RACING LEGISLATION AMENDMENT (RACING INTEGRITY ASSURANCE) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 14 WATER AMENDMENT (NON WATER USER LIMIT) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

NOES, 17

Mr Barber
Ms Broad (*Teller*)
Mr Eideh
Mr Elasmarr
Ms Hartland
Ms Huppert
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Mr Pakula
Ms Pennicuik
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous (*Teller*)
Ms Tierney
Mr Viney

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn (*Teller*)
Mr Hall
Mr Kavanagh
Mr Koch
Mrs Kronberg (*Teller*)
Ms Lovell
Mr O'Donohue
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

Question agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 15 LOCAL GOVERNMENT AMENDMENT (CONFLICTING DUTIES) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Madden moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 34

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum (*Teller*)
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney
 Mr Vogels

NOES, 4

Mr Barber
 Ms Hartland (*Teller*)
 Mr Kavanagh (*Teller*)
 Ms Pennicuik

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 16 CEMETERIES AND CREMATORIA AMENDMENT BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Cemeteries and Crematoria Act 2003 to further provide for the management and constitution of cemetery trusts and make other miscellaneous amendments to that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mrs Petrovich, the debate was adjourned for one week.

- 17 ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to*

amend the Electricity Industry Act 2000, the Electricity Safety Act 1998, the Electricity Safety Amendment Act 2007, the Gas Industry Act 2001, the Gas Safety Act 1997, the Mineral Resources (Sustainable Development) Act 1990, the Resources Industry Legislation Amendment Act 2009, the Petroleum Act 1998, the Aboriginal Heritage Act 2006 and for other purposes and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Hall), the debate was adjourned for one week.

- 18 GAMBLING REGULATION FURTHER AMENDMENT BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to make miscellaneous amendments to the Gambling Regulation Act 2003 and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Guy), the debate was adjourned for one week.

- 19 JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Control of Weapons Act 1990, the Corrections Act 1986, the Drugs, Poisons and Controlled Substances Act 1981, the Family Violence Protection Act 2008, the Firearms Act 1996, the Legal Aid Act 1978, the Liquor Control Reform Amendment (Enforcement) Act 2009, the Major Crime Legislation Amendment Act 2009, the Police Integrity Act 2008, the Police Regulation Act 1958, the Road Safety Act 1986, the Sex Offenders Registration Act 2004, the Stalking Intervention Orders Act 2008, the Witness Protection Act 1991 and the Working with Children Act 2005 and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Dalla-Riva), the debate was adjourned for one week.

- 20 LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Liquor Control Reform Act 1998 in relation to licensing and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Guy), the debate was adjourned for one week.

21 MAJOR TRANSPORT PROJECTS FACILITATION BILL 2009 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to facilitate the development of major transport projects and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

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

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Koch), the debate was adjourned for one week.

22 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 7.31 p.m., adjourned until Tuesday, 15 September 2009.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 133, 134 and 135

Tuesday, 1 September 2009

1 COURTS LEGISLATION AMENDMENT (JUDICIAL RESOLUTION CONFERENCE) BILL 2009

Clauses 1 to 4 — put and agreed to.

Clause 5 — Ms Pennicuik moved —

1. Clause 5, lines 25 to 27, omit "the Court orders or directs that a judicial resolution conference be conducted," and insert "the parties to that proceeding consent to or request to take part in a judicial resolution conference,".

Question — That the amendment be agreed to — put and negatived.

Clause 5 — put and agreed to.

Clauses 6 to 20 — put and agreed to.

Bill reported without amendment.

Thursday, 3 September 2009

1 RACING LEGISLATION AMENDMENT (RACING INTEGRITY ASSURANCE) BILL 2009

Clauses 1 to 18 — put and agreed to.

Bill reported without amendment.

2 LOCAL GOVERNMENT AMENDMENT (CONFLICTING DUTIES) BILL 2009

Clause 1 — Mr Barber moved, That the Chair report progress and ask leave to sit again.

Question — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber
Ms Hartland (*Teller*)
Mr Kavanagh (*Teller*)
Ms Pennicuik

NOES, 33

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Ms Huppert

Mr Jennings
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous (*Teller*)
 Ms Tierney
 Mr Viney
 Mr Vogels (*Teller*)

Question negatived.

Clause 1 — put and agreed to.

Clause 2 — put and agreed to.

Clause 3 — Mr Barber moved —

1. Clause 3, page 3, lines 28 to 32, omit all words and expressions on these lines and insert 'section 28A(1)(a), (b) or (c) may continue to hold that office or position and remain in office as a Councillor until the term of office of that Councillor expires on the day appointed for the next general election.'

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber (*Teller*)
 Ms Hartland
 Mr Kavanagh
 Ms Pennicuik (*Teller*)

NOES, 34

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh (*Teller*)
 Mr Elasmarr
 Mr Finn
 Mr Guy (*Teller*)
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula

Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Ms Tierney
Mr Viney
Mr Vogels

Amendment negatived.

Clause 3 — put and agreed to.

Clause 4 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 136, 137 and 138

No. 136 — Tuesday, 15 September 2009

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - On 8 September 2009 —
 - Courts Legislation Amendment (Judicial Resolution Conference) Act 2009*
 - Courts Legislation Amendment (Sunset Provisions) Act 2009*
 - Racing Legislation Amendment (Racing Integrity Assurance) Act 2009*
 - Local Government Amendment (Conflicting Duties) Act 2009.*
 - On 15 September 2009 —
 - Water Amendment (Non Water User Limit) Act 2009.*
- 3 **STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION — BUILDERS WARRANTY INSURANCE** — The President announced that he had received a letter from the Chair of the Standing Committee on Finance and Public Administration, dated 8 September 2009, advising that the Committee had determined to inquire into and report on:
 - (1) the effectiveness of the current mandatory last resort Builders Warranty Insurance Scheme in providing necessary and appropriate consumer protection;
 - (2) the specific role of government agencies in their effectiveness in managing and representing Victoria's registered builders under the current Builders Warranty Insurance Scheme;
 - (3) any possible alternatives to the current Builders Warranty Insurance Scheme in Victoria; and
 - (4) any related matters.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 5 **PETITIONS** —
 - CLEARWAYS EXTENSION** — Mrs Coote presented a Petition bearing 435 signatures from certain citizens of Victoria requesting that the proposed extension of clearways in Melbourne be withdrawn and abandoned.Ordered to lie on the Table.

* * * * *

BOX HILL HOSPITAL REDEVELOPMENT — Mr Atkinson presented a Petition bearing 463 signatures from certain citizens of Victoria requesting that the Government immediately

commence planning for the redevelopment of the Box Hill Hospital and commit to a funding timetable.

Ordered to lie on the Table.

6 PAPERS —

INSPECTOR OF MUNICIPAL ADMINISTRATION — BRIMBANK CITY COUNCIL —

Mr Madden moved, by leave, That there be laid before this House a copy of the Report of the Inspector of Municipal Administration, relating to an investigation into Brimbank City Council, September 2009.

Question — put and agreed to.

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

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 11 of 2009 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

* * * * *

DISPUTE RESOLUTION COMMITTEE — Pursuant to section 65C(2) of the *Constitution Act 1975*, the Clerk laid on the Table a copy of the Dispute Resolution agreed to on 10 September 2009 by the Dispute Resolution Committee on the Planning Legislation Amendment Bill 2009.

Mr Jennings moved, by leave, That the Council take note of the Dispute Resolution.

Debate ensued.

Question — put and agreed to.

* * * * *

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

Conveyancers Act 2006 — Review of prohibition on conveyancers doing the legal work on business sales, pursuant to section 189 of the Act.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 88.

Local Government Act 1989 — Order in Council of 15 September 2009 suspending the Councillors of Brimbank City Council and appointing an administrator for the Council.

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

Ballarat Planning Scheme — Amendments C117 and C133.

Brimbank Planning Scheme — Amendment C118.

Casey Planning Scheme — Amendments C118 and C123.

East Gippsland Planning Scheme — Amendment C70.

Golden Plains Planning Scheme — Amendments C37 and C38.

Greater Dandenong Planning Scheme — Amendment C98.

Greater Shepparton Planning Scheme — Amendment C129.

Indigo Planning Scheme — Amendment C44.

Knox Planning Scheme — Amendment C80.

Melbourne Planning Scheme — Amendment C145.

Mitchell Planning Scheme — Amendment C57.

Monash Planning Scheme — Amendment C87.

Surf Coast Planning Scheme — Amendment C51.

Victoria Planning Provisions — Amendment VC61.

Whittlesea Planning Scheme — Amendment C132.

Wodonga Planning Scheme — Amendment C67.

Wyndham Planning Scheme — Amendment C68.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 105.

Crimes Act 1958 — No. 102.

Domestic (Feral and Nuisance) Animals Act 1994 — No. 100.

Local Government Act 1989 — No. 104.

Magistrates' Court Act 1989 — No. 101.

Road Safety Act 1986 — No. 94.

Supreme Court Act 1986 — Nos. 96, 97, 98 and 99.

Wildlife Act 1975 — No. 103.

Subordinate Legislation Act 1994 —

Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 96, 97, 98 and 99.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 94, 101, 102, 103, 104 and 105.

Victorian Broiler Industry Negotiation Committee — Minister's report of receipt of 2008-09 report.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

Animals Legislation Amendment (Animal Care) Act 2007 — remaining provisions — 1 September 2009 (*Gazette No. S298, 1 September 2009*).

Justice Legislation Amendment Act 2009 — Part 2 — 3 September 2009 (*Gazette No. G36, 3 September 2009*).

7 PRODUCTION OF DOCUMENTS — VICTORIAN CHILD PROTECTION SERVICE OPERATING MODEL REVIEW REPORT AND COST DRIVERS AND PRICES FOR OUT-OF-HOME DISABILITY SERVICES REVIEW REPORT — The Clerk laid on the Table the following documents received in accordance with the Resolutions of the Council of 2 September 2009:

- (1) Boston Consulting Group Report — A New Operating Model for Victoria's Child Protection Service, April 2007; and
- (2) PriceWaterhouseCoopers Report — Price Review Out of Home Disability Services Final Report, March 2009.

8 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 16 September 2009:

- (1) the Notice of Motion given this day by Mr D.M. Davis, relating to the tabling of a report by certain members of the Dispute Resolution Committee;
- (2) the Notice of Motion given this day by Mr Atkinson, relating to the Victorian College of the Arts;
- (3) Order of the Day No. 18, resumption of debate on the motion expressing concern at the Government's inadequate response to growing levels of violent crime in Victoria;
- (4) the Notice of Motion given this day by Mr Hall, relating to the use of waste water and stormwater;
- (5) the Notice of Motion given this day by Mr D.M. Davis, demanding the Government comply with the Council's Resolution relating to the production of certain documents relating to alpine resort areas;
- (6) the Notice of Motion given this day by Mr D.M. Davis, demanding the Government comply with the Council's Resolution relating to the production of certain documents relating to the company Better Place;
- (7) the Notice of Motion given this day by Mr D.M. Davis, demanding the Government comply with the Council's Resolution relating to the production of certain documents relating to carbon trading institutions;
- (8) the Notice of Motion given this day by Mr D.M. Davis, demanding the Government comply with the Council's Resolution relating to the production of certain documents relating to Crown Casino;

- (9) the Notice of Motion given this day by Mr D.M. Davis, demanding the Government comply with the Council's Resolution relating to the production of certain documents relating to extending clearway times; and
- (10) the Notice of Motion given this day by Mr D.M. Davis, demanding the Government comply with the Council's Resolution relating to the production of certain documents relating to renewable energy feed in electricity tariffs.

Question — put and agreed to.

- 9 COGNATE DEBATE** — Mr D.M. Davis moved, by leave, That this House authorises the President to permit the Notices of Motion given this day by Mr D.M. Davis, demanding the Government comply with the Council's Resolutions relating to the production of the following documents, to be moved and debated concurrently —

- (1) alpine resort areas;
- (2) the company Better Place;
- (3) carbon trading institutions;
- (4) Crown Casino;
- (5) extending clearway times; and
- (6) renewable energy feed in electricity tariffs.

Question — put and agreed to.

- 10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 11 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

- 12 JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 13 MAJOR TRANSPORT PROJECTS FACILITATION BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Barber were circulated.

Debate continued.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

- 14 LOCAL GOVERNMENT AMENDMENT (OFFENCES AND OTHER MATTERS) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Local Government Act 1989 and the City of Melbourne Act 2001 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 15 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.
 Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.
 And then the Council, at 10.38 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 137 — Wednesday, 16 September 2009

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

2 **PETITIONS** —

PUBLIC HOUSING, MOORABBIN — Mr D.M. Davis presented a Petition bearing 151 signatures from certain citizens of Victoria requesting that the Government immediately suspend the proposed seven storey public housing development at the back of Kingston Town Hall in Moorabbin and identify a more suitable site.

Ordered to lie on the Table.

* * * * *

GROWTH AREAS INFRASTRUCTURE CONTRIBUTION — Mrs Petrovich presented a Petition bearing 378 signatures from certain citizens of Victoria requesting that the Government immediately withdraw the Growth Areas Infrastructure Contribution in its current form and consult further with affected landholders to create a fairer outcome.

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:

Ombudsman's Office — Report, 2008-09.

- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 5 **DISPUTE RESOLUTION COMMITTEE — REPORT BY A NUMBER OF MEMBERS** — Mr D.M. Davis moved, That there be laid before this House a copy of a Report by a number of members of the Dispute Resolution Committee of the Victorian Parliament to the Legislative Council.

Debate ensued.

Mr Viney moved, That the debate be adjourned for one week.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 19
Ms Broad	Mr Atkinson
Mr Eideh	Mr Barber
Mr Elasmarr	Mrs Coote
Ms Huppert (<i>Teller</i>)	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Mr Leane	Mr P.R. Davis (<i>Teller</i>)
Mr Lenders	Mr Drum
Mr Madden	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pulford	Ms Hartland
Mr Scheffer (<i>Teller</i>)	Mr Koch

Mr Smith	Mrs Kronberg
Mr Somyurek	Ms Lovell
Mr Tee	Mr O'Donohue
Mr Theophanous	Ms Pennicuik (<i>Teller</i>)
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Rich-Phillips

Question negatived.

Debate continued.

Question — That there be laid before this House a copy of a Report by a number of members of the Dispute Resolution Committee of the Victorian Parliament to the Legislative Council — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber	Mr Eideh
Mrs Coote	Mr Elasmarr
Mr Dalla-Riva	Ms Huppert
Mr D.M. Davis	Mr Jennings (<i>Teller</i>)
Mr P.R. Davis	Mr Leane
Mr Drum	Mr Lenders
Mr Finn (<i>Teller</i>)	Mr Madden (<i>Teller</i>)
Mr Guy	Ms Mikakos
Mr Hall (<i>Teller</i>)	Mr Pakula
Ms Hartland	Ms Pulford
Mr Koch	Mr Scheffer
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue	Mr Tee
Ms Pennicuik	Mr Theophanous
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

The Report was presented by Mr D.M. Davis and ordered to lie on the Table.

6 VICTORIAN COLLEGE OF THE ARTS — Mr Atkinson moved, That this House —

- (1) expresses its concern about the proposed changes to the Faculty of the Victorian College of the Arts curriculum and budget cuts by the University of Melbourne and calls on the Premier to make representations to the Vice Chancellor and the University Council to ensure the continuation of the specialist performing arts degree courses and practical training under the Victorian College of the Arts;
- (2) notes Melbourne's pre-eminent position in the performing arts and the substantial contribution of the musical theatre and other performing arts to the Victorian economy and recognises the significant role the Victorian College of the Arts has played in teaching performance skills and developing successful performers for Australian and international theatre, film, television and musical productions;
- (3) further notes the support of former Victorian Premier Jeff Kennett and other former Ministers of the Arts, including Mary Delahunty and Race Mathews, as well as the commitment of the Leader of the Opposition, Mr Ted Baillieu, to the continuation of the specialist courses and function of the Victorian College of the Arts;
- (4) notes that the University of Melbourne has limited and cut courses on offer through the Victorian College of the Arts and has abandoned various commitments made in

agreements that led to the Parliament agreeing to the Melbourne University (Victorian College of the Arts) Act 2006; and

- (5) expresses its concern that the actions of the University of Melbourne, with limited consultation, have not been consistent with the assurance of the State Minister for Finance in the second reading debate of the Melbourne University (Victorian College of the Arts) Bill in 2006 that the integration would “guarantee that the College’s role as Australia’s pre-eminent provider of visual and performing arts training and education can continue”.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

7 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

BRIMBANK CITY COUNCIL, STATE FUNDING — Mr Lenders having given an answer to a question without notice relating to use of State funding by Brimbank City Council —

On the motion of Mr D.M. Davis, the Minister’s answer was ordered to be taken into consideration on the next day of meeting.

QUESTIONS — Questions without notice continued.

8 VICTORIAN COLLEGE OF THE ARTS — Debate continued on the question, That this House —

- (1) expresses its concern about the proposed changes to the Faculty of the Victorian College of the Arts curriculum and budget cuts by the University of Melbourne and calls on the Premier to make representations to the Vice Chancellor and the University Council to ensure the continuation of the specialist performing arts degree courses and practical training under the Victorian College of the Arts;
- (2) notes Melbourne’s pre-eminent position in the performing arts and the substantial contribution of the musical theatre and other performing arts to the Victorian economy and recognises the significant role the Victorian College of the Arts has played in teaching performance skills and developing successful performers for Australian and international theatre, film, television and musical productions;
- (3) further notes the support of former Victorian Premier Jeff Kennett and other former Ministers of the Arts, including Mary Delahunty and Race Matthews, as well as the commitment of the Leader of the Opposition, Mr Ted Baillieu, to the continuation of the specialist courses and function of the Victorian College of the Arts;
- (4) notes that the University of Melbourne has limited and cut courses on offer through the Victorian College of the Arts and has abandoned various commitments made in agreements that led to the Parliament agreeing to the Melbourne University (Victorian College of the Arts) Act 2006; and
- (5) expresses its concern that the actions of the University of Melbourne, with limited consultation, have not been consistent with the assurance of the State Minister for Finance in the second reading debate of the Melbourne University (Victorian College of the Arts) Bill in 2006 that the integration would “guarantee that the College’s role as Australia’s pre-eminent provider of visual and performing arts training and education can continue”.

Question — put and agreed to.

9 VIOLENT CRIME — Debate resumed on the question, That this House —

- (1) expresses its concern at the Brumby Government’s inadequate response to the growing levels of violent crime in Victoria and calls on the Premier, in conjunction with the Minister for Police and Emergency Services, to accept responsibility for this situation and the violence on our streets; and
- (2) notes that on 29 July 2009 this House referred these issues to the Drugs and Crime Prevention Committee which is to report by 30 August 2010.

Question — put.

The Council divided — The President in the Chair.

AYES, 14	NOES, 17
Mr Atkinson	Ms Broad
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings
Mr Finn	Mr Leane
Mr Hall	Mr Lenders
Mr Koch	Mr Madden
Mrs Kronberg	Ms Mikakos
Ms Lovell (<i>Teller</i>)	Mr Pakula
Mr O'Donohue	Mr Scheffer
Mrs Peulich	Mr Smith
Mr Rich-Phillips	Mr Somyurek (<i>Teller</i>)
Mr Vogels (<i>Teller</i>)	Mr Tee
	Mr Theophanous
	Ms Tierney (<i>Teller</i>)
	Mr Viney

Question negatived.

10 WASTE WATER AND STORMWATER — Mr Hall moved, That this House calls on the Minister for Environment and Climate Change to explain —

- (1) why the Government has made little effort to utilise the 300,000 megalitres or more of waste water being dumped along the coast each year; and
- (2) why more effort has not been made to harvest the 250,000 megalitres of stormwater that falls on Melbourne's roofs, roads and footpaths each year.

Debate ensued.

On the motion of Mr P.R. Davis, the debate was adjourned until later this day.

11 PRODUCTION OF DOCUMENTS — Pursuant to an Order of the Council on 15 September 2009, Mr D.M. Davis moved —

1. That this House —
 - (1) notes the refusal of the Government to comply fully with the Resolution of the Council of 3 June 2009 to table documents relating to the review of the alpine resort areas under claims of Executive privilege;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
 - (3) rejects the Government's claim that the release of the *Mt Baw Baw Alpine Resort Management Board Corporate Plan 2007-2010* would be prejudicial to the public interest;
 - (4) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 3 June 2009; and
 - (5) demands that the Leader of the Government comply fully with the Resolution of the Council of 3 June 2009 and lodge the *Mt Baw Baw Alpine Resort Management Board Corporate Plan 2007-2010* with the Clerk by 12 noon on Tuesday, 13 October 2009.
2. That this House —
 - (1) notes the failure of the Government to comply with the Resolution of the Council of 6 May 2009 to table documents concerning the company "Better Place";
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;

- (3) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 6 May 2009; and
 - (4) demands that the Leader of the Government comply fully with the Resolution of the Council of 6 May 2009 and lodge all documents with the Clerk by 12 noon on Tuesday, 13 October 2009.
3. That this House —
 - (1) notes the failure of the Government to comply with the Resolution of the Council of 29 July 2009 to table documents relating to the examination of carbon trading institutions and carbon trading institutes;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
 - (3) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 29 July 2009; and
 - (4) demands that the Leader of the Government comply fully with the Resolution of the Council of 29 July 2009 and lodge all documents with the Clerk by 12 noon on Tuesday, 13 October 2009.
4. That this House —
 - (1) notes the ongoing failure of the Government to fully comply with the Resolution of the Council of 24 June 2009 to table all documents relating to the extension of licence for the number of gaming tables at Crown Casino, including the failure of the Government to even produce a schedule of relevant documents;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
 - (3) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 24 June 2009; and
 - (4) demands that the Leader of the Government comply fully with the Resolution of the Council of 24 June 2009 and lodge all remaining documents with the Clerk by 12 noon on Tuesday, 13 October 2009.
5. That this House —
 - (1) notes the refusal of the Government to comply fully with the Resolution of the Council of 1 April 2009 to table documents relating to the Victorian Government's policy on extending clearway times;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
 - (3) rejects the Government's claim that the release of documents listed in the schedule attached to correspondence to the Clerk of the Legislative Council by the Attorney General and numbered 1,2,9,15,16,18,19,20,21 and 26 would "reveal confidential legal advice", or that documents numbered 4, 5, 7, 11, 12, 13, 14, 22, 23, 24, 25, 35, 36, 37, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 54, 58, 61, 62 and 63 would "reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer", or that documents numbered 6, 10 and 60 would "reveal high-level confidential deliberative processed of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer and would reveal confidential legal advice", or that documents numbered 3, 8, 17, 27, 32, 33, 38, 39, and 40 would "reveal high-level confidential deliberative processes of the Executive Government", or that documents numbered 28 and 29 would "prejudice a dispute resolution process" or that documents numbered 30 and 31 would "prejudice public safety and enforcement of laws" or that documents numbered 53, 55, 56, 57 and 59 would "reveal deliberations of cabinet", or that the document numbered 52 would "reveal high level confidential deliberative

processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer and would reveal deliberations of Cabinet”;

- (4) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government’s failure to fully comply with the Council’s Resolution of 1 April 2009; and
- (5) demands that the Leader of the Government comply fully with the Resolution of the Council of 1 April 2009 and lodge the following documents as detailed on the schedule attached to the Attorney General’s letter with the Clerk by 12 noon on Tuesday, 13 October 2009 —
 - document listed as number 1, “Brief to Minister for Roads and Ports (undated)”;
 - document listed as number 2, “Memorandum of advice to VicRoads (undated)”;
 - document listed as number 3, “Briefing on Keeping Melbourne Moving (17 April 2009)”;
 - document listed as number 4, “Brief to Minister for Roads and Ports (29 August 2008)”;
 - document listed as number 5, “Brief to Minister for Roads and Ports (17 June 2008)”;
 - document listed as number 6, “ Brief to Minister for Roads and Ports (undated)”;
 - document listed as number 7, “Brief to Minister for Roads and Ports (12 November 2008)”;
 - document listed as number 8, “Report by Meyrick and Associates (2008)”;
 - document listed as number 9, “Letter from the Victorian Government Solicitors Office (VGSO) to Department of Infrastructure (27 March 2008)”;
 - document listed as number 10, “Brief to Minister for Roads and Ports (31 March 2008)”;
 - document listed as number 11, “Email from VicRoads to the Office of the Minister for Roads and Ports (15 April 2008)”;
 - document listed as number 12, “Brief to Minister for Roads and Ports (9 May 2008)”;
 - document listed as number 13, “Ministerial Briefing (23 May 2008)”;
 - document listed as number 14, “Brief to Minister for Roads and Ports (21 May 2008)”;
 - document listed as number 15, “Memorandum of Advice to Department of Transport (DOT) (4 June 2008)”;
 - document listed as number 16, “Brief to Minister for Roads and Ports (5 June 2008)”;
 - document listed as number 17, “Email from DOT to Auspoll (22 July 2007)”;
 - document listed as number 18, “Brief to Minister for Roads and Ports (12 September 2008)”;
 - document listed as number 19, “Memorandum of advice to VicRoads (29 September 2008)”;
 - document listed as number 20, “Legal advice from VicRoads (13 October 2008)”;
 - document listed as number 21, “Email from VicRoads to the office of the Minister for Roads and Ports (14 October 2008)”;
 - document listed as number 22, “Brief to Minister for Roads and Ports (3 October 2008)”;
 - document listed as number 23, “Brief to Minister for Roads and Ports (9 November 2008)”;

- document listed as number 24, “Brief to Minister for Roads and Ports (9 December 2008)”;
- document listed as number 25, “Brief to Minister for Roads and Ports (29 February 2009)”;
- document listed as number 26, “Brief to Minister for Roads and Ports (31 December 2008)”;
- document listed as number 27, “Email from VicRoads to DOT (5 January 2009)”;
- document listed as number 28, “Letter from VicRoads to DOT (19 January 2009)”;
- document listed as number 29, “Letter from Moreland City Council to DOT (2 February 2009)”;
- document listed as number 30, “Brief to Minister for Roads and Ports (10 February 2009)”;
- document listed as number 31, “Brief to Minister for Roads and Ports (18 February 2009)”;
- document listed as number 32, “Letter from VicRoads to DOT (5 March 2009)”;
- document listed as number 33, “Internal DOT email with attachment (2 November 2007)”;
- document listed as number 34, “Email from Department of Premier and Cabinet (DPC) to DOT (1 February 2008)”;
- document listed as number 35, “Brief to Minister for Roads and Ports (9 September 2008)”;
- document listed as number 36, “Brief to Minister for Local Government (17 June 2008)”;
- document listed as number 37, “Brief to Minister for Local Government (24 July 2008)”;
- document listed as number 38, “Email from Department of Planning and Community Development (DPCD) to VicRoads (1 September 2008)”;
- document listed as number 39, “Email from VicRoads to DPCD (3 September 2008)”;
- document listed as number 40, “Email from VicRoads to DPCD (4 September 2008)”;
- document listed as number 41, “Internal DPCD email with attachment (5 September 2008)”;
- document listed as number 42, “Email chain from DPCD to VicRoads (25 September 2008)”;
- document listed as number 43, “Brief to Minister for Local Government (1 October 2008)”;
- document listed as number 44, “Brief to Minister for Local Government (22 October 2008)”;
- document listed as number 45, “Internal DPCD email with attachment (5 November 2008)”;
- document listed as number 46, “Brief to Minister for Local Government (28 November 2008)”;
- document listed as number 47, “Ministerial Debrief (5 December 2008)”;
- document listed as number 48, “Brief to Minister for Local Government (21 January 2009)”;
- document listed as number 49, “Brief to Minister for Local Government (17 February 2009)”;
- document listed number 50, “Brief to Minister for Local Government (5 March 2009)”;

- document listed as number 51, “Brief to Minister for Local Government (24 March 2009)”;
 - document listed as number 52, “Brief to Premier (19 February 2008)”;
 - document listed as number 53, “Brief to Premier (25 January 2008)”;
 - document listed as number 54, “Project Review Committee business case (25 January 2008)”;
 - document listed as number 55, “Brief to Premier (15 January 2008)”;
 - document listed as number 56, “Brief to Premier (11 January 2008)”;
 - document listed as number 57, “Brief to Premier (28 December 2007)”;
 - document listed as number 58, “Brief to Minister for Roads and Ports (9 November 2007)”;
 - document listed as number 59, “Brief to Premier (23 November 2007)”;
 - document listed as number 60, “Brief to Premier (13 August 2008)”;
 - document listed as number 61, “Email from DOT to DPC (26 May 2008)”;
 - document listed as number 62, “Brief to Premier (17 August 2007)”;
 - document listed as number 63, “Brief to Premier (30 March 2009)”.
6. That this House —
- (1) notes the refusal of the Government to comply fully with the Resolution of the Council of 11 March 2009 to table documents relating to solar or other renewable energy feed in electricity tariffs on the grounds of Executive privilege;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
 - (3) rejects the Government’s claim that the release of documents listed in the schedule attached to correspondence to the Clerk of the Legislative Council by the Attorney General and numbered 9, 15, 38, 39, 40, 41, 42, 43, 44 and 63 “would reveal high-level confidential deliberative processes of the Executive Government or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and Government officer”, or that the release of document 16 “would reveal confidential legal advice and prejudice intergovernmental relations”, or that the release of documents 11, 12, 13 and 14 “would reveal the deliberative processes of Cabinet, and high-level confidential deliberative process of the Executive Government or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer”, or that the release of document 58 “would reveal information obtained by the Executive Government on the basis that it would be kept confidential”, and that these matters provide an adequate excuse for the non-provision of these documents by the Government;
 - (4) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government’s failure to fully comply with the Council’s Resolution of 11 March 2009; and
 - (5) demands that the Leader of the Government comply fully with the Resolution of the Council of 11 March 2009 and lodge the following documents as detailed on the schedule attached to the Attorney General’s letter with the Clerk by 12 noon on Tuesday, 13 October 2009 —
 - document listed as number 9, “Brief to Minister for Energy and Resources (16 April 2008)”;
 - document listed as number 11, “Brief to Office of the Minister for Energy and Resources considering Cabinet submission (Doc 5)”;
 - document listed as number 12, “Briefing to Minister for Energy and Resources considering Cabinet deliberations (10 October 2008)”;
 - document listed as number 13, “Briefing to office of the Minister for Energy and Resources on Cabinet deliberations (15 October 2008)”;

- document listed as number 14, “Briefing to office of the Minister for Energy and Resources on Cabinet deliberations (28 October 2008)”;
- document listed as number 15, “Briefing to office of the Minister for Energy and Resources (18 November 2008)”;
- document listed as number 16, “Brief to Minister for Energy and Resources (21 November 2008)”;
- document listed as number 17, “Briefing to the office of the Minister for Energy and Resources (15 December 2008)”;
- document listed as number 38, “Brief to Minister for Energy and Resources (6 June 2007)”;
- document listed as number 39, “Brief to Minister for Environment, Water and Climate Change (6 June 2007)”;
- document listed as number 40, “Brief to Minister for Environment and Climate Change (2 October 2007)”;
- document listed as number 41, “Brief to Minister for Environment and Climate Change (31 January 2008)”;
- document listed as number 42, “Brief to Premier (16 October 2007)”;
- document listed as number 43, “Brief to Premier (9 November 2007)”;
- document listed as number 44, “Brief to Premier (19 December 2007)”;
- document listed as number 58, “Briefing by DIIRD”;
- document listed as number 63, “Brief to Treasurer (6 February 2008)”;
- resource documents, assessments and analysis used in the preparation of document listed as number six, “Business Impact Assessment prepared for and considered by Cabinet”.

Debate ensued.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Viney.

- 12 PLANNING LEGISLATION AMENDMENT BILL 2009 (NO. 2)** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Planning and Environment Act 1987, the Docklands Act 1991, the Heritage Act 1995, the Local Government Act 1989 and the Melbourne Convention and Exhibition Trust Act 1996 and for other purposes* and requesting the agreement of the Council.

The President said —

I wish to remind the House that a Bill of this nature was introduced, debated and the second reading negatived in this Chamber in June this year.

A Standing Order of this House effectively states that we cannot within 6 months of the same Session debate two Bills of similar content.

Standing Order 7.06 states—

No question will be proposed in the Council which is the same in substance as any question which has been resolved during the previous 6 months in the same Session.

I note that this Bill has been slightly amended, but in substance, in my view it is still the same.

I therefore indicate that I cannot accept a motion for the first reading of this Bill at this stage.

I do note, however, that earlier today the Government gave notice of a motion for the suspension of Standing Order 7.06 in relation to this Bill. Until that motion is moved and decided on by the House, the Bill cannot proceed any further.

- 13 VICTORIAN RENEWABLE ENERGY AMENDMENT BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Victorian Renewable Energy Act 2006 as a result of the expansion of the Commonwealth renewable energy target scheme and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Pakula), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 14 VALUATION OF LAND AMENDMENT BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Valuation of Land Act 1960, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Jennings), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 15 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.32 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 138 — Thursday, 17 September 2009

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — BENDIGO BUS ROUTES** — Ms Lovell presented a Petition bearing 18 signatures from certain citizens of Victoria requesting that the Government immediately review Bendigo's bus routes and establish alternative arrangements that suit the needs of all parties concerned.

Ordered to lie on the Table.

- 3 **PAPERS —**
PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE —
REVIEW OF THE FINDINGS AND RECOMMENDATIONS OF THE AUDITOR-GENERAL'S REPORTS 2007-08 — Mr Rich-Phillips presented a Report from the Public Accounts and Estimates Committee on the Review of the Findings and Recommendations of the Auditor-General's Reports 2007-08 (including Appendices), together with Transcripts of Evidence.

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

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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- ANNUAL REPORT 2008-09** — Ms Huppert presented the 2008-09 Annual Report from the Public Accounts and Estimates Committee.

Ordered to lie on the Table and to be printed.

Ms Huppert moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns, June 2009 and Summary of Variations notified between 25 June 2009 and 15 September 2009.

Workplace Rights Advocate — Report for the period 1 July 2008 to 10 June 2009.

- 4 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 13 October 2009.
Question — put and agreed to.
- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 6 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 7 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, Nos. 1 to 5 inclusive, be postponed until the next day of meeting.
- 8 PLANNING LEGISLATION AMENDMENT BILL 2009 (NO. 2) — SUSPENSION OF STANDING ORDER 7.06** — Mr Viney moved, That Standing Order 7.06 be suspended so as to enable the consideration of the Planning Legislation Amendment Bill 2009 (No. 2), which Bill contains provisions the same in substance to those originally rejected by the Council during this current Session.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 34

NOES, 4

Mr Atkinson

Mr Barber

Ms Broad

Ms Hartland (*Teller*)

Mrs Coote

Mr Kavanagh (*Teller*)

Mr Dalla-Riva

Ms Pennicuik

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Finn

Mr Guy

Mr Hall

Ms Huppert

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Mr Madden

Ms Mikakos

Mr O'Donohue

Mr Pakula

Mrs Peulich

Ms Pulford

Mr Rich-Phillips (*Teller*)

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Mr Theophanous (*Teller*)

Ms Tierney

Mr Viney

Mr Vogels

Question agreed to.

- 9 PLANNING LEGISLATION AMENDMENT BILL 2009 (NO. 2)** — On the motion of Mr Pakula (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Guy, the debate was adjourned for one week.

- 10 VICTORIAN RENEWABLE ENERGY AMENDMENT BILL 2009** — Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Hall), the debate was adjourned for one week.

- 11 VALUATION OF LAND AMENDMENT BILL 2009** — Mr Pakula (for Mr Jennings) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr D.M. Davis), the debate was adjourned for one week.

- 12 LOCAL GOVERNMENT AMENDMENT (OFFENCES AND OTHER MATTERS) BILL 2009** — Mr Pakula (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Hall), the debate was adjourned for one week.

- 13 MAJOR TRANSPORT PROJECTS FACILITATION BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 14 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and an answer to a question on notice was circulated pursuant to Standing Order 8.10.

- 15 MAJOR TRANSPORT PROJECTS FACILITATION BILL 2009** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 33

Mr Atkinson

Ms Broad

Mrs Coote (*Teller*)

Mr Dalla-Riva

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Finn

Mr Guy

Mr Hall

Ms Huppert

Mr Jennings

Mr Koch

NOES, 4

Mr Barber (*Teller*)

Ms Hartland

Mr Kavanagh (*Teller*)

Ms Pennicuik

Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula (*Teller*)
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney
Mr Vogels

Question agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Pakula moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 33

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Ms Huppert
Mr Jennings
Mr Koch (*Teller*)
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee

NOES, 3

Mr Barber (*Teller*)
Ms Hartland (*Teller*)
Ms Pennicuik

Mr Theophanous
 Ms Tierney
 Mr Viney (*Teller*)

Question agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

16 CEMETERIES AND CREMATORIA AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

An amendment proposed to be moved in Committee by Ms Hartland was circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported with an amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with an amendment and requesting their agreement.

17 BUSINESS POSTPONED — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 7 and 8, be postponed until later this day.

18 LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Guy were circulated.

Debate continued.

On the motion of Mr Drum, the debate was adjourned until later this day.

19 LAND LEGISLATION AMENDMENT BILL 2009 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Transfer of Land Act 1958, the Subdivision Act 1988, the Surveying Act 2004, the Geographic Place Names Act 1998 and the Forests Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr D.M. Davis), the debate was adjourned for one week.

20 PERSONAL PROPERTY SECURITIES (COMMONWEALTH POWERS) BILL 2009 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to refer certain matters relating to security interests in personal property to the Parliament of the Commonwealth for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Rich-Phillips), the debate was adjourned for one week.

21 EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL AGE) BILL 2009 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 in relation to the compulsory school age and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Hall), the debate was adjourned for one week.

22 LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

23 ADJOURNMENT — The Acting President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.22 p.m., adjourned until Tuesday, 13 October 2009.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 136, 137 and 138

Tuesday, 15 September 2009

1 JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2009

Clauses 1 to 28 — put and agreed to.

Clause 29 — Ms Pennicuik moved —

1. Clause 29, lines 5 to 13, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber (*Teller*)
Ms Hartland (*Teller*)
Mr Kavanagh
Ms Pennicuik

NOES, 32

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Eideh
Mr Elasmar
Mr Finn
Mr Guy
Ms Huppert
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell (*Teller*)
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Somyurek
Mr Tee
Mr Theophanous
Ms Tierney (*Teller*)
Mr Viney
Mr Vogels

Amendment negatived.

Clause 29 — put and agreed to.

Clause 30 — put and agreed to.

Clause 31 — Ms Pennicuik moved —

2. Clause 31, lines 7 to 15, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3	NOES, 33
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland	Ms Broad
Ms Pennicuik (<i>Teller</i>)	Mrs Coote
	Mr Dalla-Riva
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Eideh
	Mr Elasmarr
	Mr Finn
	Mr Guy
	Ms Huppert
	Mr Jennings
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Mr Lenders
	Ms Lovell
	Mr Madden
	Ms Mikakos (<i>Teller</i>)
	Mr O'Donohue
	Mr Pakula
	Mrs Petrovich
	Mrs Peulich (<i>Teller</i>)
	Ms Pulford
	Mr Rich-Phillips
	Mr Scheffer
	Mr Smith
	Mr Somyurek
	Mr Tee
	Mr Theophanous
	Ms Tierney
	Mr Viney
	Mr Vogels

Amendment negatived.

Ms Pennicuik moved —

3. Clause 31, after line 32 insert—

() After section 103(6) of the **Police Integrity Act 2008** insert—

"(7) The Director must give a written report to the Special Investigations Monitor within 3 days after the making of an authorisation under this section setting out—

- (a) the name of the member of staff of the Office of Police Integrity who is authorised to possess, carry and use a firearm; and
 (b) the type of firearm to which the authorisation applies.".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4	NOES, 33
Mr Barber	Mr Atkinson
Ms Hartland (<i>Teller</i>)	Ms Broad
Mr Kavanagh (<i>Teller</i>)	Mrs Coote

Ms Pennicuik

Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Eideh
Mr Elasmar
Mr Finn (*Teller*)
Mr Guy
Ms Huppert (*Teller*)
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Ms Tierney
Mr Viney
Mr Vogels

Amendment negatived.

Clause 31 — put and agreed to.

Clauses 32 to 64 — put and agreed to.

Bill reported without amendment.

Thursday, 17 September 2009

1 MAJOR TRANSPORT PROJECTS FACILITATION BILL 2009

Clauses 1 to 260 — put and agreed to.

Clauses 261 and 262 — Question — That clauses 261 and 262 stand part of the Bill — put.
The Committee divided — The Deputy President in the Chair.

AYES, 34

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh

NOES, 4

Mr Barber
Ms Hartland
Mr Kavanagh (*Teller*)
Ms Pennicuik (*Teller*)

Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Koch (*Teller*)
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Peulich
 Ms Pulford (*Teller*)
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney
 Mr Vogels

Question agreed to.

Clause 263 — Mr Barber moved —

6. Clause 263, line 12, after "section" insert "20 or".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4	NOES, 34
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland	Ms Broad
Mr Kavanagh	Mrs Coote
Ms Pennicuik (<i>Teller</i>)	Mr Dalla-Riva
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh
	Mr Elasmarr
	Mr Finn
	Mr Guy
	Mr Hall
	Ms Huppert
	Mr Jennings
	Mr Koch
	Mrs Kronberg
	Mr Leane (<i>Teller</i>)
	Mr Lenders
	Ms Lovell
	Mr Madden
	Ms Mikakos
	Mr O'Donohue
	Mr Pakula

Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Ms Tierney
Mr Viney
Mr Vogels (*Teller*)

Amendment negatived.

Clause 263 — put and agreed to.

Clauses 264 to 266 — put and agreed to.

Schedules 1 and 2 — put and agreed to.

Bill reported without amendment.

2 CEMETERIES AND CREMATORIA AMENDMENT BILL 2009

Clauses 1 to 20 — put and agreed to.

Clause 21 — Ms Hartland moved —

1. Clause 21, page 28, after line 30 insert—

- "(6) The Minister must cause the following information to be included in the annual report of operations for the Department of Health under Part 7 of the **Financial Management Act 1994** for each financial year—
- (a) the total amount paid as levy in that financial year;
 - (b) the total amount appropriated from the Consolidated Fund for the purposes of this Act for that financial year;
 - (c) a summary of the matters on which money appropriated from the Consolidated Fund for the purposes of this Act was expended in that financial year and of the amounts expended for those matters."

Question — That the amendment be agreed to — put and agreed to.

Clause 21, as amended — put and agreed to.

Clauses 22 to 44 — put and agreed to.

Bill reported with an amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 139, 140 and 141

No. 139 — Tuesday, 13 October 2009

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE BRIAN WILLIAM MIER** — Mr Lenders moved, That this House expresses its sincere sorrow at the death, on 12 September 2009, of the Honourable Brian William Mier, 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 Waverley Province from 1982 to 1996 and as Minister for Prices, Minister for Aboriginal Affairs and Minister for Consumer Affairs from 1990 to 1991.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

[Sitting suspended from 2.23 p.m. until 3.32 p.m.]

- 3 **ASSENT TO ACTS** — The President read Messages from —
The Governor informing the Council that he had, on 22 September 2009, given the Royal Assent to the following Act presented to him by the Clerk of the Legislative Council:
Justice Legislation Further Amendment Act 2009.

The Lieutenant-Governor, as the Governor's deputy, informing the Council that she had, on 29 September 2009, given the Royal Assent to the undermentioned Act presented to her by the Deputy Clerk of the Legislative Assembly:

Major Transport Projects Facilitation Act 2009.

- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 5 **PETITIONS** —

BENDIGO BUS ROUTES — Ms Lovell presented a Petition bearing 24 signatures from certain citizens of Victoria requesting that the Government immediately review Bendigo's bus routes and establish alternative arrangements that suit the needs of all parties concerned.

Ordered to lie on the Table.

* * * * *

ASHBURTON POLICE STATION — Mr D.M. Davis presented a Petition bearing 101 signatures from certain citizens of Victoria requesting that the Government reverse its decision to massively reduce services at Ashburton Police Station and restore all officers to the Station.

Ordered to lie on the Table.

THOMSON RIVER — Mr Hall presented a Petition bearing 1,243 signatures from certain citizens of Victoria requesting that the State Government abandon its plan to take a further ten billion litres of water from the Thomson River to top up Melbourne's water supplies.

Ordered to lie on the Table.

On the motion of Mr Hall, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

EQUAL OPPORTUNITY ACT EXEMPTIONS — Mrs Peulich and Mrs Petrovich each presented Petitions bearing 1,261 and 29 signatures, respectively, from certain citizens of Victoria requesting that the Government abandon its plan for the removal of the exemptions to the *Equal Opportunity Act 1995* which currently serve to protect the core interests of faith-based schools, single sex clubs and small business.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

GROWTH AREAS INFRASTRUCTURE CONTRIBUTION — Mrs Petrovich presented a Petition bearing 78 signatures from certain citizens of Victoria requesting that the Government immediately withdraw the Growth Areas Infrastructure Contribution in its current form and consult further with affected landholders to create a fairer outcome.

Ordered to lie on the Table.

* * * * *

PUBLIC HOUSING, MOORABBIN — Mr D.M. Davis presented a Petition bearing 380 signatures from certain citizens of Victoria requesting that the Government immediately suspend the proposed seven storey public housing development at the back of Kingston Town Hall in Moorabbin and identify a more suitable site.

Ordered to lie on the Table.

* * * * *

SOCIAL HOUSING, BENTLEIGH — Mrs Coote presented a Petition bearing 986 signatures from certain citizens of Victoria requesting that the Minister for Planning reject the proposed social housing development at 973 Nepean Highway and Corbie Street, Bentleigh.

Ordered to lie on the Table.

On the motion of Mrs Coote, the petition was ordered to be taken into consideration on the next day of meeting.

- 6 GAMBLING REGULATION AMENDMENT (RACING CLUB VENUE OPERATOR LICENCES) BILL 2009** — Mr Jennings (for Mr Madden), by leave without notice, introduced *A Bill for an Act to amend the Gambling Regulation Act 2003 to provide for certain transitional arrangements that will apply to venue operator licences held by specified racing clubs and for other purposes.*

On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Guy, the debate was adjourned until the next day of meeting.

7 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 12 of 2009 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

Mr O'Donohue moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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:

Crown Land (Reserves) Act 1978 — Minister's Order of 17 September 2009 giving approval to the granting of a lease at Shepparton Public Garden Reserve.

Duties Act 2000 — Treasurer's reports of exemptions and refunds arising out of corporate consolidations and reconstructions for 2008-09 (two papers).

Estate Agents Act 1980 — Notice of approval of registered education and training organisations under section 10C(1) of the Act.

Gambling Regulation Act 2003 — Amendment to the Category 2 Public Lottery Licence pursuant to section 5.3.19(4)(b)(ii) of the Act.

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

Ballarat Planning Scheme — Amendment C123.

Banyule Planning Scheme — Amendment C61.

Bass Coast Planning Scheme — Amendment C95.

Boroondara Planning Scheme — Amendments C64 and C104.

Brimbank Planning Scheme — Amendment C110.

Cardinia Planning Scheme — Amendments C123 and C136.

East Gippsland Planning Scheme — Amendments C72 and C77.

Glen Eira Planning Scheme — Amendment C72.

Glenelg Planning Scheme — Amendment C51.

Greater Bendigo Planning Scheme — Amendment C114.

Hobsons Bay Planning Scheme — Amendment C66.

Knox Planning Scheme — Amendments C76 and C100.

Mansfield Planning Scheme — Amendments C14 and C17.

Maribyrnong Planning Scheme — Amendments C80 and C81.

Mildura Planning Scheme — Amendment C59.

Mitchell Planning Scheme — Amendment C68.

Monash Planning Scheme — Amendment C65.

Mornington Peninsula Planning Scheme — Amendments C84 and C95.

Mount Alexander Planning Scheme — Amendment C23.

Moyne Planning Scheme — Amendment C39.

Murrindindi Planning Scheme — Amendment C22.

Nillumbik Planning Scheme — Amendment C61.

Surf Coast Planning Scheme — Amendment C43 (Part 2).

Victoria Planning Provisions — Amendments VC59 and VC60.

Warrnambool Planning Scheme — Amendment C55.

Whitehorse Planning Scheme — Amendment C92.

Whittlesea Planning Scheme — Amendment C117.

Wyndham Planning Scheme — Amendment C129.

Yarra Planning Scheme — Amendment C119.

Yarra Ranges Planning Scheme — Amendments C82 and C91.

Primary Industries Department — Report under section 30L of the Surveillance Devices Act 1999, 2008-09.

Public Record Office Victoria — Report, 2008-09.

Special Investigations Monitor's Office — Report for the period 1 January to 30 June 2009, pursuant to section 30Q of the Surveillance Devices Act 1999.

Statutory Rules under the following Acts of Parliament:

Associations Incorporation Act 1981 — No. 113.

Gambling Regulation Act 2003 — Nos. 108 and 114.

Guardianship and Administration Act 1986 — No. 107.

Infringements Act 2006 — No. 106.

Magistrates' Court Act 1989 — No. 110.

- Road Safety Act 1986 — Nos. 115 and 116.
 Sheriff Act 2009 — No. 112.
 Supreme Court Act 1986 — No. 111.
 Supreme Court Act 1986 — Coroners Act 2008 — No. 109.
 Subordinate Legislation Act 1994 —
 Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 109.
 Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 106, 110, 111 and Nos. 113 to 117.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

Courts Legislation Amendment (Judicial Resolution Conference) Act 2009 — 15 September 2009 — (*Gazette No. S319, 16 September 2009*).

Road Legislation Amendment Act 2009 — Section 10 — 1 October 2009 — (*Gazette No. S332, 22 September 2009*).

Sheriff Act 2009 — 1 October 2009 — (*Gazette No. G40, 1 October 2009*).

9 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That —

- (1) precedence be given to the following General Business on Wednesday, 14 October 2009:
 - (a) Notice of Motion No. 26, standing in the name of Mr D.M. Davis, relating to the production of certain MAMS Expenditure Reports;
 - (b) Notice of Motion No. 28, standing in the name of Mr D.M. Davis, relating to the production of certain documents relating to the Working Victoria and Shine advertising campaigns;
 - (c) the Notice of Motion given this day by Mr D.M. Davis relating to the establishment of a Select Committee on the need for a broad-based Anti-Corruption Commission;
 - (d) resumption of debate on Orders of the Day Nos. 17 to 22, relating to the production of certain documents, to be debated concurrently pursuant to an Order of the Council on 15 September 2009;
 - (e) resumption of debate on Order of the Day No. 16, relating to waste water and stormwater; and
 - (f) resumption of debate on Order of the Day No. 14, relating to Registered Training Organisations; and
- (2) this House authorises the President to permit Notices of Motion, General Business, Nos. 26 and 28, to be moved and debated concurrently.

Question — put and agreed to.

10 STANDING ORDERS COMMITTEE — Mr Dalla-Riva moved, by leave, That the Resolution of the Council of 10 September 2008, as amended on 13 November 2008, 31 March 2009 and 30 July 2009, requiring the Standing Orders Committee to inquire into and report by 31 July 2009 on the establishment of new Standing Committees for the Legislative Council, be further amended so as to now require the Committee to present its report by 30 November 2009.

Question — put and agreed to.

11 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

12 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business and Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

13 GAMBLING REGULATION FURTHER AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Barber were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

14 POLICE REGULATION AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Government has conducted a full public review of the operation of the *Police Regulation Act 1958*, including calling for public submissions and conducting public hearings and publishing the findings and recommendations of the review.”.

Debate ensued.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

15 ADJOURNMENT — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.38 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 140 — Wednesday, 14 October 2009

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

PUBLIC HOUSING, MOORABBIN — Mr D.M. Davis presented a Petition bearing 51 signatures from certain citizens of Victoria requesting that the Government immediately suspend the proposed seven storey public housing development at the back of Kingston Town Hall in Moorabbin and identify a more suitable site.

Ordered to lie on the Table.

* * * * *

BOX HILL HOSPITAL REDEVELOPMENT — Mr Atkinson presented a Petition bearing 1,752 signatures from certain citizens of Victoria requesting that the Government immediately commence planning for the redevelopment of the Box Hill Hospital and commit to a funding timetable.

Ordered to lie on the Table.

* * * * *

NORTH SOUTH PIPELINE — Ms Lovell presented a Petition bearing 9 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the construction of the North-South pipeline.

Ordered to lie on the Table.

3 PAPERS —

PARLIAMENTARY DEPARTMENTS — Mr Atkinson moved, by leave, That there be laid before this House a copy of the Report of —

- (1) the Clerk on the operations of the Department of the Legislative Council for the year 2008-09; and
- (2) the Secretary on the operations of the Department of Parliamentary Services for the year 2008-09.

Question — put and agreed to.

The Reports were presented by Mr Atkinson 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:

Budget Sector — Annual Financial Report for the State of Victoria, 2008-09, incorporating Quarterly Financial Report No. 4.

National Environment Protection Council — Report, 2007-08.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 PRODUCTION OF DOCUMENTS — GOVERNMENT ADVERTISING — Pursuant to an Order of the Council on 13 October 2009, and leave having been granted for him to move his motions in an amended form, Mr D.M. Davis moved —

1. That, in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 10 November 2009 a copy of the MAMS Expenditure Reports (as referred to on page 35 of the Auditor-General's Report on Government Advertising, September 2006) for each of the last five financial years; and
2. That, in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 10 November 2009 a copy of all documents relating to the Working Victoria and Shine advertising campaigns including, but not limited to costings, invoices, quotations, research, including public opinion and focus group research reports, reports defining objectives, breakdowns of media type and metropolitan and regional weighting and spend and briefings prepared for the Premier and or Ministers held by the Departments of Education and Early Childhood Development, Innovation, Industry and Regional Development and Premier and Cabinet.

Debate ensued.

Question — That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 10 November 2009 a copy of the MAMS Expenditure Reports (as referred to on page 35 of the Auditor-General's Report on Government Advertising, September 2006) for each of the last five financial years — put and agreed to.

Question — That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 10 November 2009 a copy of all documents relating to the Working Victoria and Shine advertising campaigns including, but not limited to costings, invoices, quotations, research, including public opinion and focus group research reports, reports defining objectives, breakdowns of media type and metropolitan and regional weighting and spend and briefings prepared for the Premier and or Ministers held by the Departments of Education and Early Childhood Development, Innovation, Industry and Regional Development and Premier and Cabinet — put and agreed to.

6 SELECT COMMITTEE ON NEED FOR BROAD BASED ANTI-CORRUPTION COMMISSION — Mr D.M. Davis moved, That —

- (1) A Select Committee of 8 Members be appointed to —
 - (a) examine allegations surrounding the Victorian Government's failure in good governance practices, issues of improper influence and impropriety associated with the State Government, its agencies and entities created under statute and the need for an independent broad-based anti-corruption commission in Victoria; and

- (b) review issues relevant to paragraph (a) since the introduction of the *Whistleblowers Protection Act 2001*.
- (2) The Committee will consist of 3 Members from the Government Party nominated by the Leader of the Government, 3 Members from the Liberal/National Coalition nominated by the Leader of the Opposition, 1 Member from the Australian Greens nominated by the Australian Greens Whip and Mr Peter Kavanagh from the Democratic Labor Party.
 - (3) The Members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on Thursday, 29 October 2009.
 - (4) The first meeting of the Committee must be held no later than 4.00 p.m. on Monday, 9 November 2009.
 - (5) The Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.
 - (6) 5 Members of the Committee will constitute a quorum of the Committee.
 - (7) The Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member.
 - (8) The Chair of the Committee will have a deliberative vote and in the event of an equality of votes a casting vote.
 - (9) The Committee will advertise its terms of reference and call for submissions and all such submissions received by the Committee will be treated as public documents unless the Committee otherwise orders.
 - (10) The Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry.
 - (11) The Committee will present its final report to the Council no later than 30 September 2010.
 - (12) The presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions.
 - (13) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

7 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

8 SELECT COMMITTEE ON NEED FOR BROAD BASED ANTI-CORRUPTION COMMISSION — Debate continued on the question, That —

- (1) A Select Committee of 8 Members be appointed to —
 - (a) examine allegations surrounding the Victorian Government's failure in good governance practices, issues of improper influence and impropriety associated with the State Government, its agencies and entities created under statute and the need for an independent broad-based anti-corruption commission in Victoria; and
 - (b) review issues relevant to paragraph (a) since the introduction of the *Whistleblowers Protection Act 2001*.
- (2) The Committee will consist of 3 Members from the Government Party nominated by the Leader of the Government, 3 Members from the Liberal/National Coalition nominated by the Leader of the Opposition, 1 Member from the Australian Greens nominated by the Australian Greens Whip and Mr Peter Kavanagh from the Democratic Labor Party.
- (3) The Members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on Thursday, 29 October 2009.

- (4) The first meeting of the Committee must be held no later than 4.00 p.m. on Monday, 9 November 2009.
- (5) The Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.
- (6) 5 Members of the Committee will constitute a quorum of the Committee.
- (7) The Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member.
- (8) The Chair of the Committee will have a deliberative vote and in the event of an equality of votes a casting vote.
- (9) The Committee will advertise its terms of reference and call for submissions and all such submissions received by the Committee will be treated as public documents unless the Committee otherwise orders.
- (10) The Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry.
- (11) The Committee will present its final report to the Council no later than 30 September 2010.
- (12) The presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions.
- (13) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 22
Mr Atkinson	Mr Barber (<i>Teller</i>)
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis (<i>Teller</i>)	Mr Elasmarr
Mr Drum	Ms Hartland
Mr Finn	Ms Huppert
Mr Guy	Mr Jennings
Mr Hall (<i>Teller</i>)	Mr Leane
Mr Koch	Mr Lenders
Mr Kavanagh	Mr Madden
Mrs Kronberg	Ms Mikakos
Ms Lovell	Mr Pakula
Mr O'Donohue	Ms Pennicuik
Mrs Petrovich	Ms Pulford
Mrs Peulich	Mr Scheffer
Mr Rich-Phillips	Mr Smith
Mr Vogels	Mr Somyurek
	Mr Tee (<i>Teller</i>)
	Mr Theophanous
	Ms Tierney
	Mr Viney

Question negatived.

9 PRODUCTION OF DOCUMENTS — Pursuant to an Order of the Council on 15 September 2009, debate resumed on the questions —

1. That this House —

- (1) notes the refusal of the Government to comply fully with the Resolution of the Council of 3 June 2009 to table documents relating to the review of the alpine resort areas under claims of Executive privilege;

- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
 - (3) rejects the Government's claim that the release of the *Mt Baw Baw Alpine Resort Management Board Corporate Plan 2007-2010* would be prejudicial to the public interest;
 - (4) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 3 June 2009; and
 - (5) demands that the Leader of the Government comply fully with the Resolution of the Council of 3 June 2009 and lodge the *Mt Baw Baw Alpine Resort Management Board Corporate Plan 2007-2010* with the Clerk by 12 noon on Tuesday, 13 October 2009.
2. That this House —
- (1) notes the failure of the Government to comply with the Resolution of the Council of 6 May 2009 to table documents concerning the company "Better Place";
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
 - (3) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 6 May 2009; and
 - (4) demands that the Leader of the Government comply fully with the Resolution of the Council of 6 May 2009 and lodge all documents with the Clerk by 12 noon on Tuesday, 13 October 2009.
3. That this House —
- (1) notes the failure of the Government to comply with the Resolution of the Council of 29 July 2009 to table documents relating to the examination of carbon trading institutions and carbon trading institutes;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
 - (3) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 29 July 2009; and
 - (4) demands that the Leader of the Government comply fully with the Resolution of the Council of 29 July 2009 and lodge all documents with the Clerk by 12 noon on Tuesday, 13 October 2009.
4. That this House —
- (1) notes the ongoing failure of the Government to fully comply with the Resolution of the Council of 24 June 2009 to table all documents relating to the extension of licence for the number of gaming tables at Crown Casino, including the failure of the Government to even produce a schedule of relevant documents;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
 - (3) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 24 June 2009; and
 - (4) demands that the Leader of the Government comply fully with the Resolution of the Council of 24 June 2009 and lodge all remaining documents with the Clerk by 12 noon on Tuesday, 13 October 2009.
5. That this House —
- (1) notes the refusal of the Government to comply fully with the Resolution of the Council of 1 April 2009 to table documents relating to the Victorian Government's policy on extending clearway times;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;

- (3) rejects the Government's claim that the release of documents listed in the schedule attached to correspondence to the Clerk of the Legislative Council by the Attorney General and numbered 1,2,9,15,16,18,19,20,21 and 26 would "reveal confidential legal advice", or that documents numbered 4, 5, 7, 11, 12, 13, 14, 22, 23, 24, 25, 35, 36, 37, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 54, 58, 61, 62 and 63 would "reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer", or that documents numbered 6, 10 and 60 would "reveal high-level confidential deliberative processed of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer and would reveal confidential legal advice", or that documents numbered 3, 8, 17, 27, 32, 33, 38, 39, and 40 would "reveal high-level confidential deliberative processes of the Executive Government", or that documents numbered 28 and 29 would "prejudice a dispute resolution process" or that documents numbered 30 and 31 would "prejudice public safety and enforcement of laws" or that documents numbered 53, 55, 56, 57 and 59 would "reveal deliberations of cabinet", or that the document numbered 52 would "reveal high level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer and would reveal deliberations of Cabinet";
- (4) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 1 April 2009; and
- (5) demands that the Leader of the Government comply fully with the Resolution of the Council of 1 April 2009 and lodge the following documents as detailed on the schedule attached to the Attorney General's letter with the Clerk by 12 noon on Tuesday, 13 October 2009 —
- document listed as number 1, "Brief to Minister for Roads and Ports (undated)";
 - document listed as number 2, "Memorandum of advice to VicRoads (undated)";
 - document listed as number 3, "Briefing on Keeping Melbourne Moving (17 April 2009)";
 - document listed as number 4, "Brief to Minister for Roads and Ports (29 August 2008)";
 - document listed as number 5, "Brief to Minister for Roads and Ports (17 June 2008)";
 - document listed as number 6, "Brief to Minister for Roads and Ports (undated)";
 - document listed as number 7, "Brief to Minister for Roads and Ports (12 November 2008)";
 - document listed as number 8, "Report by Meyrick and Associates (2008)";
 - document listed as number 9, "Letter from the Victorian Government Solicitors Office (VGSO) to Department of Infrastructure (27 March 2008)";
 - document listed as number 10, "Brief to Minister for Roads and Ports (31 March 2008)";
 - document listed as number 11, "Email from VicRoads to the Office of the Minister for Roads and Ports (15 April 2008)";
 - document listed as number 12, "Brief to Minister for Roads and Ports (9 May 2008)";
 - document listed as number 13, "Ministerial Briefing (23 May 2008)";
 - document listed as number 14, "Brief to Minister for Roads and Ports (21 May 2008)";
 - document listed as number 15, "Memorandum of Advice to Department of Transport (DOT) (4 June 2008)";

- document listed as number 16, “Brief to Minister for Roads and Ports (5 June 2008)”;
- document listed as number 17, “Email from DOT to Auspoll (22 July 2007)”;
- document listed as number 18, “Brief to Minister for Roads and Ports (12 September 2008)”;
- document listed as number 19, “Memorandum of advice to VicRoads (29 September 2008)”;
- document listed as number 20, “Legal advice from VicRoads (13 October 2008)”;
- document listed as number 21, “Email from VicRoads to the office of the Minister for Roads and Ports (14 October 2008)”;
- document listed as number 22, “Brief to Minister for Roads and Ports (3 October 2008)”;
- document listed as number 23, “Brief to Minister for Roads and Ports (9 November 2008)”;
- document listed as number 24, “Brief to Minister for Roads and Ports (9 December 2008)”;
- document listed as number 25, “Brief to Minister for Roads and Ports (29 February 2009)”;
- document listed as number 26, “Brief to Minister for Roads and Ports (31 December 2008)”;
- document listed as number 27, “Email from VicRoads to DOT (5 January 2009)”;
- document listed as number 28, “Letter from VicRoads to DOT (19 January 2009)”;
- document listed as number 29, “Letter from Moreland City Council to DOT (2 February 2009)”;
- document listed as number 30, “Brief to Minister for Roads and Ports (10 February 2009)”;
- document listed as number 31, “Brief to Minister for Roads and Ports (18 February 2009)”;
- document listed as number 32, “Letter from VicRoads to DOT (5 March 2009)”;
- document listed as number 33, “Internal DOT email with attachment (2 November 2007)”;
- document listed as number 34, “Email from Department of Premier and Cabinet (DPC) to DOT (1 February 2008)”;
- document listed as number 35, “Brief to Minister for Roads and Ports (9 September 2008)”;
- document listed as number 36, “Brief to Minister for Local Government (17 June 2008)”;
- document listed as number 37, “Brief to Minister for Local Government (24 July 2008)”;
- document listed as number 38, “Email from Department of Planning and Community Development (DPCD) to VicRoads (1 September 2008)”;
- document listed as number 39, “Email from VicRoads to DPCD (3 September 2008)”;
- document listed as number 40, “Email from VicRoads to DPCD (4 September 2008)”;
- document listed as number 41, “Internal DPCD email with attachment (5 September 2008)”;
- document listed as number 42, “Email chain from DPCD to VicRoads (25 September 2008)”;

- document listed as number 43, “Brief to Minister for Local Government (1 October 2008)”;
- document listed as number 44, “Brief to Minister for Local Government (22 October 2008)”;
- document listed as number 45, “Internal DPCD email with attachment (5 November 2008)”;
- document listed as number 46, “Brief to Minister for Local Government (28 November 2008)”;
- document listed as number 47, “Ministerial Debrief (5 December 2008)”;
- document listed as number 48, “Brief to Minister for Local Government (21 January 2009)”;
- document listed as number 49, “Brief to Minister for Local Government (17 February 2009)”;
- document listed number 50, “Brief to Minister for Local Government (5 March 2009)”;
- document listed as number 51, “Brief to Minister for Local Government (24 March 2009)”;
- document listed as number 52, “Brief to Premier (19 February 2008)”;
- document listed as number 53, “Brief to Premier (25 January 2008)”;
- document listed as number 54, “Project Review Committee business case (25 January 2008)”;
- document listed as number 55, “Brief to Premier (15 January 2008)”;
- document listed as number 56, “Brief to Premier (11 January 2008)”;
- document listed as number 57, “Brief to Premier (28 December 2007)”;
- document listed as number 58, “Brief to Minister for Roads and Ports (9 November 2007)”;
- document listed as number 59, “Brief to Premier (23 November 2007)”;
- document listed as number 60, “Brief to Premier (13 August 2008)”;
- document listed as number 61, “Email from DOT to DPC (26 May 2008)”;
- document listed as number 62, “Brief to Premier (17 August 2007)”;
- document listed as number 63, “Brief to Premier (30 March 2009)”.

6. That this House —

- (1) notes the refusal of the Government to comply fully with the Resolution of the Council of 11 March 2009 to table documents relating to solar or other renewable energy feed in electricity tariffs on the grounds of Executive privilege;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
- (3) rejects the Government’s claim that the release of documents listed in the schedule attached to correspondence to the Clerk of the Legislative Council by the Attorney General and numbered 9, 15, 38, 39, 40, 41, 42, 43, 44 and 63 “would reveal high-level confidential deliberative processes of the Executive Government or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and Government officer”, or that the release of document 16 “would reveal confidential legal advice and prejudice intergovernmental relations”, or that the release of documents 11, 12, 13 and 14 “would reveal the deliberative processes of Cabinet, and high-level confidential deliberative process of the Executive Government or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer”, or that the release of document 58 “would reveal information obtained by the Executive Government on the basis that it would be kept confidential”, and that these matters provide an adequate excuse for the non-provision of these documents by the Government;

- (4) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 11 March 2009; and
- (5) demands that the Leader of the Government comply fully with the Resolution of the Council of 11 March 2009 and lodge the following documents as detailed on the schedule attached to the Attorney General's letter with the Clerk by 12 noon on Tuesday, 13 October 2009 —
 - document listed as number 9, "Brief to Minister for Energy and Resources (16 April 2008)";
 - document listed as number 11, "Brief to Office of the Minister for Energy and Resources considering Cabinet submission (Doc 5)";
 - document listed as number 12, "Briefing to Minister for Energy and Resources considering Cabinet deliberations (10 October 2008)";
 - document listed as number 13, "Briefing to office of the Minister for Energy and Resources on Cabinet deliberations (15 October 2008)";
 - document listed as number 14, "Briefing to office of the Minister for Energy and Resources on Cabinet deliberations (28 October 2008)";
 - document listed as number 15, "Briefing to office of the Minister for Energy and Resources (18 November 2008)";
 - document listed as number 16, "Brief to Minister for Energy and Resources (21 November 2008)";
 - document listed as number 17, "Briefing to the office of the Minister for Energy and Resources (15 December 2008)";
 - document listed as number 38, "Brief to Minister for Energy and Resources (6 June 2007)";
 - document listed as number 39, "Brief to Minister for Environment, Water and Climate Change (6 June 2007)";
 - document listed as number 40, "Brief to Minister for Environment and Climate Change (2 October 2007)";
 - document listed as number 41, "Brief to Minister for Environment and Climate Change (31 January 2008)";
 - document listed as number 42, "Brief to Premier (16 October 2007)";
 - document listed as number 43, "Brief to Premier (9 November 2007)";
 - document listed as number 44, "Brief to Premier (19 December 2007)";
 - document listed as number 58, "Briefing by DIIRD";
 - document listed as number 63, "Brief to Treasurer (6 February 2008)"; and
 - resource documents, assessments and analysis used in the preparation of document listed as number six, "Business Impact Assessment prepared for and considered by Cabinet".

Mr Dalla-Riva moved the following amendments —

1. In the motion relating to the Alpine Resort Areas Documents, omit "13 October 2009" and insert "10 November 2009".
2. In the motion relating to the Better Place Documents, omit "13 October 2009" and insert "10 November 2009".
3. In the motion relating to the Carbon Trading Institutions and Institutes Documents, omit "13 October 2009" and insert "10 November 2009".
4. In the motion relating to the Crown Casino Documents, omit "13 October 2009" and insert "10 November 2009".
5. In the motion relating to the Clearways Documents, omit "13 October 2009" and insert "10 November 2009".
6. In the motion relating to the Renewable Energy Feed in Electricity Tariffs Documents, omit "13 October 2009" and insert "10 November 2009".

Debate ensued.

Question — That Amendment No. 1 relating to the Alpine Resort Areas Documents motion be agreed to — put and agreed to.

Question — That this House —

- (1) notes the refusal of the Government to comply fully with the Resolution of the Council of 3 June 2009 to table documents relating to the review of the alpine resort areas under claims of Executive privilege;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
- (3) rejects the Government's claim that the release of the *Mt Baw Baw Alpine Resort Management Board Corporate Plan 2007-2010* would be prejudicial to the public interest;
- (4) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 3 June 2009; and
- (5) demands that the Leader of the Government comply fully with the Resolution of the Council of 3 June 2009 and lodge the *Mt Baw Baw Alpine Resort Management Board Corporate Plan 2007-2010* with the Clerk by 12 noon on Tuesday, 10 November 2009.

— put.

The Council divided — The President in the Chair.

AYES, 21

NOES, 19

Mr Atkinson

Ms Broad

Mr Barber

Ms Darveniza

Mrs Coote

Mr Eideh

Mr Dalla-Riva

Mr Elasmarr

Mr D.M. Davis

Ms Huppert

Mr P.R. Davis

Mr Jennings

Mr Drum

Mr Leane

Mr Finn

Mr Lenders

Mr Guy (*Teller*)

Mr Madden

Mr Hall

Ms Mikakos

Ms Hartland

Mr Pakula

Mr Kavanagh

Ms Pulford (*Teller*)

Mr Koch

Mr Scheffer

Mrs Kronberg

Mr Smith

Ms Lovell

Mr Somyurek (*Teller*)

Mr O'Donohue (*Teller*)

Mr Tee

Ms Pennicuik

Mr Theophanous

Mrs Petrovich

Ms Tierney

Mrs Peulich

Mr Viney

Mr Rich-Phillips

Mr Vogels

Question agreed to.

Question — That Amendment No. 2 relating to the Better Place Documents motion be agreed to — put and agreed to.

Question — That this House —

- (1) notes the failure of the Government to comply with the Resolution of the Council of 6 May 2009 to table documents concerning the company "Better Place";
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
- (3) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 6 May 2009; and

- (4) demands that the Leader of the Government comply fully with the Resolution of the Council of 6 May 2009 and lodge all documents with the Clerk by 12 noon on Tuesday, 10 November 2009.

— put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane
Mr Finn (<i>Teller</i>)	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland	Mr Pakula
Mr Kavanagh	Ms Pulford
Mr Koch	Mr Scheffer (<i>Teller</i>)
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue	Mr Tee
Ms Pennicuik	Mr Theophanous (<i>Teller</i>)
Mrs Petrovich	Ms Tierney
Mrs Peulich (<i>Teller</i>)	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

Question — That Amendment No. 3 relating to the Carbon Trading Institutions and Institutes Documents motion be agreed to — put and agreed to.

Question — That this House —

- (1) notes the failure of the Government to comply with the Resolution of the Council of 29 July 2009 to table documents relating to the examination of carbon trading institutions and carbon trading institutes;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
- (3) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 29 July 2009; and
- (4) demands that the Leader of the Government comply fully with the Resolution of the Council of 29 July 2009 and lodge all documents with the Clerk by 12 noon on Tuesday, 10 November 2009.

— put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh (<i>Teller</i>)
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden

Mr Hall	Ms Mikakos
Ms Hartland	Mr Pakula
Mr Kavanagh	Ms Pulford
Mr Koch	Mr Scheffer
Mrs Kronberg (<i>Teller</i>)	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue	Mr Tee
Ms Pennicuik	Mr Theophanous (<i>Teller</i>)
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips (<i>Teller</i>)	
Mr Vogels	

Question agreed to.

Question — That Amendment No. 4 relating to the Crown Casino Documents motion be agreed to — put and agreed to.

Question — That this House —

- (1) notes the ongoing failure of the Government to fully comply with the Resolution of the Council of 24 June 2009 to table all documents relating to the extension of licence for the number of gaming tables at Crown Casino, including the failure of the Government to even produce a schedule of relevant documents;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
- (3) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 24 June 2009; and
- (4) demands that the Leader of the Government comply fully with the Resolution of the Council of 24 June 2009 and lodge all remaining documents with the Clerk by 12 noon on Tuesday, 10 November 2009.

— put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr (<i>Teller</i>)
Mr D.M. Davis	Ms Huppert (<i>Teller</i>)
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland	Mr Pakula
Mr Kavanagh	Ms Pulford
Mr Koch (<i>Teller</i>)	Mr Scheffer
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue	Mr Tee
Ms Pennicuik	Mr Theophanous
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels (<i>Teller</i>)	

Question agreed to.

Question — That Amendment No. 5 relating to the Clearways Documents motion be agreed to — put and agreed to.

Question — That this House —

- (1) notes the refusal of the Government to comply fully with the Resolution of the Council of 1 April 2009 to table documents relating to the Victorian Government's policy on extending clearway times;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
- (3) rejects the Government's claim that the release of documents listed in the schedule attached to correspondence to the Clerk of the Legislative Council by the Attorney General and numbered 1,2,9,15,16,18,19,20,21 and 26 would "reveal confidential legal advice", or that documents numbered 4, 5, 7, 11, 12, 13, 14, 22, 23, 24, 25, 35, 36, 37, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 54, 58, 61, 62 and 63 would "reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer", or that documents numbered 6, 10 and 60 would "reveal high-level confidential deliberative processed of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer and would reveal confidential legal advice", or that documents numbered 3, 8, 17, 27, 32, 33, 38, 39, and 40 would "reveal high-level confidential deliberative processes of the Executive Government", or that documents numbered 28 and 29 would "prejudice a dispute resolution process" or that documents numbered 30 and 31 would "prejudice public safety and enforcement of laws" or that documents numbered 53, 55, 56, 57 and 59 would "reveal deliberations of cabinet", or that the document numbered 52 would "reveal high level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer and would reveal deliberations of Cabinet";
- (4) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 1 April 2009; and
- (5) demands that the Leader of the Government comply fully with the Resolution of the Council of 1 April 2009 and lodge the following documents as detailed on the schedule attached to the Attorney General's letter with the Clerk by 12 noon on Tuesday, 10 November 2009 —
 - document listed as number 1, "Brief to Minister for Roads and Ports (undated)";
 - document listed as number 2, "Memorandum of advice to VicRoads (undated)";
 - document listed as number 3, "Briefing on Keeping Melbourne Moving (17 April 2009)";
 - document listed as number 4, "Brief to Minister for Roads and Ports (29 August 2008)";
 - document listed as number 5, "Brief to Minister for Roads and Ports (17 June 2008)";
 - document listed as number 6, " Brief to Minister for Roads and Ports (undated)";
 - document listed as number 7, "Brief to Minister for Roads and Ports (12 November 2008)";
 - document listed as number 8, "Report by Meyrick and Associates (2008)";
 - document listed as number 9, "Letter from the Victorian Government Solicitors Office (VGSO) to Department of Infrastructure (27 March 2008)";
 - document listed as number 10, "Brief to Minister for Roads and Ports (31 March 2008)";
 - document listed as number 11, "Email from VicRoads to the Office of the Minister for Roads and Ports (15 April 2008)";
 - document listed as number 12, "Brief to Minister for Roads and Ports (9 May 2008)";

- document listed as number 13, “Ministerial Briefing (23 May 2008)”;
- document listed as number 14, “Brief to Minister for Roads and Ports (21 May 2008)”;
- document listed as number 15, “Memorandum of Advice to Department of Transport (DOT) (4 June 2008)”;
- document listed as number 16, “Brief to Minister for Roads and Ports (5 June 2008)”;
- document listed as number 17, “Email from DOT to Auspoll (22 July 2007)”;
- document listed as number 18, “Brief to Minister for Roads and Ports (12 September 2008)”;
- document listed as number 19, “Memorandum of advice to VicRoads (29 September 2008)”;
- document listed as number 20, “Legal advice from VicRoads (13 October 2008)”;
- document listed as number 21, “Email from VicRoads to the office of the Minister for Roads and Ports (14 October 2008)”;
- document listed as number 22, “Brief to Minister for Roads and Ports (3 October 2008)”;
- document listed as number 23, “Brief to Minister for Roads and Ports (9 November 2008)”;
- document listed as number 24, “Brief to Minister for Roads and Ports (9 December 2008)”;
- document listed as number 25, “Brief to Minister for Roads and Ports (29 February 2009)”;
- document listed as number 26, “Brief to Minister for Roads and Ports (31 December 2008)”;
- document listed as number 27, “Email from VicRoads to DOT (5 January 2009)”;
- document listed as number 28, “Letter from VicRoads to DOT (19 January 2009)”;
- document listed as number 29, “Letter from Moreland City Council to DOT (2 February 2009)”;
- document listed as number 30, “Brief to Minister for Roads and Ports (10 February 2009)”;
- document listed as number 31, “Brief to Minister for Roads and Ports (18 February 2009)”;
- document listed as number 32, “Letter from VicRoads to DOT (5 March 2009)”;
- document listed as number 33, “Internal DOT email with attachment (2 November 2007)”;
- document listed as number 34, “Email from Department of Premier and Cabinet (DPC) to DOT (1 February 2008)”;
- document listed as number 35, “Brief to Minister for Roads and Ports (9 September 2008)”;
- document listed as number 36, “Brief to Minister for Local Government (17 June 2008)”;
- document listed as number 37, “Brief to Minister for Local Government (24 July 2008)”;
- document listed as number 38, “Email from Department of Planning and Community Development (DPCD) to VicRoads (1 September 2008)”;
- document listed as number 39, “Email from VicRoads to DPCD (3 September 2008)”;
- document listed as number 40, “Email from VicRoads to DPCD (4 September 2008)”;

- document listed as number 41, “Internal DPCD email with attachment (5 September 2008)”;
- document listed as number 42, “Email chain from DPCD to VicRoads (25 September 2008)”;
- document listed as number 43, “Brief to Minister for Local Government (1 October 2008)”;
- document listed as number 44, “Brief to Minister for Local Government (22 October 2008)”;
- document listed as number 45, “Internal DPCD email with attachment (5 November 2008)”;
- document listed as number 46, “Brief to Minister for Local Government (28 November 2008)”;
- document listed as number 47, “Ministerial Debrief (5 December 2008)”;
- document listed as number 48, “Brief to Minister for Local Government (21 January 2009)”;
- document listed as number 49, “Brief to Minister for Local Government (17 February 2009)”;
- document listed number 50, “Brief to Minister for Local Government (5 March 2009)”;
- document listed as number 51, “Brief to Minister for Local Government (24 March 2009)”;
- document listed as number 52, “Brief to Premier (19 February 2008)”;
- document listed as number 53, “Brief to Premier (25 January 2008)”;
- document listed as number 54, “Project Review Committee business case (25 January 2008)”;
- document listed as number 55, “Brief to Premier (15 January 2008)”;
- document listed as number 56, “Brief to Premier (11 January 2008)”;
- document listed as number 57, “Brief to Premier (28 December 2007)”;
- document listed as number 58, “Brief to Minister for Roads and Ports (9 November 2007)”;
- document listed as number 59, “Brief to Premier (23 November 2007)”;
- document listed as number 60, “Brief to Premier (13 August 2008)”;
- document listed as number 61, “Email from DOT to DPC (26 May 2008)”;
- document listed as number 62, “Brief to Premier (17 August 2007)”;
- document listed as number 63, “Brief to Premier (30 March 2009)”.

— put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Hartland (*Teller*)
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg

NOES, 19

Ms Broad
 Ms Darveniza (*Teller*)
 Mr Eideh
 Mr Elasmarr
 Ms Huppert
 Mr Jennings
 Mr Leane (*Teller*)
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula
 Ms Pulford
 Mr Scheffer
 Mr Smith

Ms Lovell (*Teller*)
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney

Question agreed to.

Question — That Amendment No. 6 relating to the Renewable Energy Feed in Electricity Tariffs Documents motion be agreed to — put and agreed to.

Question — That this House —

- (1) notes the refusal of the Government to comply fully with the Resolution of the Council of 11 March 2009 to table documents relating to solar or other renewable energy feed in electricity tariffs on the grounds of Executive privilege;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
- (3) rejects the Government's claim that the release of documents listed in the schedule attached to correspondence to the Clerk of the Legislative Council by the Attorney General and numbered 9, 15, 38, 39, 40, 41, 42, 43, 44 and 63 "would reveal high-level confidential deliberative processes of the Executive Government or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and Government officer", or that the release of document 16 "would reveal confidential legal advice and prejudice intergovernmental relations", or that the release of documents 11, 12, 13 and 14 "would reveal the deliberative processes of Cabinet, and high-level confidential deliberative process of the Executive Government or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer", or that the release of document 58 "would reveal information obtained by the Executive Government on the basis that it would be kept confidential", and that these matters provide an adequate excuse for the non-provision of these documents by the Government;
- (4) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 11 March 2009; and
- (5) demands that the Leader of the Government comply fully with the Resolution of the Council of 11 March 2009 and lodge the following documents as detailed on the schedule attached to the Attorney General's letter with the Clerk by 12 noon on Tuesday, 10 November 2009 —
 - document listed as number 9, "Brief to Minister for Energy and Resources (16 April 2008)";
 - document listed as number 11, "Brief to Office of the Minister for Energy and Resources considering Cabinet submission (Doc 5)";
 - document listed as number 12, "Briefing to Minister for Energy and Resources considering Cabinet deliberations (10 October 2008)";
 - document listed as number 13, "Briefing to office of the Minister for Energy and Resources on Cabinet deliberations (15 October 2008)";
 - document listed as number 14, "Briefing to office of the Minister for Energy and Resources on Cabinet deliberations (28 October 2008)";
 - document listed as number 15, "Briefing to office of the Minister for Energy and Resources (18 November 2008)";
 - document listed as number 16, "Brief to Minister for Energy and Resources (21 November 2008)";
 - document listed as number 17, "Briefing to the office of the Minister for Energy and Resources (15 December 2008)";

- document listed as number 38, “Brief to Minister for Energy and Resources (6 June 2007)”;
- document listed as number 39, “Brief to Minister for Environment, Water and Climate Change (6 June 2007)”;
- document listed as number 40, “Brief to Minister for Environment and Climate Change (2 October 2007)”;
- document listed as number 41, “Brief to Minister for Environment and Climate Change (31 January 2008)”;
- document listed as number 42, “Brief to Premier (16 October 2007)”;
- document listed as number 43, “Brief to Premier (9 November 2007)”;
- document listed as number 44, “Brief to Premier (19 December 2007)”;
- document listed as number 58, “Briefing by DIIRD”;
- document listed as number 63, “Brief to Treasurer (6 February 2008)”;
- resource documents, assessments and analysis used in the preparation of document listed as number six, “Business Impact Assessment prepared for and considered by Cabinet”.

— put.

The Council divided — The President in the Chair.

AYES, 21

NOES, 19

Mr Atkinson

Ms Broad

Mr Barber

Ms Darveniza

Mrs Coote (*Teller*)

Mr Eideh

Mr Dalla-Riva

Mr Elasmarr

Mr D.M. Davis

Ms Huppert

Mr P.R. Davis

Mr Jennings

Mr Drum

Mr Leane

Mr Finn

Mr Lenders

Mr Guy

Mr Madden

Mr Hall

Ms Mikakos (*Teller*)

Ms Hartland

Mr Pakula

Mr Kavanagh (*Teller*)

Ms Pulford

Mr Koch

Mr Scheffer

Mrs Kronberg

Mr Smith

Ms Lovell

Mr Somyurek

Mr O’Donohue

Mr Tee (*Teller*)

Ms Pennicuik

Mr Theophanous

Mrs Petrovich

Ms Tierney

Mrs Peulich

Mr Viney

Mr Rich-Phillips

Mr Vogels

Question agreed to.

10 PRODUCTION OF DOCUMENTS — ELECTRIC CAR INDUSTRY AND ‘BETTER PLACE’ —

The Clerk laid on the Table the following documents received in accordance with the resolution of the Council of 6 May 2009 —

- (1) News article, Revved Up Over Electric, by Danielle Perkins (undated);
- (2) News article, Electric Car Debate, by Edwina Scott (undated);
- (3) New Directions statement (undated);
- (4) Grant Agreement prepared by DIIRD to Melbourne City Council regarding “Demonstration and evaluation of a plug-in-electric vehicle” project (undated);
- (5) Demonstration and Evaluation of plug-in electric vehicle (PEV) (undated);
- (6) Email Chain, from DSE re Minister Jennings and Mitsubishi’s iMiEV roadshow (26/03/09);

- (7) Article – Electric Vehicle Initiative, Re Details of large EV Demonstration in Victoria (undated);
- (8) Excel Spread Sheets, re Hyundai Getz and Ford Falcon (undated);
- (9) EV Service Costs Issue, notes, (Infrastructure and Energy, Economic Infrastructure) (undated);
- (10) Presentation – Planning for Electric Vehicles in Australia, by Peter Pudney, University of South Australia (undated);
- (11) Superseded Communication Guide, Victorian Government’s Electric Vehicle Projects (V4) (undated);
- (12) Project Status Report, AVFT IDC Tasks, Responsibilities and Status, Issue 2 (undated);
- (13) IDC Alternate Fuels and Fuel Efficient Technologies Project, Working/Planning Document (undated);
- (14) AVFT Document Reference List (undated);
- (15) AVFT Terms of Reference (undated);
- (16) Communications Guide, Electric Vehicles Communications Guide V7 (undated);
- (17) A Triple Bottom Line Approach to Evaluating Technology/Fuel Types (undated);
- (18) Alternative Fuels – Policy options for discussion; Environmental Impact Table; Discussion Paper – Alternative Fuels Assessment Criteria (undated); 3 undated Documents attached titled:
 - Alternative Fuels – Policy options for discussion;
 - Environmental Impact Table;
 - Discussion Paper – Alternative Fuels Assessment Criteria;
- (19) Hand Written Notes – Standards Australia (undated);
- (20) Better Place submission to Australian Transport Council/Environment Protection and Heritage Council Vehicle Fuel Efficiency working group (undated);
- (21) Better Place Fact Sheet (undated);
- (22) Articles On Shai Agassi and Better Place:
 - Website Extract – Shai Agassi, Founder and CEO of Better Place;
 - Article – Wired Future, Electric Car by Daniel Roth;
 - The Age Article – The Power and the Passion: Nissan is shaping its future around electric cars, by Ian Porter;
- (23) Notes, re Better Place, containing information on Shai Agassi, containing article – Attachment no. 1, Duetsche Bank: Project Better Place has “the potential to eliminate the gasoline engine” (Tuesday 15 April 2008);
- (24) Draft document on structure of AVFT IDC, Inter-Departmental Committee – Fuel Efficient Vehicles (undated);
- (25) Photocopy of business cards of Better Place and Australia-Israel Chamber of Commerce executives (11/07/09);
- (26) Document on Project costs and funding breakdown, Swinburne University Battery Electric Vehicle (BEV) project (undated);
- (27) Ministerial event document – Attendee List, re Better Place Australian Launch (undated);
- (28) DIIRD Correspondence Request Form, requesting Draft Reply (01/12/06); attaching:
 - Letter from Chief of Staff to the Minister for Energy Industries and Resources to Chief of Staff to the Treasurer and Minister for Innovation, re Electric Vehicles (24/11/06);
 - Email from Member of the Public to the Premier of Victoria, re Zero Emissions Vehicles, at 1:56pm (08/11/06);
 - Email from DIIRD to Member of the Public re Zero Emissions – your email to the Premier, at 5:45pm (07/12/06);
- (29) DIIRD Brief, re Availability of Electric Cars In Australia (14/03/07); attaching:

- Email from the public, to the Premier of Victoria, re Worried 18 year old, at 12:01am (20/02/07);
 - Email from Office of the Minister for Industry and State Development to DIIRD re Returned Letter – Availability of Electric Cars in Australia (TT313758), at 12:03pm (26/03/07);
 - Email from DIIRD to member of the public, re reply to your email to the Premier on Electric Cars, at 11:54 pm, Attaching Letter from Minister for Industry and State Development to member of the Public re Availability of Electric Cars in Australia (27/03/07);
- (30) DIIRD Correspondence Request Form, Industry and State Development Portfolio. For reference only, noted by DIIRD staff (26/03/07); attaching:
- Letter from the Office of the Minister for Innovation to Office of the Minister for Industry and State Development, re Electric Car Conversion Kit (22/03/07);
 - Letter from the Office of the Minister for Innovation to TEVcco re Electric Car Conversion Kit (22/03/07);
 - Letter from TEVcco to Minister for Innovation re The car of the future is electric! (05/02/07);
 - Email from DIIRD to TEVcco re Electric Car Conversion Kit, at 3:02pm (04/04/07);
- (31) Hand Written Notes from Meeting between DIIRD and Blade Electric Vehicles, re Blade Electric Vehicles (18/04/07);
- (32) BEV Website Extract, [Http://www.bev.com.au](http://www.bev.com.au) (19/04/07);
- (33) DIIRD Correspondence Request Form, Brief Request (20/06/07); attaching:
- Email Chain, from Parliament of Victoria, re Neighbourhood Electric Vehicles, at 4:25pm (19/06/07);
 - Draft Briefing Paper, The Potential for Neighbourhood Electric Vehicles in Australia, from eco2go to Land Transport Environment Committee (05/2007);
- (34) DIIRD Brief to Parliamentary Secretary – Industry and Innovation, re “Neighbourhood Electric Vehicles” (02/07/07);
- (35) News article, An Electric Future?, Mount Alexander Mail (06/07/07);
- (36) DIIRD Internal Email Chain, re Electric Car Demonstration – come and kick the tyres, at 2:00pm (17/08/07);
- (37) Blade Electric Vehicles Website Excerpt, from www.bev.com.au, re “Specs, Price and Finance” (20/08/07);
- (38) Letter from City of Greater Bendigo to Central Victorian Greenhouse Alliance, re Support for quick charge infrastructure, (29/08/07);
- (39) Internal Email – Regional Development Victoria, re Funding Electric Vehicles and green Public Charging Infrastructure, at 9:10am (05/09/07);
- (40) Letter from University of Ballarat to Blade Electric Vehicles, re Letter of Support – Electric Vehicle and Battery Research, (11/09/07);
- (41) Letter from Aerovironment to Blade Electric Vehicles, re Estimated cost for 16 High Voltage Electric Vehicle Chargers (12/09/07);
- (42) Letter from City of Ballarat to Regional Development Victoria (13/09/07);
- (43) Letter from Mount Alexander Shire Council to Regional Development Victoria, re in-principal support for the Green Recharge Infrastructure Project (GRIP) (13/09/07);
- (44) DIIRD Correspondence Request Form, Minister for Industry and Trade (18/10/07); attaching:
- Email Chain from Parliament of Victoria to Office of Minister Theophanous, re [name redacted], at 5:26pm (21/09/07);
 - Letter from Minister For Industry and Trade, re Electric Powered Cars;
- (45) Email from Sustainability Victoria to Regional Development Victoria (13/11/07);
- (46) Internal Email with annotations – Regional Development Victoria, re GRIP application, at 2:36pm (14/11/07);

- (47) Internal Email – Regional Development Victoria, re GRIP application, at 2:36pm (14/11/07);
- (48) Online printout – UK Department of Transport, Low Carbon Vehicle Procurement Program: Initial Programme Plans (20/11/07);
- (49) Internal DIIRD Email Chain, re Comment – Subaru R1e and [name redacted] Presentation, at 3:41pm (11/12/07);
- (50) DIIRD Internal Email, re Interesting Presentation, at 1:15pm (11/12/07);
- (51) Email chain between Blade Electric Vehicles to DIIRD, re BEV roles out new AC Drive Electric Getz, 12:20pm, (12/02/08);
- (52) Email from to Minister Jennings Office, re Project Better Place visit to Melbourne – 13 & 14 March 2008, at 1:11pm (22/02/08);
- (53) DIIRD Internal Email Chain, re Ross Blade Electric Car Worley Parsons Enquiry – Peter Meurs MD, at 1:59pm, (13/05/08);
- (54) Internal DIIRD Email, re Electric Citroen Berlingo Conversions, at 4:00pm (26/05/08);
- (55) Email chain, re My Changes to your “Energy Efficiency” Ministerial Brief for Minister Theophanous, at 5:34pm (03/06/08);
- (56) Articles re Blade Electric Vehicles:
 - Council’s Latest Power Play (04/06/08);
 - Global Cooling (05/06/08);
 - Petrol Pinch Fuelling Hunt for Alternatives (01/06/08);
- (57) Presentation, SAE J1172 Task Force Update (04/06/08);
- (58) CERES Website Excerpt –CERES Transport Working Group – Electric Vehicle Project (24/06/08);
- (59) DIIRD Brief to Minister for Industry and Trade re Regional Australia (Vic) produces our first commercial Electric Car (04/06/08); attaching:
 - Letter from Minister for Industry and Trade to Andrew Watkins, re Victorian Automotive Industry and Electric Vehicles;
 - DIIRD Correspondence Request Form, to Minister for Industry and Trade (08/04/08);
 - Letter from Office of the Premier of Victoria to Office of the Minister for Industry and Trade, re Referral: Victorian Automotive Industry and Electric Vehicles (01/04/09);
 - Email from Entwined Design to Premier of Victoria, re Regional Australia (Victoria) produces our first commercial electric car, at 11:24am (22/02/09);
- (60) Email chain, from DIIRD, re Project Better Place – electric car – visit to Melbourne – 3 to 4pm Friday on 11 July (09/07/08);
- (61) Email chain DOT internal, “Fw: Project Better Place” at 4:32pm (10/7/08);
- (62) Email chain DOT internal, “Fw: Project Better Place” at 5:17pm (10/7/08);
- (63) Email chain DOT internal, “RE: Fw: Project Better Place” at 5:24pm (10/7/08);
- (64) Internal DIIRD Email and meeting details, re meeting with Better Place on Fri 11 Jul 08, at 1:40pm (10/07/08);
- (65) Notes by policy officer from PBP presentation (11/07/08);
- (66) Email from PPO to DPC, at 5:54pm (11/07/08);
- (67) Email from Premier’s PA to Minister Jennings’ Adviser, at 11:16am (11/07/08);
- (68) Meeting Invitation, re Project Better Place – electric car Marshall Towe, on Friday 11 July 08 (11/07/08);
- (69) Email Chain, from DIIRD, re Australian Electric Cars, at 10:59am (11/07/08);
- (70) Email from PBP to DPC and PPO, at 2:46pm (13/07/08);
- (71) Email chain DOT internal and DSE, “Project Better Place: presentation” at 9:52am (14/07/08);
- (72) Email Chain, re Israel Electric car project – last week’s presentation, at 11:05am (14/07/08);
- (73) Email from DOT policy officer to DPC officers, at 4:22pm (15/07/08);

- (74) Email chain DOT internal, "Fw: Project Better Place" at 3:40pm (16/7/08);
- (75) Email chain between DPC and DIIRD, from DIIRD to DPC, re Australian electric cars, at 11:44am (16/07/08);
- (76) Letter from Premier of Victoria to PBP, re Victorian Government Support for Project Better Place (D08/100440) (17/07/08);
- (77) BEV Meeting Notes (31/07/08);
- (78) Email chain DOT internal, "Fw: Project Better Place" at 3:57pm (1/8/08);
- (79) Letter from Premier of Victoria (with annotations) to Minister for Industry and Trade (01/08/08);
- (80) Correspondence request form (05/08/08); attached: Letter from Premier to Theo Theophanous MP re Project Better Place;
- (81) Email Chain from Office of the Minister for Industry and Trade to DIIRD re Reallocation of letter (07/08/08);
- (82) Emails:
 - Internal DIIRD Email, re Premier's Request – Renault/Nissan plug in Electric Car project, at 9:55am (08/08/08);
 - Email Chain, from the Office of Minister Theophanous to DIIRD, re Re TT319347 (Project Better Place), at 11:48am (06/08/08);
- (83) Internal DIIRD email, re Electric Car Project, at 11:11am (08/08/08);
- (84) Internal DIIRD Email chain, re Premier's Letter on Project better Place and Renault / Nissan plug in electric cars, at 10:14 (08/08/08);
- (85) Internal DIIRD Email chain, re Invitees to "Project Better Place" meeting on 11 July, at 10:14am (11/08/08);
- (86) Email from DIIRD to DPC, re Project Better Place, at 10:23am (11/08/08);
- (87) Internal DIIRD Email, re New Project, at 11:36am (12/08/08);
- (88) Internal DIIRD email, re Agenda Project Better Place, at 12:52pm (12/08/08); attaching agenda for Meeting to be held on Wednesday 13 August 2008 at 4:00pm distributing PBP agenda;
- (89) Wikipedia extract on Better Place (12/08/08);
- (90) Extracts from Better place websites (12/08/08);
- (91) Wikipedia extract on Better Place CEO, Shai Agassi (12/08/08);
- (92) Agenda for Project Better Place Meeting on 13 August 2008 (13/08/08);
- (93) Hand Written Notes taken at DIIRD meeting, re PBP and JDC (13/08/08);
- (94) Email chain between DOT, DSE, DIIRD, from DIIRD, re: "Comments re Project Better Place/ AVFT IDC", at 11:46am (13/08/08);
- (95) Internal DIIRD Email, re Project Better Place – notes of meeting with PBP executives, at 10:29am (14/08/08);
- (96) Internal DIIRD Email, re Project Better Place background info and EV info, at 12:12am, attaching Better Place and EV information summaries, (14/08/08);
- (97) Internal DIIRD Email, re News Story – Aust sales of Mitsubishi electric car closer, at 2:32pm (14/08/08);
- (98) Meeting Invitation to discuss electric vehicles and IDC (14/08/08);
- (99) Ministerial Support System Comment (MSS), reference (15/08/08);
- (100) Internal DIIRD Email, re News Story – Plugging in (London EVs), at 3:12pm (18/08/08);
- (101) DIIRD Brief to Minister for Industry and Trade re Project Better Place, signed by Minister for Innovation on 10/09/08 (20/08/08); attaching – Draft Unsigned Letter from Minister for Industry and Trade, re Project Better Place;
- (102) Internal DIIRD Email chain, re Better Place, at 8:50am (21/08/08);
- (103) Internal DIIRD Email Chain, "Re: Comments re further contact with PBP", at 12:11pm (22/08/08);
- (104) Internal DIIRD email chain, "Re: Better Place", at 8:57am (22/08/08);

- (105) Internal DIIRD email chain, "Re: Better Place", at 8:43am (22/08/08);
- (106) Email from Better Place representative to DIIRD proposing meeting, at 10:15pm (29/08/08);
- (107) DIIRD Brief to Minister for Innovation re recommendation that the Minister note the attached brief on the Department's involvement with electric cars, with annotation (27/08/08);
- (108) Letter from Nissan, re Rayna Handelman (01/09/08);
- (109) Email chain - DIIRD Internal, regarding Victoria- Project Better Place: Investment Assistance, at 11:38am (02/09/08);
- (110) Email chain between Project Better Place and DIIRD, "Re: Victoria – project Better Place: Investment Assistance", at 12:08pm (02/09/08);
- (111) Internal DIIRD Email, re Project Better Place Brief has been signed of by Minister Theophanous please see signed brief below, at 1:57pm (04/09/08); attaching:
- DIIRD Brief to Minister for Industry and Trade re Project Better Place, signed by Minister Theophanous on 02/09/08 (20/08/08);
 - Letter from Minister for Industry and Trade to Premier of Victoria, re Project Better Place;
- (112) Meeting Notes, Key Issues – Better Place Meeting on Thursday 4th September 2008 (04/09/08);
- (113) Hand Written Notes from briefing by Better Place (04/09/08);
- (114) Internal DIIRD email, re "Better Place" meeting plan, at 3:18pm (04/09/08);
- (115) Internal DIIRD Email, re Notes on Project Better Place, at 4:17pm, attaching 4 September Project Briefing notes (05/09/08);
- (116) Email from Better Place representative to DIIRD, at 11:55am (07/09/08);
- (117) Email chain from Better Place re Follow up, at 1:00pm (09/09/08); attaching Better Place Package (01/04/08);
- (118) Electric Vehicles Summary Paper (V5), for AVFT working group, (08/09/08);
- (119) Hand Written Notes from DIIRD phone call, re Project Better Place (09/09/08);
- (120) Internal DIIRD email chain, re meeting with Better Place, at 9:07am (10/09/08);
- (121) Internal DIIRD (11/09/08); attaching: Draft Minutes of 4 September Project Briefing, between representative of Better Place and DIIRD (04/09/08);
- (122) DIIRD Brief to Minister for Innovation re recommendation that the Minister note the attached brief on the Department's involvement with electric cars (11/09/08);
- (123) Email chain between DIIRD and DPC, re meeting with Project Better Place, at 10:53am (12/09/08);
- (124) Internal DIIRD Email, re Project Better Place (15/09/08); attaching Draft notes of 4 September 4:00pm Project Briefing;
- (125) Minutes for 17 September 2008 Meeting of Informal Interdepartmental Committee on EV;
- (126) EV Technology Working Group, Suggested Projects (23/09/08);
- (127) Website Extract, Alternate Vehicle Fuel Technolog, from http://wiki.intranet.vic.gov.au/index.php/Alternate_Vehicle_Fuel_Technology, (last modified 31/08/09);
- (128) Email between DSE and DPC (29/09/08);
- (129) Ministerial Support System, Brief request document re "Assessment of a program for retrofitting and servicing of electric vehicles" (01/10/08);
- (130) Email from DSE to DPC D08/350933) (03/10/08);
- (131) Internal DIIRD email, re "Funding request for Swinburne and CERES (for Battery Electric Vehicle course", at 4:28pm (03/10/08);
- (132) Email from DIIRD to DSE, re "Battery Electric Vehicle issues and Minister for Innovation", at 2:40pm (03/10/08);
- (133) Email Chain, from DOT to DIIRD, re "Battery Electric Vehicle issues and Minister for Innovation", at 5:07 (07/10/08);

- (134) Email Chain, from DSE to DIIRD, re "Comments re Battery electric vehicle issues and Minister for Innovation", at 3:33pm, (07/10/08);
- (135) Email Chain, from DSE to DIIRD, re "Comments re Battery electric vehicle issues and Minister for Innovation", at 3:10pm (07/10/08);
- (136) Internal DIIRD email, re "Funding request for Swinburne and CERES (for Battery Electric Vehicle course", at 2:39pm (07/10/08);
- (137) Email Chain, from DSE to DIIRD, re "re Battery electric vehicle issues and Minister for Innovation", at 9:58am (07/10/08);
- (138) Internal DIIRD email chain, re "Re: Electric Vehicle Project Funding - retrofitting and servicing", at 12:21pm (08/10/08);
- (139) Email Chain from AutoCRC to DIIRD, re Briefing on CSIRO on Electric Drive Design and facility tour 10 October, at 5:04pm (08/10/08);
- (140) Email from Sustainability Victoria to DIIRD re "Proposed Battery electric vehicle course - Swinburne and CERES", at 11:20am (09/10/08);
- (141) Internal DIIRD email, re "Proposed Battery electric vehicle course - Swinburne and CERES", at 10:05am (09/10/08);
- (142) DIIRD Request to prepare brief for Minister of Innovation, regarding Swinburne University project and advice on availability of funds within DIIRD (09/10/08);
- (143) Email chain from Office of Theo Theophanous to DIIRD, re Briefing Request form Premier's Office on Better Place Event – 23 October 2008, at 10:48am (10/10/08);
- (144) Internal DIIRD email, re "Funding request from Swinburne and CERES (for Battery Electric Vehicle course)", at 3:19pm (10/10/08);
- (145) Article from www.bendigoadvertiser.com.au, Electric Car Man gets Powered Up, at 9:48am (10/10/08);
- (146) Email chain from DSE to a variety of Departments and external party, re Better Place Information, at 1:36pm (14/10/08);
- (147) Email Chain between DIIRD and Swinburne University, regarding "Progress on Electric Vehicle Course, 3:18pm, (17/10/08);
- (148) Document on Swinburne University Course document, Retrofitting and Servicing of Electric Vehicles, Draft Course Components, with annotations (17/10/08);
- (149) Email from DIIRD to DPC, re Project Better Place, at 5:51pm (20/10/08);
- (150) Internal DIIRD email chain, re Project Better Place (BPB), at 5:57pm (20/10/08);
- (151) Email chain between DPC and DIIRD, re Project Better Place (BPB), at 6:12pm (20/10/08);
- (152) Notes from meeting between Better Place and DIIRD (20/10/08);
- (153) Notes from meeting with Project Better Place at DIIRD (20/10/08);
- (154) Email from Swinburne University to DIIRD, re Info plus questions re retrofitting and servicing of Electric vehicles, at 5:32pm (21/10/08);
- (155) October 2008 Revised Budget for DIIRD/ Skills Victoria (21/10/08);
- (156) DSE Departmental brief to Minister Jennings (22/10/08);
- (157) DIIRD Email Chain, re Project Better Place, at 8:35am (22/10/08);
- (158) News Article re The Next 'Better Place' is Australia, by John Markoff, at 8:10pm, on Bits Blog NYTimes.com (22/10/08);
- (159) Order of Proceedings, Minister for Environment and Climate Change, re Better Place Australian Launch (23/10/08);
- (160) Event Summary, Minister for Environment and Climate Change, re Better Place Australian Launch (23/10/08);
- (161) Draft Speech Notes for Minister for Environment and Climate Change, Better Place Signing of MOU to Begin Development of Electric Vehicle Network for Australia (23/10/08);
- (162) Draft Speech notes for Minister for Environment and Climate Change, regarding signing of MOU between Better Place, Macquarie Bank and AGL to begin development of electric vehicle network for Australia (23/10/08);

- (163) Internal DIIRD Email, re Project Better Place, at 1:29pm (23/10/08);
- (164) Internal DIIRD Email from, re Better Place, at 2:27pm (23/10/08); attaching Media Release, Government to Expand Focus on Fuel Efficient Vehicles (23 October 2008);
- (165) Internal DIIRD email chain, re Better Place, at 2:43pm (23/10/08);
- (166) Hand written notes – City of Melbourne Meeting Minutes (23/10/08);
- (167) Hand Written Notes taken at an announcement by Vic Gov regarding setting up of working group and signing of Better Place MOU (23/10/08);
- (168) Media Release, Better Place Partners with AGL and Macquarie to build EV Infrastructure in Australia (23/10/08);
- (169) Media release, from Minister for Environment, Climate Change and Innovation, Government To Expand Focus On Fuel Efficient Vehicles, (23/10/08);
- (170) Email from DIIRD to DIIRD, DOT and DPI, Re news Item: Low Speed Electric Vehicles in Canada, at 3:54pm (24/10/08);
- (171) Email chain, from DIIRD (Robyn White) to DSE, re "Funding for Swinburne TAFE training course for retrofitting of cars to BEVs and their servicing", 1:14pm (24/10/08);
- (172) Internal DIIRD email, re "Funding for Swinburne TAFE training course for retrofitting of cars to BEVs and their servicing", at 1:04pm (24/10/08);
- (173) DIIRD Internal Email, re Better Place on ABC PM, at 4:02pm (27/10/08); attaching ABC Online News article, PM – Australia next in line for US electric Car Company, 6:42pm (24 October 2008);
- (174) Meeting notice for AVFT IDC and Terms of Reference (06/11/08);
- (175) Minutes of AVFT IDC – Meeting No. 1 (6 November 2009);
- (176) Report, Current and potential fuels for transport in Victoria, prepared by DPI for DOT (October 2008);
- (177) Draft Report, A desktop review of vehicle technologies, Potential for Victoria 2050 (06/11/08);
- (178) Agenda – Alternate Vehicle Fuel Technologies IDC, Meeting No. 1 (6 November 2008);
- (179) DIIRD Brief to Minister for Innovation re Assessment of a Program for Retrofitting and Servicing of Electric Vehicles, signed by Minister on 14/11/08 (10/11/08); attaching:
- October 2008 Revised Budget for DIIRD/Skills Victoria;
 - Retrofitting and servicing of Electric Vehicles – Draft Course Components;
 - Key points related to the assessment of the concept;
 - Key points related to the viability of the concept;
- (180) Brief to Minister for Innovation re Assessment of a Program for Retrofitting and Servicing of Electric Vehicles, signed by DIIRD staff on 09/12/08 (14/11/08);
- (181) Email chain DIIRD to DOT, DPI, and DIIRD, "AVFT IDC – Comments on DoT Vic' vehicle fleet electrification ppt" at 5:36pm (12/11/08);
- (182) Email chain, from DOT to DIIRD, re ph message, at 3:15pm (12/11/08);
- (183) Email chain between Dept of Trade and Economic Development (South Australia) and DIIRD, re Better Place, at 9:00am (12/11/08);
- (184) DIIRD Internal email, re Better Place and the AutoCRC's Electric Vehicle Project, at 11:08am (12/11/08);
- (185) Hand written notes re Electricity Need (12/11/08);
- (186) Email chain between Dept of Trade and Economic development (South Australia) and DIIRD, re Better Place and the AutoCRC's Electric Vehicle Project, at 10:28am (12/11/08);
- (187) Email chain from DIIRD to Dept of Trade and Economic development (South Australia), re Better Place and the AutoCRC's Electric Vehicle Project, at 10:13am (12/11/08);
- (188) Hand written Notes from presentation by Better Place to the AutoCRC Electric Vehicle Project Reference Group (14/11/08);

- (189) Paper from Hunwick Consultants presented to ATSE Symposium, Alternative Transport fuels for Australia, Melbourne (17/11/08);
- (190) Presentation from Hunwick Consultants to ATSE 2008 Symposium Alternative transport fuels for Australia Melbourne (17/11/08);
- (191) Email chain between BMW Asia and DIIRD, re Electric Car/ Motor Component Suppliers in Australia, at 12:35pm (21/11/08);
- (192) Media Article – “Government to expand focus on fuel efficient vehicles” (23/11/08);
- (193) Email chain between Better Place and DIIRD, from Better Place to DIIRD, “Re: Better Place Australia and Government Media release”, at 3:31pm (24/11/08);
- (194) Email chain between Better Place and DIIRD, Re: IDC Working Group and Better Place’s enthusiasm to meet the working group, at 8:36am (25/11/08);
- (195) Email from DIIRD, re "Retrofitting Vehicles - Discussion with Dr Sue Lewis of Swinburne", at 3:33pm (25/11/08);
- (196) Application for financial assistance, from Swinburne University re training course for the conversion of conventional vehicles to battery Electric Vehicles (BEVs) in 2009 (25/11/08);
- (197) Internal DIIRD email, re "Retrofitting electric cars (Swinburne) - urgency for resolution of \$\$\$", at 8:49am (27/11/08);
- (198) Email chain between Better Place and DIIRD, from DIIRD to Better Place, re “Better Place and our AVFT working group”, at 9:41am (02/12/08);
- (199) Internal DIIRD email, re "Thanks plus a comment Re "Retrofitting" project - funding for Swinburne (02/12/08);
- (200) Email chain DOT internal, “RE: Q&A for checking” at 1:25pm (3/12/08);
- (201) Investment logic map for AVFT IDC [19] (04/12/08);
- (202) Internal DIIRD email, re Times article of 4 December 2008, Electric Cars put Hawaii on the road to independence (04/12/08);
- (203) Agenda – Alternate Vehicle Fuel Technologies IDC, Meeting No. 2 (4 December 2008);
- (204) Email from Better Place to DIIRD, re Better Place and our AFVT Working Group, at 3:52pm (04/12/08);
- (205) Email chain, re "Comment - next steps re retrofitting project - Swinburne", at 12:39pm (04/12/08);
- (206) File Note, re Discussion with Skills Victoria - "Battery Electric Vehicle Course" (04/12/08);
- (207) Email from DIIRD re Funding now 100% re “retrofitting” project funding, at 11:05am (04/12/08);
- (208) Internal DIIRD email chain, re Retrofitting project – Swinburne, at 11:02am (04/12/08);
- (209) Internal DIIRD email, re "Funding now 100% Re: "Retrofitting" project funding", at 12:42pm (04/12/08);
- (210) Draft Structure of Brief – Project involving Swinburne TAFE and CERES (Centre for Education and Research in Environmental Strategies), (08/12/08);
- (211) Internal DIIRD Email re the Draft, at 3:07pm (09/12/08); attaching: Annotated Draft Projected Timeline and Budget for 2009, DIIRD/ Skills Victoria/ Swinburne University – Electric Car Retrofitting and Servicing Course;
- (212) Email from Swinburne University to DIIRD re "the details re the letter of offer", at 2:22pm (11/12/08);
- (213) Letter from Blade Electric Vehicles to City of Melbourne, re quote for supply (15/12/08);
- (214) Email from DIIRD to DPI, re GM Europe and Iberola EV Recharge Network, at 10:28am (15/12/08);
- (215) Draft Retrofitting Project Funding Note, for brief to Minister of Minister for Innovation regarding Swinburne “Retrofitting” Project, Project to Develop two training courses for

- retrofitting conventional vehicles to electric drive, and for servicing these battery electric vehicles (BEVs) (15/12/08);
- (216) Email chain from DIIRD to DOT, "Better Place Developments + Ch3 NZ 60 Minutes article" at 1:53pm (17/12/08);
- (217) Draft notes for brief to Minister for Innovation, Version #2 – revised 17th December, regarding Project to Develop two training courses for retrofitting conventional vehicles to electric drive, and for servicing these battery electric vehicles (BEVs) (17/12/08);
- (218) Internal DIIRD email, re "Grant contract requested for Swinburne Project", at 4:12pm (17/12/08);
- (219) Internal DIIRD email, re "Grant contract requested for Swinburne Project", at 4:08pm (17/12/08); attaching DIIRD/ Skills Victoria/ Swinburne University – Electric Car Retrofitting and Servicing Course, Projected Timeline and Budget for 2009;
- (220) DIIRD Memo re Application from Swinburne for grants totalling \$138,300 for a Battery Electric Vehicle project, (17/12/08);
- (221) Internal DIIRD email chain, Re Status of Departmental brief - DIIRD funding for Swinburne Battery Electric Vehicle (BEV) project" (18/12/08);
- (222) Email chain DIIRD to DOT and Energetique, "RE: Charger plug/socket standards" at 3:02pm (19/12/08);
- (223) Draft notes for brief to Minister for Innovation regarding Project to Develop two training courses for retrofitting conventional vehicles to electric drive, and for servicing these battery electric vehicles (BEVs) (22/12/08);
- (224) Meeting notes from DIIRD meeting with Better Place (23/12/08);
- (225) Email from DIIRD to DOT and Better Place, "Interval Meters, making Victoria ready for EVs" at 1:18pm (24/12/08);
- (226) Email chain from DIIRD to DSE, DIIRD and DOT, "Nissan and Better Place" at 9:20am (26/12/08);
- (227) Email from DIIRD to DSE, DIIRD and DOT, "Nissan and Better Place" at 11:02am (29/12/08);
- (228) Internal DIIRD email, re "713 Swinburne University BEV, at 12:36pm (31/12/08);
- (229) Email from DSE to DIIRD, re MCC Camry-EV – DSE Support, at 10:11am (31/12/08);
- (230) Internal DIIRD email from, re "713 Swinburne University BEV", at 12:29pm (02/01/09); attaching Draft Agreement between DIIRD and Swinburne University;
- (231) Herald Sun Article, "Snub MP quits the House" (04/01/09);
- (232) DIIRD News Alert printout (06/01/09);
- (233) The Australian Article, "Thornley to access Rudd auto cash in new job" (07/01/09);
- (234) Email Chain, from DSE to DIIRD, re City of Melb Plug-in Electric Camry, at 11:30am (08/01/09);
- (235) The Australian Article, "Car firm sought incentives" (08/01/09);
- (236) Letter from DPC Chief of Staff to member of the public (12/01/09);
- (237) Proposal document from University of Ballarat (14/01/09);
- (238) Cover note on PBP meetings (21/01/09);
- (239) Draft Policy document from DIIRD (21/01/09);
- (240) Draft Policy document from DOT (21/01/09);
- (241) Email from DIIRD to DSE, DTF and DOT, "AIE – Electric Vehicle Show and Tell – 25 February" at 10:40pm (21/1/09);
- (242) DIIRD Brief to Minister for Innovation, re DIIRD Funding for Swinburne Battery Electric Vehicle (BEV) Project (23/01/09);
- (243) Letter from Minister of Innovation to Swinburne re State Government funding to Swinburne (02/02/09);
- (244) Email chain from DSE to DIIRD, re City of Melb Plug-in Electric Camry, at 10:23 (23/01/09);
- (245) Article, Inst for Sustainable Systems & Technologies, Electric Vehicles: the Solution to emissions from Transport (30/01/09);

- (246) Newsletter - EDF electric Transportation, The Network's Electronic Newsletter, No. 123, Standardization – An Imperative for the Electric and Hybrid Rechargeable Vehicle Market (00/02/09);
- (247) Ministerial Brief, Subject: Alternative Fuel and Vehicle Technology Interdepartmental Committee (04/02/09); attaching:
- Letter from Premier of Victoria to Minister for Industry and Trade, re Project Better Place;
 - Letter from Minister for Industry and Trade to Premier of Victoria, re Project Better Place;
- (248) Agenda – Alternate Vehicle Fuel Technologies IDC, Meeting No. 3 (5 February 2009);
- (249) Minutes – Alternate Vehicle Fuel Technologies IDC, Meeting No. 3 (5 February 2009);
- (250) Final Report from AutoCRC, Project Code: C2-16 M002 (06/02/09);
- (251) Email Chain between DIIRD and City of Melbourne, re CoM Camry EV – quotes, at 5:05pm, Attaching Blade Electric Vehicles, Quotation – All electric Toyota Camry (06/02/09);
- (252) Hand Written Notes – City of Melbourne Electric Vehicle (06/02/09);
- (253) Email Chain re CoM Camry EV Testing quote – includes attachment, at 10:00am, Attaching Proposal for the Monitoring of an Electric Toyota Camry Vehicle for the CoM (09/02/09);
- (254) Article on Hybrid and Electric Vehicle Progress (15/02/09);
- (255) Email from Swinburne University to DIIRD re Funding Support for Battery Electric vehicle (16/02/09); attaching letter of acceptance of grant and agreement to proposed conditions, from Swinburne University to DIIRD (16 February 2009);
- (256) Fax Coversheet from Swinburne University (Ronald Barrow) to DIIRD (John Modra) re Letter of Acceptance fro Swinburne Tafe, Battery Electric vehicle (16/02/09); attaching Letter of acceptance of grant and agreement to proposed conditions, from Swinburne University to DIIRD (16 February 2009);
- (257) Hand Written Notes – AFVT IDC Meeting (20/02/09);
- (258) Hand Written Notes – Electric Vehicle Trial (20/02/09);
- (259) Hand Written Notes – Electric Vehicle trial (20/02/09);
- (260) Email chain from DIIRD to DOT and DIIRD, “Re: Smith Electric Vehicles UK” at 4:23am (25/2/09);
- (261) Email chain DIIRD to DOT and DIIRD, re “[name redacted] is the “Guru” on ADRs BUT.....re Smith Electric Vehicles” at 10:28am (25/2/09);
- (262) Final Report “Vehicle Fuel Efficiency Working Group” by Australian Transport Council and the Environment Protection and heritage Council (March 2009);
- (263) Email from DIIRD to DOT, DSE and DPI, re Battery Cost Curve, at 4:39pm (02/03/09);
- (264) Email from DIIRD to Standards Australia, re National Standard for Electric Vehicles, at 4:55pm (04/03/09);
- (265) Agenda – Alternate Vehicle Fuel Technologies IDC, Meeting No. 4 (5 March 2009);
- (266) Minutes – Alternate Vehicle Fuel Technologies IDC, Meeting No. 4 (5 March 2009);
- (267) Hand Written Notes – AFVT IDC Meeting (05/03/09);
- (268) Email Chain, re Nissan and Standards, at 10:44pm (10/03/09);
- (269) Correspondence Request Form - Brief request to the Minister for Industry and Trade re recommendation on whether Minister Pakula should meet with Ross Blade of Blade Electric Vehicles (BEV) (11/03/09);
- (270) Email Chain between Government Relations Australia and Office of Minister for Environment & Climate Change, re Invitation to attend Mitsubishi's Melbourne Electric Vehicle Road Show, at 8:28am (13/03/09); attaching Letter from Mitsubishi Motors Australia Ltd (Robert McEniry to Minister for Environment and Climate Change; Innovation, re roadshow of their fully electric car (iMiEV);
- (271) Hand Written Notes – Standards Australia, (16/03/09);

- (272) Article from www.autoblog.com, Hyundai to Deliver First Electric Car In New Zealand, by Sam Abuelsamid on Sept 26th 2008, at 3:30pm (17/03/09);
- (273) Draft Letter from DPC (Chief of Staff) to member of the public (18/03/09);
- (274) Email from Better Place to DIIRD, re Better Place Australia, at 4:56pm, (19/03/09);
- (275) Email from City of Melbourne – Emails to DIIRD, re DIIRD Grant agreement – Electric Conversion of Toyota Camry (19-03-09), at 4:46pm, (19/03/09); attaching Terms and Conditions of Grant (signed 19 March 2009);
- (276) Media release from U.S. Dept of Energy – Energy Efficiency and Renewable Energy, ERRE News, President Obama announces \$2.4 Billion for Electric Vehicles, (19/03/09);
- (277) Email chain from DIIRD to DOI (Fiona Calvert), EV Demonstration – Japanese involvement, at 1:14pm (23/03/09);
- (278) Research Paper – Research of the Current Status of the Electric Vehicle Industry in Japan;
- (279) Email chain, re CAF Item – EV Infrastructure and regulatory Requirements, at 2:35pm (24/03/09);
- (280) Email from Standards Australia to DIIRD, re Follow from Conference call today – Discussion on Standards Development for Electric Vehicles, at 4:44pm (16/03/09);
- (281) Email from FCAI to DIIRD, re Electric Vehicle activities, at 4:07pm (09/4/09);
- (282) Brief to Minister for Industry and Trade, providing advice about meeting with Blade Electric Vehicles (BEV) Pty Ltd (24/03/09);
- (283) Email from City of Melbourne to DIIRD re Electric Toyota Camry – Progress Report, at 1:50pm (25/03/09);
- (284) Email chain from DIIRD to DSE re Minister Jennings and Mitsubishi's iMiEV roadshow, at 2:11pm (26/03/09);
- (285) Email Chain between DIIRD and DSE, re Issue of Invoice to another Department, at 10:48am (30/03/09);
- (286) Internal DIIRD Email, re EV Paper from Tokyo VGBO, at 10:15am (31/03/09);
- (287) Email Chain, from DSE to DIIRD re Mitsubishi Melbourne roadshow – VIP event, at 6:56pm (31/03/09);
- (288) Email chain DPI to DIIRD, DTF, DPI and DOT, "Re: News story – Austrian EV program" at 10:30am (2/4/09);
- (289) Email chain DIIRD to DTF, DPI, DSE and DOT, "Re: News story – Austrian EV program" at 9:54am (2/4/09);
- (290) Agenda – Alternate Vehicle Fuel Technologies IDC, Meeting No. 5 (2 April 2009);
- (291) Minutes – Alternate Vehicle Fuel Technologies IDC, Meeting No. 5 (2 April 2009);
- (292) Email Chain, re Electric Vehicles Charging Standards, at 11:17am (02/04/09);
- (293) Email from DIIRD to DSE re CAF Item – EV infrastr and regulatory req'ments, at 5:10pm (25/03/09);
- (294) Email from DIIRD to Standards Australia, re National Standards for Electric Vehicles, at 5:09pm (12/03/09);
- (295) Hand Written Meeting Notes, re NISSAN (02/04/09);
- (296) Hand Written Notes – AFVT IDC (Working Group) Meeting No. 5 (02/04/09);
- (297) Joint Progress Report – DIIRD & City of Melbourne (CoM) (week ending 3/04/09);
- (298) Email from City of Melbourne – Emails to DIIRD, re Confidential Progress Report – Electric Vehicle Conversion (03/04/09); attaching Progress Report No. 2 (week ending 10/04/09);
- (299) Hand Written Notes – re Better Place (03/04/09);
- (300) Hand Written Notes – Better Place (03/04/09);
- (301) Email from Better Place to DIIRD, re Israel Electric Corp – EV grid impact study (confidential), at 2:17pm (06/04/09);
- (302) Email Chain, from DPI to DIIRD, re Israel Electric Corp – EV Grid Impact Study (confidential), at 9:05am (07/04/09);

- (303) Email from DIIRD to Chargepoint, re Chargepoint Australia, at 5:08pm (08/04/09); attaching Coulomb Technologies, The ChargePoint Network;
- (304) Email chain, from DOT to DIIRD re \$5m trial, at 9:02am (09/04/09);
- (305) Email chain from DIIRD to Federal Chamber of Automotive Industries (FCAI) re Electric Vehicle Activities, 3:57pm (09/04/09);
- (306) Internal DIIRD email re Electric Vehicles Paper V8, at 4:28pm (17/04/09); attaching A Summary of current and global R&D, government activity, manufacturing and marketing plans and activities relating to HEV, PHEV, EV;
- (307) DIIRD Email Chain, re 090417 Electric Vehicle Paper V8, at 5:32pm (24/04/09);
- (308) Hand Written Notes, AFVT – Auto-group Meeting (24/04/09);
- (309) Article Nissan EV No shock charging (25/04/09);
- (310) Email from DIIRD to Better Place re Charge Point Australia, at 5:42pm (27/04/09);
- (311) File note on Blade Electric Vehicles and Victorian Science Agenda (VSA) investment fund (27/04/09);
- (312) Hand Written Notes from Phone Conversation with Auto CRC (28/04/09);
- (313) DIIRD emails:
- from DIIRD to Chargepoint re Meeting follow up, at 9:19am (28/04/09);
 - from DIIRD to Nissan re Meeting follow up, at 10:37am (05/05/09);
- (314) Email from City of Melbourne to DIIRD re Progress Report – Vehicle Electric Conversion, at 11:55am (01/05/09); attaching Progress Report, week ending (01/05/09);
- (315) Letter from DPC (Chief of Staff) to member of the public (04/05/09);
- (316) Hand Written Notes – re NISSAN (04/05/09);
- (317) Hand Written Notes – Nissan (04/05/09);
- (318) Email from DIIRD to DPI, re Retail regulations, at 11:00am (05/05/09);
- (319) Email chain, from DIIRD to ESV, re ESV Into, at 5:34pm (06/05/09);
- (320) Hand Written Notes – FCAI (06/05/09);
- (321) Hand Written Notes – FCAI (06/05/09);
- (322) Email chain, from DIIRD to ESV, Re ESV Info, at 10:54pm (07/05/09);
- (323) Alternate Vehicle Fuel Technologies (AFVT) IDC Progress Report (08/05/09);
- (324) DIIRD File Note, Government Funds as a Contribution Towards Two Training Courses as to Battery Electric Vehicles to be Developed During the Academic Year 2009 (“Project”) (10/05/09); attaching Memo re Signing of an Agreement between DIIRD and Swinburne University providing funding of \$98,300 for a project related to battery electric vehicles (BEVs);
- (325) Email chain from DIIRD to Standards Australia to DIIRD re Proposal for Electric Vehicles and Australian Standards Discussion Paper, at 2:13pm (11/05/09);
- (326) Email Chain, re Standards Australia Quote, at 5:47pm (11/05/09); attaching:
- Proposal to DIIRD: Electric Vehicles and Australian Standards, A Discussion Paper;
 - Rare, Capability Statement;
- (327) EV Service Costs Issue, Vic Govt EV Program, re Vic Govt Policy Objectives (14/05/09);
- (328) Email DIIRD to DIIRD, DOT, DSE and DPC, “Better Place battery swap video” at 8:38am (14/05/09);
- (329) Draft Letter from DPC (Dan O’Brien, Chief of Staff) to member of the public (15/05/09);
- (330) Internal DIIRD email chain, re response “Green light” for green jobs action plan – Swinburne BEV case Study, at 10:00am, (15/05/09);
- (331) Email From Swinburne University to DIIRD re Course in Retrofitting and Servicing of Electric Vehicles, at 11:19am (26/05/09);
- (332) Excerpt from Training Support Website at <http://trainingsupport.otte.vic.gov.au>, re Curriculum Development Projects (26/05/09);

- (333) Curriculum Project Brief 2009, re Course in Retrofitting and Servicing of Electric Vehicles (26/05/09);
- (334) Photocopy of business cards re Better Place and Australia-Israel Chamber of Commerce (11/07/09);
- (335) Draft Electric Vehicle Charging Requirements (16/07/09);
- (336) Internal DIIRD Email, re conversion of a Toyota Echo, at 9:47am (06/08/09); attaching Journal Pages from www.electric-echo.com, Electric Echo (06/08/08);
- (337) Internal DIIRD email, re Better Place Background.doc, at 2:06pm (12/08/09);
- (338) Electric Vehicle Paper, re Hybrids (HEV), Plug-In Hybrids (PHEV) and Electric Vehicles (21/08/08);
- (339) Text of news item published in The Age – Plan for Electric Car Network, Mex Cooper, 12:27pm (23/08/08);
- (340) Email chain, re Fw: Victoria – Project Better Place: Investment Assistance, at 10:34am (02/09/08);
- (341) Email chain between Better Place, DIIRD and Commissioner for Americas, re Victoria – Project Better Place: Investment Assistance, at 11:15am (02/09/08);
- (342) Letter from Nissan Motor Co to DIIRD re Electric Vehicle Business Leader's briefing (08/09/08);
- (343) Draft Ministerial Briefing to Minister for Environment and Climate Change (23/10/08);
- (344) MCC Elect Camry Project, Note from DIIRD to MCC (17/12/08);
- (345) Ministerial Briefing to Minister for Environment and Climate Change, (23/10/08);
- (346) DIIRD Brief to Minister for Industry and Trade re Project Better Place, signed by Gavin Jennings Minister for Innovation on 10/09/08 (20/08/08);
- (347) Letter from Premier of Victoria to PBP (Marshall Towe), re Victorian Government Support for Project Better Place (17/07/08);
- (348) Ministerial Briefing to Minister for Environment and Climate Change, (23/10/08);
- (349) Combined Documents Releases under FOI;
- (350) Final Release under FOI;
- (351) Open Letter from a member of the public to Premier of Victoria, re the current oil situation (undated); attaching:
- Media Release, The Chartered Institute of Transport in Australia Inc, 1998 Symposium "Beyond Oil: Transport and Fuel for the Future" (13/11/98);
 - Citia National Symposium 1998, Beyond Oil: Transport and fuel for the Future, Launceston Country Club Casino, "Climaxing Oil: How Will Transport Adapt", by Brian Fleay (06/11/98 – 07/11/98);
 - Australian Institute of Energy, National Conference, Energy Efficiency in Melbourne's Passenger Transport, by C Louis Fouvy (27/11/06 – 29/11/06);
- (352) Letter from a member of the public to Premier of Victoria, re Electric Vehicle Research (19 June 2008); attaching Articles re Electric and Alternative cars;
- (353) Email from a member of the public to the Premier of Victoria re automotive industry growth (2008); attaching:
- Presentation, Investment-Auto-Motives, "The Australian Automotive Industry: Finding Its Position Domestically and internationally" (00/05/08);
 - 2008 Review Discussion Paper;
- (354) Draft Letter from DPC Cabinet Secretariat to member of the public, re hybrid and electric cars (undated);
- (355) Draft Letter from DPC Cabinet Secretariat to member of the public, re rising fuel prices – suggestion to use electric and compressed air cars (undated);
- (356) Letter from a member of the public, re an omission free day in Geelong and the use of non-polluting vehicles (undated);
- (357) Email from a member of the public re "ECOmmodore seems like a viable solution to today's problem, why no action?", re electric cars, at 1:20am (30/01/07);

- (358) Email from member of the public, Subject: "Worried 18 year old", re availability of electric cars, at 12:01am (20/02/07);
- (359) Email from member of the public to Malcolm Turnbull, re electric cars, at 3:55pm (27/02/07);
- (360) Email from member of the public to Malcolm Turnbull, Subject: "Innovation Crushed", re electric cars, at 3:50pm (27/02/07);
- (361) Letter from Australian Conservation Foundation to Steve Bracks, re EU and British Government positions on climate change (26/03/07);
- (362) Letter from a member of the public to Premier Bracks, re ideas on sewerage and electric cars (29/03/07);
- (363) Facsimile from a member of the public to Premier Bracks re speed limits (30/03/07);
- (364) Letter from member of the public re Electric Cars (01/04/07);
- (365) Email from a member of the public Subject: "Petrol Price Cure", re electric cars, at 10:18am (07/06/07);
- (366) Letter from a member of the public re proposal on Hydrogen engines (28/08/07); attaching:
- Draft letter of referral from the Office of the Premier of Victoria to Minister for Energy and Resources (undated);
 - Draft Letter to member of the public, re Carbon Reduction – Hydrogen Engines Proposal (undated);
- (367) Email from a member of the public re "Vectrix Electric Scooters", at 4:15pm (08/09/07);
- (368) Email Chain between DPC staff forwarding email from member of the public, re "Zero Emission Vehicle Registration", at 7:16pm (19/11/07); attaching:
- Draft Letter from DPI in response to email from member of the public;
 - Draft Letter from DPC in response to email from member of the public;
- (369) Email from Member of the public to Premier Brumby re GM Crops, at 11:38am (10/12/07); attaching Letter from DPC Chief of Staff to Member of the public (2 June 2009);
- (370) Letter from Docklands Science Park to Premier of Victoria re technology to liquify and sequester greenhouse gases, electric vehicles and thermoacoustic cooling (07/01/08);
- (371) Email from a member of the public to the Premier of Victoria re ideas and research and development to reduce carbon emissions, at 6:18pm (06/04/08); attaching: Draft Letter from Cabinet Secretariat to Member of the Public re correspondence on carbon emissions (undated);
- (372) Letter from Garry and Warren Smith Group (Automotive Services) to Premier of Victoria re electric cars (08/05/08); attaching:
- Article in The Australian, "Utilities to flick the switch as plug-in cars power ahead, by Rebecca Smith (05/05/08);
 - Letter from Premier of Victoria re "Energy Alternatives for Motor Vehicles" (01/07/08);
- (373) Letter from a member of the public to the Premier of Victoria re electric and alternative cars (25/06/08); attaching:
- Draft Letter from Cabinet Secretariat to Member of the public re "Questions Regarding Hybrid Vehicles" (undated);
 - File Copy, Letter from Cabinet Secretariat to Member of the public re "Questions Regarding Hybrid Vehicles" (undated);
- (374) Letter from a member of the public to the Premier of Victoria re manufacturing of alternative cars (30/06/08);
- (375) Email from JP Morgan to Premier of Victoria, re Electric Car Grid (02/07/08);
- (376) Email from a member of the public re water and climate, at 3:34pm (06/07/08);
- (377) Email from a member of the public DPC Chief of Staff, re Murray River and Global Warming (email mentions alternative fuel fleet vehicles), at 3:35pm (06/07/08);

- (378) Email from a member of the public on importing and accessibility of electric or alternative cars, 11:55pm (11/07/08); attaching Draft Letter from DPC Cabinet Secretariat to member of the public, re Rising Fuel Prices – Suggestion to use electric and compressed air cars;
- (379) Letter from a member of the public to Premier Brumby re Hybrid Cars (18/07/08); attaching Draft Letter from DPC Cabinet Secretariat to member of the public, re hybrid and electric cars (undated);
- (380) Letter from Federal Member for Flinders forwarding letter from a member of the public re desalination and electric/natural gas cars (21/07/08); attaching The Age articles:
- Holding Could use some tunnel vision, re water supply from Tasmania (12/05/08);
 - Tankless task pays off in current model: that's AC not DC, re electric engines (17/06/08);
 - Are our design regulations killing innovation?, re fuel saving technologies (14/06/08);
 - Smarter way to Fuel (14/06/08);
- (381) Letter from Quality of Life Online to Premier Brumby re support for electric cars (31/07/08);
- (382) Letter from a member of the public to Premier Brumby on rising fuel prices and electric cars (14/08/08);
- (383) Letter from a member of the public to Premier Brumby on rising fuel prices and electric cars (15/08/08);
- (384) Response to letter from a member of the public on electric cars (10/09/08);
- (385) Online Article from www.economist.com/debate, Making to Old Obsolete, by Peter Meisen (19/08/08);
- (386) Letter from Automotive Alternative Fuels Registration Board (AAFRB) to Premier Brumby, re Government Fleet Vehicle Makeup (24/10/08); attaching:
- Draft Letter from DPC Chief of Staff to Chief of Staff for Minister for Finance, Workcover and Transport Accident Commission, re correspondence re Government Vehicle Fleet (undated);
 - Draft Letter from DPC Chief of Staff to AAFRB (undated);
- (387) Email from a member of the public to the Premier of Victoria re fuel saving inventions, at 5:06pm (24/11/08); attaching:
- Letter to the Office of the Minister for Roads and Ports re correspondence from member of the public (undated);
 - Letter from DPC Chief of Staff to Member of the Public re “New Technology Invention – Motor Vehicle” (undated);
- (388) Letter from a member of the public to the Premier of Victoria re electric vehicles (31/12/08); attaching:
- Letter from Cabinet Secretariat to Member of the public in response to their correspondence, re “Electric Vehicles” (undated);
 - File Copy of Letter from Cabinet Secretariat to Member of the public in response to their correspondence, re “Electric Vehicles” (undated);
- (389) Email from a member of the public on electric vehicles and the Victorian Auto Industry, at 1:23am (07/01/09); attaching:
- Letter from Cabinet Secretariat to member of the public responding to their correspondence re “Auto Industry” (6 May 2009);
 - File Copy of Letter from Cabinet Secretariat to member of the public responding to their correspondence re “Auto Industry” (undated);
- (390) Email from a member of the public to the Premier of Victoria re Climate Change concerns, 10:48am (23/02/09); attaching:
- Letter from DPC Chief of Staff to Member of the public re “Action on climate Change” (06/05/09);

- Draft Letter from DPC Chief of Staff to Member of the public re “Action on climate Change” (undated);
- (391) Letter from Minister for Innovation to Premier re proposing an overseas trip that includes to a company that produces electric cars (20/03/09); attaching: Application form – Official Ministerial Overseas Travel, Stage One Application, Minister Jennings (May 2009);
- (392) Email from a member of the public to the Premier of Victoria re “Alternative Fuels”, at 2:09am (28/03/09);
- (393) Email from a member of the public to Premier of Victoria re electric cars, at 10:55pm (02/04/09);
- (394) Letter from Minister for Innovation to Premier seeking formal approval for ministerial travel to the United States of America from 9 - 22 May 2009, (23/04/09); attaching:
- Ministerial Overseas Travel Application – Final Approval (20 April 2009);
 - Draft Itinerary from Hon Gavin Jennings MLC Minister for the Environment and Climate Change, Minister for Innovation, Travel to the United States of America 9 - 22 May 2009 (2009);
- (395) Letter from DPC Chief of Staff to a member of the public in response to their correspondence re “Action on Climate Change”, 06/05/09;
- (396) Letter from a member of the public re “Electric Vehicle Research” (13/05/09); attaching: Articles on electric and alternative cars;
- (397) Letter from ALP (Kew Branch) to Premier of Victoria re Transport Options and the Eddington Report (08/07/09);
- (398) Letter from DIIRD Secretary to DPC Secretary re Alternative Vehicles Technologies IDC (23/10/09); attaching:
- Letter from Premier of Victoria to Minister for Industry and Trade re “Project Better Place”;
 - Letter from Minister for Industry and Trade to Premier of Victoria re “Project Better Place”;
- (399) Email from Member of the Public to Steve Bracks subject: “Tiered pricing on energy consumption”, at 11:52pm (20/12/09);
- (400) Email chain from DSE to a variety of Departments and external party, re Better Place Information, at 1:36pm (as released under FOI) (14/10/08);
- (401) Better Place Australia Briefing Document (as released under FOI) (September 2008);
- (402) DIIRD Brief to Minister for Industry and Trade re Project Better Place, signed by Gavin Jennings Minister for Innovation on 10/09/08 (as released under FOI) (20/08/08); attaching – Draft Unsigned Letter From Minister for Industry and Trade, re Project Better Place
- (403) DIIRD Brief to Minister for Innovation re Assessment of a Program for Retrofitting and Servicing of Electric Vehicles, signed by Gavin Jennings 14/11/08 (as released under FOI) (10/11/08); attaching:
- October 2008 Revised Budget for DIIRD/Skills Victoria;
 - Retrofitting and servicing of Electric Vehicles – Draft Course Components;
 - Key points related to the assessment of the concept;
 - Key points related to the viability of the concept;
- (404) DIIRD Brief to Minister for Innovation, re DIIRD Funding for Swinburne Battery Electric Vehicle (BEV) Project (as released under FOI) (23/01/09); and
- (405) Letter from Minister of Innovation to Swinburne re State Government funding to Swinburne (as released under FOI) (02/02/09).

The Clerk also laid on the Table a letter from the Attorney-General advising that Executive Privilege was claimed in relation to the following documents and that, therefore, those documents have not been provided:

- (1) Outcomes of CAF Meeting (12 September 2008);

- (2) Background Briefing/ Report prepared by motor vehicle company for Minister for Sustainability and the Environment;
- (3) Brief to Minister for Innovation (2 February 2009);
- (4) Report of Alternate Vehicle Fuel Technologies IDC containing Cabinet material;
- (5) Report of Alternate Vehicle Fuel Technologies IDC containing Cabinet material;
- (6) Report of Alternate Vehicle Fuel Technologies IDC containing Cabinet material;
- (7) Report of Alternate Vehicle Fuel Technologies IDC containing Cabinet material;
- (8) Hand Written Notes from meeting with commercial motor vehicle company (undated);
- (9) Company Application for funding (14 September 2007);
- (10) Company Business Plan (14 September 2007);
- (11) Departmental Internal Email chain (26 November 2007);
- (12) Draft Brief to Minister for Industry and Trade;
- (13) Presentation prepared by commercial company (11 July 2008);
- (14) Internal Departmental Email (14 August 2008); attaching notes of meeting with commercial company (11 July 2008);
- (15) Hand Written Notes from meeting with commercial company (11 July 2008);
- (16) Brief to Premier (22 July 2008);
- (17) Brief to Premier (13 August 2008);
- (18) Summary of Meeting between Government and commercial company (13 August 2008);
- (19) Brief of commercial company (September 2008);
- (20) Speaking points & brief for CAF SOM Meeting (3 September 2008);
- (21) Speaking points & brief for CAF Meeting (3 September 2008);
- (22) CAF Meeting submission (4 September 2008);
- (23) Hand written Notes from meeting with commercial company (20 October 2008);
- (24) Draft Media Release, from Minister for Environment and Climate Change (23 October 2008);
- (25) Brief to Minister for Energy and Resources (28 October 2008);
- (26) Draft report prepared by commercial company (17 November 2008);
- (27) Departmental Email chain containing commercial information (3 December 2008);
- (28) Minutes of Alternate Vehicle Fuel Technologies IDC (4 December 2008);
- (29) Minutes of Alternate Vehicle Fuel Technologies IDC (4 December 2008); attaching:
 - Cover email (5 January 2009);
 - Document reference list;
- (30) Hand Written Notes from meeting with commercial company (19 January 2009);
- (31) Brief to Minister for Innovation (23 January 2009);
- (32) Departmental Email chain (29 January 2009);
- (33) Departmental Email chain (10 February 2009);
- (34) Departmental Email (23 February 2009); attaching Draft Agreement;
- (35) Draft Version of agreement (16 March 2009);
- (36) Draft Version of agreement with annotations (16 March 2009);
- (37) Draft Version of agreement with annotations (16 March 2009);
- (38) Departmental Email chain containing information provided by commercial company (17 March 2009);
- (39) Departmental Email attaching Department Newsletter including Cabinet material (March 2009);
- (40) Departmental Email containing information from commercial company (25 March 2009);
- (41) Departmental Email (1 April 2009); attaching excerpt from Brief to Minister;
- (42) Departmental Email Chain containing information from commercial company (8 April 2009);

- (43) Letter from motor vehicle company (20 April 2009);
- (44) Hand Written Notes from Meeting with commercial company (27 April 2009);
- (45) Hand Written Notes from Meeting with commercial company (27 April 2009);
- (46) Email attaching Final Agreement with annotations (27 April 2009);
- (47) Email containing information from dealings with commercial company (3 May 2009);
- (48) File note attaching email and draft brief containing information from commercial company (6 May 2009);
- (49) Final Grant Agreement (10 May 2009);
- (50) Departmental Email chain containing information regarding CAF Meeting (12 May 2009);
- (51) Email listing applicants for funding (27 April 2009);
- (52) Email from commercial company (21 April 2009); and
- (53) Brief to Premier (21 October 2008).

Mr D.M. Davis moved, by leave, That a list of the 405 documents being produced to the Council and a list of the 53 documents upon which Executive Privilege is being claimed, which are referred to in the letter from the Attorney-General, be incorporated into Hansard.

Question — put and agreed to.

- 11 WASTE WATER AND STORMWATER** — Debate resumed on the question, That this House calls on the Minister for Environment and Climate Change to explain —
- (1) why the Government has made little effort to utilise the 300,000 megalitres or more of waste water being dumped along the coast each year; and
 - (2) why more effort has not been made to harvest the 250,000 megalitres of stormwater that falls on Melbourne's roofs, roads and footpaths each year.

On the motion of Mr Leane, the debate was adjourned for one week.

- 12 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

- 13 LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to dismiss the Brimbank City Council and provide for a general election for that Council and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Pakula (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 14 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Order of the Day, Government Business, No. 1, be postponed until the next day of meeting.

- 15 ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 16 ORDER OF THE COUNCIL RESCINDED** — Mr Viney moved, by leave, That the resolution of the Council appointing the next day of meeting for the resumption of debate on the second reading and the reasoned amendment of the Police Regulation Amendment Bill 2008 be read and rescinded, and that the resumption of debate on the second reading of the Bill and the reasoned amendment be made an Order of the Day for later this day.

Question — put and agreed to.

- 17 POLICE REGULATION AMENDMENT BILL 2008** — Debate resumed on the question, That the Bill be now read a second time and on the amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second

time until the Government has conducted a full public review of the operation of the *Police Regulation Act 1958*, including calling for public submissions and conducting public hearings and publishing the findings and recommendations of the review.”.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

18 ADJOURNMENT — The Acting President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.36 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 141 — Thursday, 15 October 2009

1 The President took the Chair and read the Prayer.

2 **PETITION — THOMSON RIVER** — Mr Hall presented a Petition bearing 164 signatures from certain citizens of Victoria requesting that the State Government abandon its plan to take a further ten billion litres of water from the Thomson River to top up Melbourne’s water supplies.

Ordered to lie on the Table.

3 **PAPERS —**

CHILDREN’S COURT OF VICTORIA — Mr Madden presented, by command of the Governor, the Report of the Children’s Court of Victoria for 2007-08.

Ordered to lie on the Table.

* * * * *

VICTORIAN COMPETITION AND EFFICIENCY COMMISSION — Mr Lenders moved, by leave, That there be laid before this House a copy of the Report of the Victorian Competition And Efficiency Commission for 2008-09.

Question — put and agreed to.

The Report was presented by Mr Lenders and ordered to lie on the Table.

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PUBLIC SECTOR ASSET INVESTMENT PROGRAM, 2009-10 — Mr Lenders moved, by leave, That there be laid before this House a copy of the 2009-10 Public Sector Asset Investment Program (Budget Information Paper No. 1).

Question — put and agreed to.

The Report was presented by Mr Lenders and ordered to lie on the Table.

* * * * *

CONSUMER UTILITIES ADVOCACY CENTRE — Mr Madden moved, by leave, That there be laid before this House a copy of the Report of the Consumer Utilities Advocacy Centre for 2008-09.

Question — put and agreed to.

The Report was presented by Mr Madden and ordered to lie on the Table.

* * * * *

OFFICE OF THE PUBLIC ADVOCATE — Mr Madden moved, by leave, That there be laid before this House a copy of the Report of the Office of the Public Advocate for 2008-09.

Question — put and agreed to.

The Report was presented by Mr Madden and ordered to lie on the Table.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2009-10 BUDGET ESTIMATES (PART TWO) — Ms Pennicuik presented a Report from the Public Accounts and Estimates Committee on the 2009-10 Budget Estimates (Part Two) (including Appendices, Minority Reports and an Extract from the Proceedings).

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

Ms Pennicuik moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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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:

Accident Compensation Conciliation Service — Report, 2008-09.

Adult Community and Further Education Board — Report, 2008-09.

Adult Parole Board of Victoria — Report, 2008-09.

Alexandra District Hospital — Report, 2008-09 (two papers).

Alfred Health — Report, 2008-09.

Alpine Health — Report, 2008-09 (two papers).

Alpine Resorts Co-ordinating Council — Minister's report of receipt of 2008-09 report.

Altona Memorial Park — Report, 2008-09.

Ambulance Victoria — Report, 2008-09.

Anderson's Creek Cemetery Trust — Minister's report of receipt of 2008-09 report.

Architects Registration Board of Victoria — Minister's report of receipt of 2008-09 report.

Austin Health — Report, 2008-09 (two papers).

Australian Grand Prix Corporation — Report, 2008-09.

Bairnsdale Regional Health Service — Report, 2008-09 (two papers).

Ballarat Health Services — Report, 2008-09.

Barwon Health — Report, 2008-09 (two papers).

Barwon Region Water Corporation — Report, 2008-09.

Bass Coast Regional Health — Report, 2008-09 (two papers).

Beaufort and Skipton Health Service — Report, 2008-09.

Beechworth Health Service — Report, 2008-09 (two papers).

Benalla and District Memorial Hospital — Report, 2008-09.

Bendigo Cemeteries Trust — Minister's report of receipt of 2008-09 report.

Bendigo Health Care Group — Report, 2008-09.

Boort District Health — Report, 2008-09 (two papers).

Building Commission — Report, 2008-09.

Calvary Health Care Bethlehem Limited — Report, 2008-09 (two papers).

Casterton Memorial Hospital — Report, 2008-09.

CenITex — Report, 2008-09.

Central Gippsland Health Service — Report, 2008-09 (two papers).

Central Gippsland Region Water Corporation — Report, 2008-09.

Central Highlands Region Water Corporation — Report, 2008-09.

Cheltenham and Regional Cemeteries Trust — Report, 2008-09 (two papers).

Child Safety Commissioner — Report, 2008-09.

Chinese Medicine Registration Board of Victoria — Minister's report of receipt of 2008-09 report.

Chiropractors Registration Board of Victoria — Minister's report of receipt of 2008-09 report.

City West Water Limited — Report, 2008-09.

Cobram District Hospital — Report, 2008-09 (two papers).

Cohuna District Hospital — Report, 2008-09 (two papers).

Colac Area Health — Report, 2008-09.

Coliban Region Water Corporation — Report, 2008-09 (two papers).

Commissioner for Environmental Sustainability — Minister's report of receipt of 2008-09 report.

Commissioner for Law Enforcement Data Security — Report, 2008-09.

Community Visitors — Report, 2008-09.
Confiscation Act 1997 — Asset Confiscation Operations, Report to the Attorney-General, 2008-09.
Consumer Affairs Victoria — Report, 2008-09.
Country Fire Authority — Report, 2008-09.
Dandenong Development Board — Minister's report of receipt of 2008-09 report.
Dental Health Services Victoria — Report, 2008-09.
Dental Practice Board of Victoria — Minister's report of receipt of 2008-09 report.
Disability Services Commissioner — Minister's report of receipt of 2008-09 report.
Djerriwarrh Health Services — Report, 2008-09 (two papers).
Dunmunkle Health Services — Report, 2008-09.
East Gippsland Region Water Corporation — Report, 2008-09.
East Grampians Health Service — Report, 2008-09.
East Wimmera Health Service — Report, 2008-09.
Eastern Health — Report, 2008-09.
Echuca Regional Health — Report, 2008-09.
Edenhope and District Memorial Hospital — Report, 2008-09 (two papers).
Education and Early Childhood Development Department — Report, 2008-09 (two papers).
Emerald Tourist Railway Board — Report, 2008-09.
Emergency Services Superannuation Board — Report, 2008-09.
Emergency Services Telecommunications Authority — Report, 2008-09.
Energy Safe Victoria — Report, 2008-09.
Environment Protection Authority — Report, 2008-09.
Essential Services Commission — Report, 2008-09.
Fawkner Crematorium and Memorial Park — Report, 2008-09.
Fed Square Pty Ltd — Report, 2008-09.
Film Victoria — Report, 2008-09.
Geelong Cemeteries Trust — Report, 2008-09.
Gippsland and Southern Rural Water Corporation — Report, 2008-09.
Gippsland Southern Health Service — Report, 2008-09 (two papers).
Goulburn-Murray Rural Water Corporation — Report, 2008-09.
Goulburn Valley Health — Report, 2008-09.
Goulburn Valley Region Water Corporation — Report, 2008-09.
Grampians Wimmera Mallee Water Corporation — Report, 2008-09 (two papers).
Greyhound Racing Victoria — Report, 2008-09.
Growth Areas Authority — Report, 2008-09.
Health Purchasing Victoria — Minister's report of receipt of 2008-09 report.
Health Services Commissioner — Report, 2008-09.
Hepburn Health Service — Report, 2008-09.
Heritage Council of Victoria — Minister's report of receipt of 2008-09 report.
Hesse Rural Health Service — Report, 2008-09.
Heywood Rural Health — Report, 2008-09 (two papers).
Human Services Department — Report, 2008-09.
Infertility Treatment Authority — Minister's report of receipt of 2008-09 report.
Inglewood and Districts Health Service — Report, 2008-09.
Innovation, Industry and Regional Development Department — Report, 2008-09.
Justice Department — Report, 2008-09.
Kerang District Health — Report, 2008-09.
Kilmore and District Hospital — Report, 2008-09 (two papers).
Kooweerup Regional Health Service — Report, 2008-09 (two papers).
Kyabram and District Health Service — Report, 2008-09.
Kyneton District Health Service — Report, 2008-09.
Latrobe Regional Hospital — Report, 2008-09.
Legal Practitioners Liability Committee — Report, 2008-09.
Lilydale Cemeteries Trust — Minister's report of receipt of 2008-09 report.
Lorne Community Hospital — Report, 2008-09.
Lower Murray Urban and Rural Water Corporation — Report, 2008-09.

Maldon Hospital — Minister's report of receipt of 2008-09 report.
Mallee Track Health and Community Service — Report, 2008-09.
Manangatang and District Hospital — Minister's report of receipt of 2008-09 report.
Mansfield District Hospital — Report, 2008-09 (two papers).
Maryborough District Health Service — Report, 2008-09.
McIvor Health and Community Services — Report, 2008-09 (two papers).
Medical Radiation Practitioners Board of Victoria — Minister's report of receipt of 2008-09 report.
Melbourne and Olympic Parks Trust — Report, 2008-09.
Melbourne Convention and Exhibition Trust — Report, 2008-09.
Melbourne Health — Report, 2008-09.
Melbourne Market Authority — Report, 2008-09.
Melbourne Water Corporation — Report, 2008-09.
Mental Health Review Board — Minister's report of receipt of 2008-09 report.
Mercy Public Hospitals Incorporated — Report, 2008-09 (two papers).
Metropolitan Fire and Emergency Services Board — Report, 2008-09.
Mildura Cemetery Trust — Minister's report of receipt of 2008-09 report.
Moyness Health Services — Report, 2008-09.
Mt Alexander Hospital — Report, 2008-09.
Nathalia District Hospital — Report, 2008-09 (two papers).
National Parks Act 1975 — Report on the working of the Act, 2008-09.
National Parks Advisory Council — Report, 2008-09.
Necropolis Springvale Trustees — Report, 2008-09.
North East Region Water Corporation — Report, 2008-09.
Northeast Health Wangaratta — Report, 2008-09.
Northern Health — Report, 2008-09 (two papers).
Numurkah District Health Service — Report, 2008-09 (two papers).
Nurses Board of Victoria — Report, 2008-09.
Office of Police Integrity — Report, 2008-09.
Ombudsman — Report on Brookland Greens Estate — Investigation into methane gas leaks, October 2009.
Omeo District Health — Minister's report of receipt of 2008-09 report.
Optometrists Registration Board of Victoria — Minister's report of receipt of 2008-09 report.
Orbost Regional Health — Report, 2008-09.
Osteopaths Registration Board of Victoria — Minister's report of receipt of 2008-09 report.
Otway Health and Community Services — Report, 2008-09 (two papers).
Parks Victoria — Report, 2008-09 (two papers).
Parliamentary Contributory Superannuation Fund — Report, 2008-09.
Peninsula Health — Report, 2008-09 (two papers).
Peter MacCallum Cancer Centre — Report, 2008-09.
Pharmacy Board of Victoria — Minister's report of receipt of 2008-09 report.
Phillip Island Nature Park — Report, 2008-09.
Physiotherapists Registration Board of Victoria — Minister's report of receipt of 2008-09 report.
Planning and Community Development Department — Report, 2008-09.
Plumbing Industry Commission — Report, 2008-09.
Podiatrists Registration Board of Victoria — Minister's report of receipt of 2008-09 report.
Police Appeals Board — Report, 2008-09.
Port of Hastings Corporation — Report, 2008-09.
Port of Melbourne Corporation — Report, 2008-09.
Portland District Health — Report, 2008-09 (two papers).
Premier and Cabinet Department — Report, 2008-09.
Preston Cemetery Trust — Minister's report of receipt of 2008-09 report.
Primary Industries Department — Report, 2008-09 (two papers).
Public Transport Ticketing Body — Report, 2008-09.
Queen Elizabeth Centre — Report, 2008-09 (three papers).

Queen Victoria Women's Centre— Minister's report of receipt of 2008-09 report.
Radiation Advisory Committee — Report, 2008-09.
Regional Development Victoria — Report, 2008-09.
Residential Tenancies Bond Authority — Report, 2008-09.
Roads Corporation (VicRoads) — Report, 2008-09.
Robinvale District Health Services — Report, 2008-09 (two papers).
Rochester and Elmore District Health Service — Report, 2008-09 (two papers).
Rolling Stock (VL-1) Pty Ltd — Minister's report of receipt of 2008-09 report.
Rolling Stock (VL-2) Pty Ltd — Minister's report of receipt of 2008-09 report.
Rolling Stock (VL-3) Pty Ltd — Minister's report of receipt of 2008-09 report.
Rolling Stock Holdings (Victoria) Pty Ltd — Report, 2008-09.
Rolling Stock Holdings (Victoria-VL) Pty Ltd — Report, 2008-09.
Royal Botanic Gardens Board — Report, 2008-09.
Royal Children's Hospital — Report, 2008-09.
Royal Victorian Eye and Ear Hospital — Report, 2008-09.
Royal Women's Hospital — Report, 2008-09.
Rural Finance Corporation of Victoria — Report, 2008-09.
Rural Northwest Health — Report, 2008-09.
Seymour District Memorial Hospital — Report, 2008-09 (three papers).
South East Water Limited — Report, 2008-09.
South Gippsland Hospital — Report, 2008-09 (two papers).
South Gippsland Region Water Corporation — Report, 2008-09.
South West Healthcare — Report, 2008-09.
Southern and Eastern Integrated Transport Authority — Report, 2008-09.
Southern Cross Station Authority — Report, 2008-09.
Southern Health — Report, 2008-09.
St. Vincent's Hospital (Melbourne) Limited — Report, 2008-09 (two papers).
State Electricity Commission of Victoria — Report, 2008-09.
State Owned Enterprise for Irrigation Modernisation in Northern Victoria — Report, 2008-09.
State Services Authority — Report, 2008-09.
State Sport Centres Trust — Report 2008-09.
State Trustees Limited — Report, 2008-09.
Stawell Regional Health — Report, 2008-09.
Surveyors Registration Board of Victoria — Minister's report of receipt of 2008-09 report.
Sustainability and Environment Department — Report, 2008-09.
Sustainability Victoria — Report, 2008-09.
Swan Hill District Health — Report, 2008-09.
Tallangatta Health Service — Report, 2008-09 (two papers).
Templestowe Cemetery Trust — Minister's report of receipt of 2008-09 report.
Terang and Mortlake Health Service — Report, 2008-09.
Timboon and District Healthcare Service — Report, 2008-09.
Tourism Victoria — Report, 2008-09.
Transport Accident Commission — Report, 2008-09.
Transport Department — Report, 2008-09.
Treasury and Finance Department — Report, 2008-09.
Treasury Corporation of Victoria — Report, 2008-09.
Tweddle Child and Family Health Service — Report, 2008-09 (four papers).
Upper Murray Health and Community Services — Report, 2008-09 (two papers).
V/Line Passenger Corporation — Report, 2008-09.
V/Line Passenger Pty Ltd — Report, 2008-09.
VicForests — Report, 2008-09.
Victims of Crime Assistance Tribunal — Report, 2008-09.
Victoria Legal Aid — Report, 2008-09.
Victoria Police — Report, 2008-09.
Victoria State Emergency Service Authority — Report, 2008-09.
Victorian Coastal Council — Report, 2008-09.
Victorian Commission for Gambling Regulation — Report, 2008-09.

- Victorian Curriculum and Assessment Authority — Report, 2008-09.
 Victorian Electoral Commission — Report, 2008-09.
 Victorian Environmental Assessment Council — Report, 2008-09.
 Victorian Funds Management Corporation — Report, 2008-09.
 Victorian Government Purchasing Board — Report, 2008-09.
 Victorian Health Promotion Foundation — Report, 2008-09 (two papers).
 Victorian Institute of Forensic Mental Health — Report, 2008-09.
 Victorian Institute of Sport Trust — Report, 2008-09 (two papers).
 Victorian Institute of Teaching — Report, 2008-09.
 Victorian Managed Insurance Authority — Report, 2008-09, together with 2008-09 Financial Statements for Housing Guarantee Claims Fund and Domestic Buildings (HIH) Indemnity Fund.
 Victorian Rail Track — Report, 2008-09.
 Victorian Regional Channels Authority — Report, 2008-09.
 Victorian Registration and Qualifications Authority — Report, 2008-09.
 Victorian Skills Commission — Report, 2008-09.
 Victorian Urban Development Authority — Report, 2008-09.
 Victorian WorkCover Authority — Report, 2008-09.
 Wannon Region Water Corporation — Report, 2008-09.
 Water Industry Act 1994 — Report on major water users, 2008-09, for City West Water Limited, South East Water Limited and Yarra Valley Water Limited, pursuant to section 77A of the Act.
 West Gippsland Healthcare Group — Report, 2008-09.
 West Wimmera Health Service — Report, 2008-09.
 Western District Health Service — Report, 2008-09.
 Western Health — Report, 2008-09 (two papers).
 Western Region Water Corporation — Report, 2008-09.
 Westernport Region Water Corporation — Report, 2008-09.
 Wimmera Health Care Group — Report, 2008-09.
 Wodonga Regional Health Service — Report, 2008-09.
 Wyndham Cemeteries Trust — Minister's report of receipt of 2008-09 report.
 Yarra Bend Park Trust — Report, 2008-09.
 Yarra Valley Water Limited — Report, 2008-09 (three papers).
 Yarram and District Health Service — Report, 2008-09 (two papers).
 Yarrawonga District Health Service — Report, 2008-09 (two papers).
 Yea and District Memorial Hospital — Report, 2008-09.
 Young Farmers' Finance Council — Report, 2008-09.
 Youth Parole and Youth Residential Boards — Report, 2008-09.
 Zoological Parks and Gardens Board — Report, 2008-09 (two papers).

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.
- 7 LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) BILL 2009** — Mr Jennings (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
 On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
 Mr Jennings moved, That the Bill be now read a second time.
 On the motion of Mr Koch (for Mr Hall), the debate was adjourned for one week.
- 8 GAMBLING REGULATION AMENDMENT (RACING CLUB VENUE OPERATOR LICENCES) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill transmitted to the Assembly with a Message requesting their agreement.

9 PERSONAL PROPERTY SECURITIES (COMMONWEALTH POWERS) BILL 2009 —

Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

10 POLICE REGULATION AMENDMENT BILL 2008 — Debate resumed on the question, That the Bill be now read a second time and on the amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Government has conducted a full public review of the operation of the *Police Regulation Act 1958*, including calling for public submissions and conducting public hearings and publishing the findings and recommendations of the review.”.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

11 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

12 POLICE REGULATION AMENDMENT BILL 2008 — Debate continued on the question, That the Bill be now read a second time and on the amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Government has conducted a full public review of the operation of the *Police Regulation Act 1958*, including calling for public submissions and conducting public hearings and publishing the findings and recommendations of the review.”.

Question — That the reasoned amendment moved by Ms Pennicuik be agreed to — put.

The Council divided — The President in the Chair.

AYES, 4

Mr Barber
Ms Hartland
Mr Kavanagh (*Teller*)
Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum (*Teller*)
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Ms Huppert
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O’Donohue
Mr Pakula

Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek (*Teller*)
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negatived.

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

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber
Mr Eideh	Mrs Coote
Mr Elasmarr	Mr Dalla-Riva
Ms Huppert	Mr D.M. Davis
Mr Jennings (<i>Teller</i>)	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Finn (<i>Teller</i>)
Mr Madden	Mr Guy
Ms Mikakos	Mr Hall
Mr Pakula	Ms Hartland
Ms Pulford	Mr Kavanagh
Mr Scheffer (<i>Teller</i>)	Mr Koch
Mr Smith	Mrs Kronberg (<i>Teller</i>)
Mr Somyurek	Ms Lovell
Mr Tee	Mr O'Donohue
Mr Theophanous	Ms Pennicuik
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Rich-Phillips
	Mr Vogels

Question negatived.

Bill returned to the Assembly with a Message acquainting them that the Council have rejected the Bill.

13 LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

14 CRIMINAL PROCEDURE AMENDMENT (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2009 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to make consequential and other amendments in relation to the Criminal Procedure Act 2009 and to provide transitional arrangements for the*

commencement of that Act and for other purposes and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

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

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 15 DEAKIN UNIVERSITY BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to re-enact with amendments the law relating to Deakin University, to repeal the Deakin University Act 1974, the Deakin University (Warrnambool) Act 1990 and the Deakin University (Victoria College) Act 1991 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Hall, the debate was adjourned until the next day of meeting.

- 16 LA TROBE UNIVERSITY BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to re-enact with amendments the law relating to La Trobe University, to repeal the La Trobe University Act 1964 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Hall, the debate was adjourned until the next day of meeting.

- 17 LAND (REVOCATION OF RESERVATIONS AND OTHER MATTERS) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to revoke certain reservations of land and related restricted Crown grants, to repeal the Kew and Heidelberg Lands Act 1933, the Kew and Heidelberg Lands Act 1958, the Footscray (Recreation Ground) Lands Act 1968 and the Footscray (Western Oval Reserve) Lands Act 1981, to amend the Geelong (Kardinia Park) Land Act 1950 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr D.M. Davis), the debate was adjourned for one week.

- 18 MONASH UNIVERSITY BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to re-enact with amendments the law relating*

to Monash University, to repeal the Monash University Act 1958, the Monash University (Chisholm and Gippsland) Act 1990, the Monash University (Pharmacy College) Act 1992, to make a consequential amendment to the Leo Cussen Institute Act 1972 and for other purposes and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Hall, the debate was adjourned until the next day of meeting.

- 19 SENTENCING AMENDMENT BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Sentencing Act 1991 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 20 STATUTE LAW AMENDMENT (EVIDENCE CONSEQUENTIAL PROVISIONS) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to revise the statute law of Victoria as a consequence of the enactment of the Evidence Act 2008 and to make other amendments to that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 21 UNIVERSITY OF MELBOURNE BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to re-enact with amendments the law relating to The University of Melbourne, to repeal the Melbourne University Act 1958 and other Acts, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Hall, the debate was adjourned until the next day of meeting.

- 22 CEMETERIES AND CREMATORIA AMENDMENT BILL 2009** — The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the amendment made by the Council in this Bill.

- 23 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council at its rising, adjourn until Tuesday, 10 November 2009.

Question — put and agreed to.

24 ADJOURNMENT — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 6.59 p.m., adjourned until Tuesday, 10 November 2009.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 139, 140 and 141

Tuesday, 13 October 2009

1 GAMBLING REGULATION FURTHER AMENDMENT BILL 2009

Clauses 1 to 14 — put and agreed to.

Clause 15 — Question — That Clause 15 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 36

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva (*Teller*)
Ms Darveniza (*Teller*)
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Ms Huppert
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Ms Tierney
Mr Viney
Mr Vogels

NOES, 4

Mr Barber (*Teller*)
Ms Hartland
Mr Kavanagh
Ms Pennicuik (*Teller*)

Question agreed to.

Clauses 16 to 108 — put and agreed to.

Clause 109 — Question — That Clause 109 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 36

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall (*Teller*)
 Ms Huppert
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek (*Teller*)
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney
 Mr Vogels

NOES, 4

Mr Barber
 Ms Hartland (*Teller*)
 Mr Kavanagh (*Teller*)
 Ms Pennicuik

Question agreed to.

Clauses 110 to 145 — put and agreed to.

Bill reported without amendment.

Thursday, 15 October 2009

1 PERSONAL PROPERTY SECURITIES (COMMONWEALTH POWERS) BILL 2009

Clauses 1 to 9 — put and agreed to.

Bill reported without amendment.

2 LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL 2009

Clauses 1 to 28 — put and agreed to.

Clause 29 — Mr Guy moved —

1. Clause 29, page 22, line 15, omit 'service.'" and insert "service."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 22
Mr Atkinson	Mr Barber (<i>Teller</i>)
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza (<i>Teller</i>)
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum	Ms Hartland
Mr Finn	Ms Huppert
Mr Guy	Mr Jennings
Mr Hall	Mr Leane
Mr Kavanagh	Mr Lenders
Mr Koch	Mr Madden
Mrs Kronberg	Ms Mikakos
Ms Lovell	Mr Pakula
Mr O'Donohue	Ms Pennicuik
Mrs Petrovich	Ms Pulford
Mrs Peulich	Mr Scheffer
Mr Rich-Phillips (<i>Teller</i>)	Mr Smith
Mr Vogels (<i>Teller</i>)	Mr Somyurek
	Mr Tee
	Mr Theophanous
	Ms Tierney
	Mr Viney

Amendment negatived.

Clause 29 — put and agreed to.

Clauses 30 to 35 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 142, 143 and 144

No. 142 — Tuesday, 10 November 2009

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

On 21 October 2009 —

Energy and Resources Legislation Amendment Act 2009

Gambling Regulation Further Amendment Act 2009

Liquor Control Reform Amendment (Licensing) Act 2009

Personal Property Securities (Commonwealth Powers) Act 2009

On 27 October 2009 —

Cemeteries and Crematoria Amendment Act 2009.

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 4 **PETITIONS** —

EQUAL OPPORTUNITY ACT EXEMPTIONS — Mr Drum presented a Petition bearing 6 signatures from certain citizens of Victoria requesting that the Government abandon its plan for the removal of the exemptions to the *Equal Opportunity Act 1995* which currently serve to protect the core interests of faith-based schools, single sex clubs and small business.

Ordered to lie on the Table.

* * * * *

YOUTH ALLOWANCE SCHEME — Mr Drum presented a Petition bearing 64 signatures from certain citizens of Victoria requesting that the State Government vigorously lobby the Federal Government to reject proposed changes to the Youth Allowance Scheme to ensure that a tertiary education is accessible to regional students.

Ordered to lie on the Table.

* * * * *

CLEARWAYS EXTENSION — Mrs Coote presented a Petition bearing 53 signatures from certain citizens of Victoria requesting that the proposed extension of clearways in Melbourne be withdrawn and abandoned.

Ordered to lie on the Table.

* * * * *

SOCIAL HOUSING, BENTLEIGH — Mrs Coote presented a Petition bearing 145 signatures from certain citizens of Victoria requesting that the Minister for Planning reject the proposed social housing development at 973 Nepean Highway and Corbie Street, Bentleigh.

Ordered to lie on the Table.

THOMSON RIVER — Mr Hall presented a Petition bearing 79 signatures from certain citizens of Victoria requesting that the State Government abandon its plan to take a further ten billion litres of water from the Thomson River to top up Melbourne's water supplies.

Ordered to lie on the Table.

5 PAPERS —

SUPREME COURT JUDGES — Mr Jennings (for Mr Madden) presented, by command of the Governor, the Report of the Supreme Court Judges for the year 2007-08.

The Report was presented by Mr Jennings and ordered to lie on the Table.

* * * * *

MAGISTRATES' COURT OF VICTORIA — Mr Jennings (for Mr Madden) presented, by command of the Governor, the Report of the Magistrates' Court of Victoria for the year 2008-09.

The Report was presented by Mr Jennings and ordered to lie on the Table.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 13 of 2009 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2007-08 FINANCIAL AND PERFORMANCE OUTCOMES — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Public Accounts and Estimates Committee's Report on the 2007-08 Financial and Performance Outcomes.

* * * * *

LAW REFORM COMMITTEE — ALTERNATIVE DISPUTE RESOLUTION AND RESTORATIVE JUSTICE — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Law Reform Committee's Report on Alternative Dispute Resolution and Restorative Justice.

* * * * *

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

Agriculture Victoria Services Pty Ltd — Report, 2008-09.

Australian Centre for the Moving Image — Report, 2008-09.

Ballaarat General Cemeteries Trust — Minister's report of receipt of 2008-09 report.

Barwon Regional Waste Management Group — Minister's report of receipt of 2008-09 report.

Calder Regional Waste Management Group — Minister's report of receipt of 2008-09 report.

Central Murray Regional Waste Management Group — Minister's report of receipt of 2008-09 report.

Corangamite Catchment Management Authority — Report, 2008-09.

Crown Land (Reserves) Act 1978 —

Minister's Order of 15 October 2009 giving approval to the granting of a lease at Eastern Beach Reserve, Geelong.

Minister's Order of 16 October 2009 giving approval to the granting of a lease at Sandringham Beach Park Reserve.

Dairy Food Safety Victoria — Minister's report of receipt of 2008-09 report.

Desert Fringe Regional Waste Management Group — Minister's report of receipt of 2008-09 report.

East Gippsland Catchment Management Authority — Report, 2008-09.

Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2008-09.

- Fisheries Co-Management Council — Report, 2008-09.
- Geelong Performing Arts Centre Trust — Report, 2008-09.
- Geoffrey Gardiner Dairy Foundation Limited — Report, 2008-09 (three papers).
- Gippsland Regional Waste Management Group — Minister's report of receipt of 2008-09 report.
- Glenelg Hopkins Catchment Management Authority — Report, 2008-09.
- Goulburn Broken Catchment Management Authority — Report, 2008-09.
- Goulburn Valley Regional Waste Management Group — Minister's report of receipt of 2008-09 report.
- Grampians Regional Waste Management Group — Minister's report of receipt of 2008-09 report.
- Harness Racing Victoria — Report, 2008-09.
- Highlands Regional Waste Management Group — Minister's report of receipt of 2008-09 report.
- International Fibre Centre — Minister's report of receipt of 2008-09 report.
- Judicial College of Victoria — Report, 2008-09.
- Keilor Cemetery Trust — Report, 2008-09.
- Legal Services Board — Report, 2008-09.
- Legal Services Commissioner — Report, 2008-09.
- Library Board of Victoria — Report, 2008-09.
- Mallee Catchment Management Authority — Report, 2008-09.
- Melbourne Recital Centre — Report, 2008-09.
- Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2009.
- Metropolitan Waste Management Group — Report, 2008-09.
- Mildura Regional Waste Management Group — Minister's report of receipt of 2008-09 report.
- Mornington Peninsula Regional Waste Management Group — Minister's report of receipt of 2008-09 report.
- Murray Valley Citrus Board — Minister's report of receipt of 2008-09 report.
- Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of 2008-09 report.
- Museums Board of Victoria — Report, 2008-09 (two papers).
- National Gallery of Victoria Trustees — Report, 2008-09.
- North Central Catchment Management Authority — Report, 2008-09.
- North East Catchment Management Authority — Report, 2008-09.
- North East Regional Waste Management Group — Minister's report of receipt of 2008-09 report.
- Northern Victorian Fresh Tomato Industry Development Committee — Minister's report of receipt of 2008-09 report.
- Parliamentary Committees Act 2003 — Government response to the Electoral Matters Committee's Report on Political Donations and Disclosure.
- Phytogene Pty Ltd — Minister's report of receipt of 2008-09 report.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Bass Coast Planning Scheme — Amendment C86.
 - Baw Baw Planning Scheme — Amendments C68 and C69.
 - Benalla Planning Scheme — Amendments C3 and C23.
 - Boroondara Planning Scheme — Amendment C87.
 - Casey Planning Scheme — Amendment C80 (Part 3).
 - Frankston Planning Scheme — Amendment C61.
 - Gannawarra Planning Scheme — Amendment C24.
 - Glen Eira Planning Scheme — Amendment C66.
 - Greater Bendigo Planning Scheme — Amendments C84 and C104.
 - Greater Geelong Planning Scheme — Amendments C154 (Part 3) and C183.
 - Horsham Planning Scheme — Amendment C44.
 - Hume Planning Scheme — Amendments C110, C114 and C118.

- Kingston Planning Scheme — Amendment C76.
 Latrobe Planning Scheme — Amendment C11.
 Maribyrnong Planning Scheme — Amendment C73 (Part 1).
 Maroondah Planning Scheme — Amendment C75.
 Melton Planning Scheme — Amendment C64.
 Mitchell Planning Scheme — Amendment C39.
 Moreland Planning Scheme — Amendment C94.
 Mornington Peninsula Planning Scheme — Amendment C98.
 Stonnington Planning Scheme — Amendment C105.
 Surf Coast Planning Scheme — Amendment C56.
 Wangaratta Planning Scheme — Amendment C33.
 Wellington Planning Scheme — Amendment C45.
 Whitehorse Planning Scheme — Amendment C121.
 Wyndham Planning Scheme — Amendment C116.
- Port Phillip and Westernport Catchment Management Authority — Report, 2008-09.
 PrimeSafe — Minister's report of receipt of 2008-09 report.
 Professional Standards Council — Report, 2008-09.
 Public Prosecutions Office — Report, 2008-09.
 Sentencing Advisory Council — Report, 2008-09.
 Shrine of Remembrance Trustees — Minister's report of receipt of 2008-09 report.
 Small Business Commissioner's Office — Report, 2008-09.
 South West Regional Waste Management Group — Minister's report of receipt of 2008-09 report.
 Special Investigations Monitor's Office — Report, 2008-09.
- Statutory Rules under the following Acts of Parliament:
- Coroners Act 2008 — Nos. 120 and 131.
 - Fair Trading Act 1999 — No. 125.
 - Gas Industry Act 2001 — No. 121.
 - Land Acquisition and Compensation Act 1986 — No. 124.
 - Marine Act 1988 — No. 126.
 - National Gas (Victoria) Act 2008 — No. 122.
 - Police Integrity Act 2008 — No. 117.
 - Road Management Act 2004 — No. 127.
 - Road Safety Act 1986 — Nos. 118, 119, 128, 129 and 130.
 - Supreme Court Act 1986 — Criminal Procedure Act 2009 — No. 132.
 - Water Act 1989 — No. 123.
- Subordinate Legislation Act 1994 —
- Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 131 and 132.
 - Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 107, 121, 122, 124, 125, 126, 127 and 128.
- Trust for Nature (Victoria) — Report, 2008-09 (two papers).
 Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2008-09 report.
 Victoria Grants Commission — Report for the period ended 31 August 2009.
 Victoria Law Foundation — Report, 2008-09.
 Victorian Arts Centre Trust — Report, 2008-09 (two papers).
 Victorian Catchment Management Council — Report, 2008-09.
 Victorian Civil and Administrative Tribunal — Report, 2008-09.
 Victorian Energy Networks Corporation — Report, 2008-09.
 Victorian Equal Opportunity and Human Rights Commission — Report, 2008-09.
 Victorian Institute of Forensic Medicine — Report, 2008-09.
 Victorian Law Reform Commission — Report, 2008-09.
 Victorian Multicultural Commission — Report, 2008-09.
 Victorian Privacy Commissioner's Office — Report, 2008-09.
 Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2008-09 report.

Victorian Veterans Council — Minister's report of receipt of 2008-09 report.
 VITS LanguageLink — Report, 2008-09.
 West Gippsland Catchment Management Authority — Report, 2008-09 (two papers).
 Wimmera Catchment Management Authority — Report, 2008-09.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

Electricity Industry Amendment (Premium Solar Feed-in Tariff) Act 2009 — 1 November 2009 (*Gazette No. G44, 29 October 2009*).

Gambling Regulation Further Amendment Act 2009 — Part 1, Part 2 (except subsections 4, 6 to 8, 10, 12 to 16, 18, 19(1), 21 to 24, 44, 45 and 51 to 54), Part 3, Part 4 (except section 85(2)), Part 5, Part 6, Part 8 (except sections 108 to 110), Part 9 (except Division 1 of that Part) and Part 10 — 21 October 2009; Part 7 — 25 November 2009 (*Gazette No. S363, 21 October 2009*).

Greenhouse Gas Geological Sequestration Act 2008 — Part 1, section 14, Divisions 1 and 2 of Part 3 and sections 147 to 150 — 30 October 2009 (*Gazette No. G44, 29 October 2009*).

Justice Legislation Further Amendment Act 2009 — Parts 2, 5, 6 and the remaining provisions of Part 9 (except Divisions 6 and 8 of that Part) — 30 October 2009; Division 6 of Part 9 — 9 November 2009 (*Gazette No. G44, 29 October 2009*).

Liquor Control Reform Amendment (Licensing) Act 2009 — Sections 3, 27 and 29 — 29 October 2009; Remaining provisions — 1 January 2010 (*Gazette No. G44, 29 October 2009*).

Major Transport Projects Facilitation Act 2009 — 1 November 2009 (*Gazette No. G44, 29 October 2009*).

Racing Legislation Amendment (Racing Integrity Assurance) Act 2009 — except Parts 2, 3 and 4 — 15 October 2009 (*Gazette No. G42, 15 October 2009*).

Road Legislation Amendment Act 2009 — Remaining provisions — 9 November 2009 (*Gazette No. S390, 4 November 2009*).

Transport Legislation Miscellaneous Amendments Act 2009 — Section 3 — 26 October 2009 (*Gazette No. G43, 22 October 2009*).

6 PRODUCTION OF DOCUMENTS —

GOVERNMENT ADVERTISING — The Clerk laid on the Table a letter from the Attorney-General in response to the Resolutions of the Council of 14 October 2009 seeking the production of documents relating to the MAMS Expenditure reports and the Working Victoria and Shine advertising campaigns —

- referring to the Government's process for assessing documents for potential Executive privilege;
- advising that the Government is still in the process of identifying and assessing the documents; and
- indicating that the Government would respond to the Council's resolution shortly.

* * * * *

ALPINE RESORT AREAS, CROWN CASINO, CLEARWAY TIMES AND RENEWABLE ENERGY — The Clerk laid on the Table a letter from the Attorney-General in response to the Resolutions of the Council of 14 October 2009 seeking the production of documents relating to alpine resort areas, Crown Casino, clearway times, and renewable energy —

- confirming the Government's claim of Executive privilege in response to the production of documents relating to alpine resort areas, clearway times and renewable energy;
- advising that the Government was still in the process of finalising a response concerning the production of documents relating to Crown Casino; and
- advising that the Government was still in the process of identifying and assessing certain additional documents sought relating to renewable energy.

- 7 COGNATE DEBATE — DEAKIN UNIVERSITY BILL 2009, LA TROBE UNIVERSITY BILL 2009, MONASH UNIVERSITY BILL 2009 AND UNIVERSITY OF MELBOURNE BILL 2009** — Mr Viney moved, by leave, That this House authorises the President to permit the second reading debate on the Deakin University Bill 2009 to be taken concurrently with the second reading debate on the La Trobe University Bill 2009, the Monash University Bill 2009 and the University of Melbourne Bill 2009.

Question — put and agreed to.

- 8 BUSINESS OF THE COUNCIL** — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 11 November 2009:
- (1) the Notice of Motion given this day by Mr D.M. Davis, relating to the production of certain documents relating to brown coal export from the Latrobe Valley;
 - (2) the Notice of Motion given this day by Mr Barber, relating to the production of the Instrument of Delegation for planning permits;
 - (3) Notice of Motion No. 24, standing in the name of Mr D.M. Davis, demanding the Government comply with the Council's Resolution relating to the production of certain documents relating to the Carbon Pollution Reduction Scheme;
 - (4) the Notice of Motion given this day by Mr Rich-Phillips, relating to the Victorian Funds Management Corporation;
 - (5) the Notice of Motion given this day by Mrs Peulich, relating to the Ombudsman's Report on the Brookland Greens Estate; and
 - (6) resumption of debate on Order of the Day No. 16, relating to waste water and stormwater.

Question — put and agreed to.

- 9 STATUTE LAW AMENDMENT (EVIDENCE CONSEQUENTIAL PROVISIONS) BILL 2009 — STATEMENT OF COMPATIBILITY** — Mr Madden moved, by leave, That there be laid before this House the statement of compatibility with the *Charter of Human Rights and Responsibilities Act 2006* in relation to the Statute Law Amendment (Evidence Consequential Provisions) Bill 2009, in substitution for that tabled on 15 October 2009, and that the substituted statement be incorporated into Hansard.

Question — put and agreed to.

- 10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

11 BUSINESS POSTPONED —

Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

- 12 PLANNING LEGISLATION AMENDMENT BILL 2009 (NO.2)** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair

AYES, 35	NOES, 4
Mr Atkinson	Mr Barber (<i>Teller</i>)
Ms Broad	Ms Hartland
Mrs Coote	Mr Kavanagh (<i>Teller</i>)
Mr Dalla-Riva (<i>Teller</i>)	Ms Pennicuik
Ms Darveniza	
Mr D.M. Davis	
Mr P.R. Davis (<i>Teller</i>)	
Mr Drum	
Mr Eideh	
Mr Elasmr	

Mr Finn
Mr Guy
Mr Hall
Ms Huppert
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney
Mr Vogels

Question agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 13 VICTORIAN RENEWABLE ENERGY AMENDMENT BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

- 14 ELECTRICITY INDUSTRY AMENDMENT (CRITICAL INFRASTRUCTURE) BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000 to provide for the protection of critical electricity infrastructure and critical electricity infrastructure plant or equipment or related vehicles and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Pakula), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 15 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.44 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 143 — Wednesday, 11 November 2009

1 The President took the Chair and read the Prayer.

2 **PETITIONS —**

BUFFALO STADIUM — Mrs Petrovich presented a Petition bearing 639 signatures from certain citizens of Victoria requesting that the Government provide support and fund the development of Buffalo Stadium, Woodend, to provide improved sporting and recreational facilities and a much needed community refuge and relocation centre for disaster management.

Ordered to lie on the Table.

* * * * *

PUBLIC HOUSING, MOORABBIN — Mr D.M. Davis presented a Petition bearing 119 signatures from certain citizens of Victoria requesting that the Government immediately suspend the proposed seven storey public housing development at the back of Kingston Town Hall in Moorabbin and identify a more suitable site.

Ordered to lie on the Table.

* * * * *

EQUAL OPPORTUNITY ACT EXEMPTIONS — Mrs Peulich presented a Petition bearing 426 signatures from certain citizens of Victoria requesting that the Government abandon its plan for the removal of the exemptions to the *Equal Opportunity Act 1995* which currently serve to protect the core interests of faith-based schools, single sex clubs and small business.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

PLANNING SYSTEM — Mrs Peulich presented a Petition bearing 54 signatures from certain citizens of Victoria requesting that the Government immediately restore integrity to the planning system in Victoria by reinstating due process and democratic rights to Victorians.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

BOX HILL HOSPITAL REDEVELOPMENT — Mr Atkinson presented a Petition bearing 1,842 signatures from certain citizens of Victoria requesting that the Government immediately commence planning for the redevelopment of the Box Hill Hospital and commit to a funding timetable.

Ordered to lie on the Table.

3 **PAPERS —**

PARTNERSHIPS VICTORIA PROJECT SUMMARY — THE BIOSCIENCES RESEARCH CENTRE PROJECT — Mr Pakula moved, by leave, That there be laid before this House a copy of the Partnerships Victoria Project Summary — The Biosciences Research Centre Project, September 2009.

Question — put and agreed to.

The Report was presented by Mr Pakula 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 Local Government: Results of the 2008-09 Audits, November 2009.

Report on Management of the Community Support Fund, November 2009.

Report on Public Hospitals: Results of the 2008-09 Audits, November 2009.

Report on Responding to Mental Health Crises in the Community, November 2009.

Report on Towards a 'smart grid' – the roll-out of Advanced Metering Infrastructure, November 2009.

Budget Sector — 2009-10 Quarterly Financial Report No. 1 for the period ended 30 September 2009.

Major Sporting Events Act 2009 — Major sporting event order of 10 November 2009 in relation to the 2009 Australian Masters Golf Tournament.

National Parks Act 1975 —

Advice of National Parks Advisory Council to Minister on proposed excisions from Lerderderg State Park, pursuant to section 11(3) of the Act.

Report in relation to the Cobboboonee National Park pursuant to section 17(2A) of the Act, together with an independent assessment of the report (two papers).

Planning and Environment Act 1987 — Urban Growth Boundary — Amendment VC55 to the Victoria Planning Provisions.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 PRODUCTION OF DOCUMENTS — BROWN COAL — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 8 December 2009 a copy of all documents concerning Government consideration of proposals, including, but not limited to, heads of agreement, to pipe and export overseas brown coal from the Latrobe Valley and including details and records of meetings with proponents undertaken by the Premier and Victorian Government Ministers.

Debate ensued.

Question — put and agreed to.

6 PRODUCTION OF DOCUMENTS — MINISTER FOR PLANNING INSTRUMENT OF DELEGATION — Mr Barber moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 8 December 2009 a copy of the Instrument of Delegation between the Minister for Planning and departmental staff within the Department of Planning and Community Development responsible for the issue of planning permits under the Instrument of Delegation, including a copy of any associated explanatory documents.

Debate ensued.

Question — put and agreed to.

7 PRODUCTION OF DOCUMENTS — CARBON POLLUTION REDUCTION SCHEME — Mr D.M. Davis moved, That this House —

- (1) notes the refusal of the Government to comply fully with the Resolution of the Council of 1 April 2009 and the Resolution of the Council of 6 May 2009 to table documents relating to the Carbon Pollution Reduction Scheme on the grounds of Executive Privilege;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
- (3) rejects the Government's claim that the release of documents listed in the schedule attached to correspondence to the Clerk of the Legislative Council from the Attorney General, received on 4 June 2009, and numbered 1, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 28, 29, 30, 33, 34, 36, 37, 39, 41, 42, 43, 44, 48, 49, 50, 51, 52, 53, 56, 57, 59, 60, 65, 73, 75, 76, 80, 82 and 86 would "reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government Officer", and that document numbered 24 would "reveal high-level confidential deliberative processes of the Executive Government", and that documents numbered 26, 46, 47, 63 and 67 would "prejudice intergovernmental relations and reveal high-level deliberative processes of Government or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government Officer", and that documents numbered 32, 68, 69, 71 and 74 would "reveal deliberations of Cabinet", and that document numbered 40 would "reveal high

- level deliberative processes of Government or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government Officer; and reveal deliberations of Cabinet”, and that document numbered 54 would “reveal high level deliberative processes of Government or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government Officer and reveal confidential legal advice” and that documents numbered 58 and 85 would “reveal high level deliberative processes of Government”, and that documents numbered 61, 66, 77, 78, 81, 83, 103, 104, 105, 106, 107, 108, 109, 110, 111 and 112 would “prejudice intergovernmental relations”, and that document numbered 79 would “reveal legal advice provided to the Executive Government”;
- (4) rejects the Government’s claim that the release of documents listed in the schedule attached to correspondence to the Clerk of the Legislative Council from the Attorney General, received on 24 June 2009, and numbered 1, 8, 10, 11, 13, 25 and 30 would “reveal deliberations of Cabinet”, and that the release of documents numbered 2, 3, 4, 5, 6, 7, 9, 14, 18, 20, 21, 22, 23, 24, 26, 27, 28, 31, 32, 33, 34 and 35 would “reveal high level confidential deliberative processes of the Executive Government” and that release of documents numbered 16 and 17 would “would reveal high level confidential deliberative processes of the Executive Government, and prejudiced intergovernmental relations” and that release of document numbered 19 would “prejudice intergovernmental relations”;
- (5) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government’s failure to fully comply with the Council’s Resolutions of 1 April 2009 and 6 May 2009;
- (6) demands that the Leader of the Government comply fully with the Resolution of the Council of 1 April 2009 and lodge the following documents as detailed on the schedule attached to the Attorney General’s letter with the Clerk by 12 noon on Tuesday, 24 November 2009:
- document listed as number 1, “Brief to Minister for Energy and Resources (21 January 2009)”;
 - document listed as number 9, “Brief to Minister for Energy and Resources (March 2009)”;
 - document listed as number 10, “Brief to Minister for Energy and Resources (March 2009)”;
 - document listed as number 11, “Briefing note (19 March 2009)”;
 - document listed as number 12, “Brief to Minister for Energy and Resources (6 March 2009)”;
 - document listed as number 13, “Brief to Minister for Energy and Resources (27 February 2009)”;
 - document listed as number 14, “Brief to Minister for Energy and Resources (27 February 2009)”;
 - document listed as number 15, “Brief for Minister for Energy and Resources (9 February 2009)”;
 - document listed as number 16, “ Brief to Minister for Energy and Resources (15 January 2009)”;
 - document listed as number 17, “Brief to Minister for Energy and Resources (November 2008)”;
 - document listed as number 18, “Brief to Minister for Energy and Resources (25 November 2008)”;
 - document listed as number 19, “Brief to Minister for Energy and Resources (20 November 2008)”;
 - document listed as number 20, “Brief to Minister for Energy and Resources (14 November 2008)”;
 - document listed as number 21, “Brief to Minister for Energy and Resources (21 October 2008)”;

- document listed as number 22, “Brief to Minister for Agriculture (11 September 2008)”;
- document listed as number 23, “Report by KPMG (August 2008)”;
- document listed as number 24, “Brief to Secretary, Department of Primary Industries (DPI)(13 February 2009)”;
- document listed as number 25, “Brief to Minister for Energy and Resources (29 September 2008)”;
- document listed as number 26, “Brief to Minister for Environment and Climate Change (17 July 2008)”;
- document listed as number 27, “Brief to Minister for Environment and Climate Change (25 July 2008)”;
- document listed as number 28, “Brief to Minister for Environment and Climate Change (4 August 2008)”;
- document listed as number 29, “Brief to Minister for Environment and Climate Change (5 August 2008)”;
- document listed as number 30, “Brief to Minister for Environment and Climate Change (28 August 2008)”;
- document listed as number 32, “DSE Discussion Paper”;
- document listed as number 33, “Brief to Minister for Environment and Climate Change (4 September 2008)”;
- document listed as number 34, “DSE Discussion Paper”;
- document listed as number 36, “Brief to Minister for Environment and Climate Change (14 October 2008)”;
- document listed as number 37, “Brief to Secretary, Department of Sustainability and Environment (DSE) (24 October 2008)”;
- document listed as number 39, “Brief to Minister for Environment and Climate Change (31 October 2008)”;
- document listed as number 40, “DSE and DPI comments on Draft Climate Change Green Paper”;
- document listed as number 41, “Brief to Minister for Environment and Climate Change (25 November 2008)”;
- document listed as number 42, “Brief to Minister for Environment and Climate Change (10 December 2008)”;
- document listed as number 43, “Paper on CPRS White Paper (19 January 2009)”;
- document listed as number 44, “Brief to Secretary, DSE (22 January 2009)”;
- document listed as number 46, “DSE Discussion Paper”;
- document listed as number 47, “Brief to Minister for Environment and Climate Change (11 March 2009)”;
- document listed as number 48, “Brief to Minister for Environment and Climate Change (10 March 2009)”;
- document listed as number 49, “Brief to Minister for Environment and Climate Change (18 March 2009)”;
- document listed as number 50, “Brief to Minister for Environment and Climate Change (23 March 2009)”;
- document listed as number 51, “Brief to Minister for Environment and Climate Change (24 March 2009)”;
- document listed as number 52, “Internal DSE Briefing (25 March 2009)”;
- document listed as number 53, “Brief to Minister for Environment and Climate Change (26 March 2009)”;
- document listed as number 54, “Internal DSE Briefing (26 March 2009)”;
- document listed as number 56, “Internal DSE brief (21 August 2008)”;

- document listed as number 57, “Briefing on natural resource management (December 2008)”;
 - document listed as number 58, “Report by George Wilkenfeld and Associates (March 2009)”;
 - document listed as number 59, “Internal DSE Evaluation (13 February 2009)”;
 - document listed as number 60, “Report by Deloitte (March 2009)”;
 - document listed as number 61, “Brief to Premier (19 August 2008)”;
 - document listed as number 63, “Brief to Premier (4 August 2008)”;
 - document listed as number 65, “Brief to Premier (15 August 2008)”;
 - document listed as number 66, “Brief to Secretary, Department of Premier and Cabinet (25 August 2008)”;
 - document listed as number 67, “Brief to Premier (29 August 2008)”;
 - document listed as number 68, “Brief to Premier (9 September 2008)”;
 - document listed as number 69, “Brief to Premier (4 September 2008)”;
 - document listed as number 71, “Brief to Premier (13 October 2008)”;
 - document listed as number 73, “Brief to Premier (2 January 2009)”;
 - document listed as number 74, “Brief to Premier (12 December 2008)”;
 - document listed as number 75, “Brief to Premier (16 December 2008)”;
 - document listed as number 76, “Brief to Premier (2 January 2009)”;
 - document listed as number 77, “Brief to Premier (29 January 2009)”;
 - document listed as number 78, “Brief to Premier (30 March 2009)”;
 - document listed as number 79, “Brief to Premier (29 October 2008)”;
 - document listed as number 80, “Brief to Premier (12 December 2008)”;
 - document listed as number 81, “Brief to Premier (2 September 2008)”;
 - document listed as number 82, “Brief to Minister for Environment and Climate Change (undated)”;
 - document listed as number 83, “CPRS paper (September 2008)”;
 - document listed as number 85, “Report by Victoria University of Technology (February 2009)”;
 - document listed as number 86, “Brief to Premier (3 March 2009)”;
 - document listed as number 103, “Council for the Australian Federation (CAF) Senior Officials Meeting speaking points (8 April 2009)”;
 - document listed as number 104, “CAF Senior Officials Meeting speaking points (8 April 2009)”;
 - document listed as number 105, “Council of Australian Government (COAG) Senior Officials Meeting speaking points (19 March 2009)”;
 - document listed as number 106, “CPRS Paper (August 2008)”;
 - document listed as number 107, “CAF Paper (28 August 2008)”;
 - document listed as number 108, “CAF speaking points (11 September 2008)”;
 - document listed as number 109, “CAF meeting speaking points (3 September 2008)”;
 - document listed as number 110, “CAF meeting speaking points (9 September 2008)”;
 - document listed as number 111, “CAF Senior Officials Meeting speaking points (8 September 2008)”;
 - document listed as number 112, “COAG Senior Officials Meeting speaking points (12 November 2008)”;
- (7) demands that the Leader of the Government comply fully with the Resolution of the Council of 6 May 2009 and lodge the following documents as detailed on the schedule

attached to the Attorney General's letter with the Clerk by 12 noon on Tuesday, 24 November 2009:

- document listed as number 1, "Brief to the Treasurer (15 August 2008)";
- document listed as number 2, "Brief to the Treasurer (3 September 2008)";
- document listed as number 3, "Brief to the Treasurer (21 November 2008)";
- document listed as number 4, "Brief to the Treasurer (11 December 2008)";
- document listed as number 5, "Brief to the Treasurer (16 January 2009)";
- document listed as number 6, "Brief to the Treasurer (5 April 2009)";
- document listed as number 7, "Brief to the Treasurer (9 April 2009)";
- document listed as number 8, "Brief to the Treasurer (13 February 2009)";
- document listed as number 9, "Brief to the Treasurer (15 December 2008)";
- document listed as number 10, "DTF Presentation (10 December 2008)";
- document listed as number 11, "Briefing to the Treasurer (undated)";
- document listed as number 13, "Briefing to the Treasurer on a Cabinet Submission";
- document listed as number 14, "Brief to the Treasurer (4 August 2008)";
- document listed as number 16, "Paper for Heads of Treasury Intergovernmental meeting (undated)";
- document listed as number 17, "Paper for Heads of Treasury Intergovernmental meeting (undated)";
- document listed as number 18, "Briefing to the Treasurer (undated)";
- document listed as number 19, "Brief to the Treasurer (1 October 2008)";
- document listed as number 20, "Brief to the Treasurer (5 September 2008)";
- document listed as number 21, "Briefing to the Treasurer (undated)";
- document listed as number 22, "Brief to the Treasurer (25 August 2008)";
- document listed as number 23, "Brief to the Treasurer (2 October 2008)";
- document listed as number 24, "Briefing by DTF (undated)";
- document listed as number 25, "Brief to the Treasurer (6 April 2009)";
- document listed as number 26, "Brief to the Treasurer (16 July 2008)";
- document listed as number 27, "Brief to the Treasurer (15 July 2008)";
- document listed as number 28, "Brief to the Treasurer (15 December 2008)";
- document listed as number 30, "Brief to the Treasurer (18 July 2008)";
- document listed as number 31, "Brief to the Treasurer (undated)";
- document listed as number 32, "Report commissioned by the Department of Innovation, Industry and Regional Development (March 2009)";
- document listed as number 33, "Brief to the Treasurer (undated)";
- document listed as number 34, "Brief to the Treasurer (10 February 2009)"; and
- document listed as number 35, "Brief to the Treasurer (13 February 2009)".

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

8 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

9 PRODUCTION OF DOCUMENTS — CARBON POLLUTION REDUCTION SCHEME — Debate continued on the question, That this House —

- (1) notes the refusal of the Government to comply fully with the Resolution of the Council of 1 April 2009 and the Resolution of the Council of 6 May 2009 to table documents relating to the Carbon Pollution Reduction Scheme on the grounds of Executive Privilege;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;

- (3) rejects the Government's claim that the release of documents listed in the schedule attached to correspondence to the Clerk of the Legislative Council from the Attorney General, received on 4 June 2009, and numbered 1, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 28, 29, 30, 33, 34, 36, 37, 39, 41, 42, 43, 44, 48, 49, 50, 51, 52, 53, 56, 57, 59, 60, 65, 73, 75, 76, 80, 82 and 86 would "reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government Officer", and that document numbered 24 would "reveal high-level confidential deliberative processes of the Executive Government", and that documents numbered 26, 46, 47, 63 and 67 would "prejudice intergovernmental relations and reveal high-level deliberative processes of Government or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government Officer", and that documents numbered 32, 68, 69, 71 and 74 would "reveal deliberations of Cabinet", and that document numbered 40 would "reveal high level deliberative processes of Government or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government Officer; and reveal deliberations of Cabinet", and that document numbered 54 would "reveal high level deliberative processes of Government or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government Officer and reveal confidential legal advice" and that documents numbered 58 and 85 would "reveal high level deliberative processes of Government", and that documents numbered 61, 66, 77, 78, 81, 83, 103, 104, 105, 106, 107, 108, 109, 110, 111 and 112 would "prejudice intergovernmental relations", and that document numbered 79 would "reveal legal advice provided to the Executive Government";
- (4) rejects the Government's claim that the release of documents listed in the schedule attached to correspondence to the Clerk of the Legislative Council from the Attorney General, received on 24 June 2009, and numbered 1, 8, 10, 11, 13, 25 and 30 would "reveal deliberations of Cabinet", and that the release of documents numbered 2, 3, 4, 5, 6, 7, 9, 14, 18, 20, 21, 22, 23, 24, 26, 27, 28, 31, 32, 33, 34 and 35 would "reveal high level confidential deliberative processes of the Executive Government" and that release of documents numbered 16 and 17 would "would reveal high level confidential deliberative processes of the Executive Government, and prejudiced intergovernmental relations" and that release of document numbered 19 would "prejudice intergovernmental relations";
- (5) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolutions of 1 April 2009 and 6 May 2009;
- (6) demands that the Leader of the Government comply fully with the Resolution of the Council of 1 April 2009 and lodge the following documents as detailed on the schedule attached to the Attorney General's letter with the Clerk by 12 noon on Tuesday, 24 November 2009:
- document listed as number 1, "Brief to Minister for Energy and Resources (21 January 2009)";
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 - document listed as number 10, "Brief to Minister for Energy and Resources (March 2009)";
 - document listed as number 11, "Briefing note (19 March 2009)",
 - document listed as number 12, "Brief to Minister for Energy and Resources (6 March 2009)";
 - document listed as number 13, "Brief to Minister for Energy and Resources (27 February 2009)";
 - document listed as number 14, "Brief to Minister for Energy and Resources (27 February 2009)";
 - document listed as number 15, "Brief for Minister for Energy and Resources (9 February 2009)";

- document listed as number 16, “ Brief to Minister for Energy and Resources (15 January 2009)”;
- document listed as number 17, “Brief to Minister for Energy and Resources (November 2008)”;
- document listed as number 18, “Brief to Minister for Energy and Resources (25 November 2008)”;
- document listed as number 19, “Brief to Minister for Energy and Resources (20 November 2008)”;
- document listed as number 20, “Brief to Minister for Energy and Resources (14 November 2008)”;
- document listed as number 21, “Brief to Minister for Energy and Resources (21 October 2008)”;
- document listed as number 22, “Brief to Minister for Agriculture (11 September 2008)”;
- document listed as number 23, “Report by KPMG (August 2008)”;
- document listed as number 24, “Brief to Secretary, Department of Primary Industries (DPI)(13 February 2009)”;
- document listed as number 25, “Brief to Minister for Energy and Resources (29 September 2008)”;
- document listed as number 26, “Brief to Minister for Environment and Climate Change (17 July 2008)”;
- document listed as number 27, “Brief to Minister for Environment and Climate Change (25 July 2008)”;
- document listed as number 28, “Brief to Minister for Environment and Climate Change (4 August 2008)”;
- document listed as number 29, “Brief to Minister for Environment and Climate Change (5 August 2008)”;
- document listed as number 30, “Brief to Minister for Environment and Climate Change (28 August 2008)”;
- document listed as number 32, “DSE Discussion Paper”;
- document listed as number 33, “Brief to Minister for Environment and Climate Change (4 September 2008)”;
- document listed as number 34, “DSE Discussion Paper”;
- document listed as number 36, “Brief to Minister for Environment and Climate Change (14 October 2008)”;
- document listed as number 37, “Brief to Secretary, Department of Sustainability and Environment (DSE) (24 October 2008)”;
- document listed as number 39, “Brief to Minister for Environment and Climate Change (31 October 2008)”;
- document listed as number 40, “DSE and DPI comments on Draft Climate Change Green Paper”;
- document listed as number 41, “Brief to Minister for Environment and Climate Change (25 November 2008)”;
- document listed as number 42, “Brief to Minister for Environment and Climate Change (10 December 2008)”;
- document listed as number 43, “Paper on CPRS White Paper (19 January 2009)”;
- document listed as number 44, “Brief to Secretary, DSE (22 January 2009)”;
- document listed as number 46, “DSE Discussion Paper”;
- document listed as number 47, “Brief to Minister for Environment and Climate Change (11 March 2009)”;

- document listed as number 48, “Brief to Minister for Environment and Climate Change (10 March 2009)”;
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- document listed as number 50, “Brief to Minister for Environment and Climate Change (23 March 2009)”;
- document listed as number 51, “Brief to Minister for Environment and Climate Change (24 March 2009)”;
- document listed as number 52, “Internal DSE Briefing (25 March 2009)”;
- document listed as number 53, “Brief to Minister for Environment and Climate Change (26 March 2009)”;
- document listed as number 54, “Internal DSE Briefing (26 March 2009)”;
- document listed as number 56, “Internal DSE brief (21 August 2008)”;
- document listed as number 57, “Briefing on natural resource management (December 2008)”;
- document listed as number 58, “Report by George Wilkenfeld and Associates (March 2009)”;
- document listed as number 59, “Internal DSE Evaluation (13 February 2009)”;
- document listed as number 60, “Report by Deloitte (March 2009)”;
- document listed as number 61, “Brief to Premier (19 August 2008)”;
- document listed as number 63, “Brief to Premier (4 August 2008)”;
- document listed as number 65, “Brief to Premier (15 August 2008)”;
- document listed as number 66, “Brief to Secretary, Department of Premier and Cabinet (25 August 2008)”;
- document listed as number 67, “Brief to Premier (29 August 2008)”;
- document listed as number 68, “Brief to Premier (9 September 2008)”;
- document listed as number 69, “Brief to Premier (4 September 2008)”;
- document listed as number 71, “Brief to Premier (13 October 2008)”;
- document listed as number 73, “Brief to Premier (2 January 2009)”;
- document listed as number 74, “Brief to Premier (12 December 2008)”;
- document listed as number 75, “Brief to Premier (16 December 2008)”;
- document listed as number 76, “Brief to Premier (2 January 2009)”;
- document listed as number 77, “Brief to Premier (29 January 2009)”;
- document listed as number 78, “Brief to Premier (30 March 2009)”;
- document listed as number 79, “Brief to Premier (29 October 2008)”;
- document listed as number 80, “Brief to Premier (12 December 2008)”;
- document listed as number 81, “Brief to Premier (2 September 2008)”;
- document listed as number 82, “Brief to Minister for Environment and Climate Change (undated)”;
- document listed as number 83, “CPRS paper (September 2008)”;
- document listed as number 85, “Report by Victoria University of Technology (February 2009)”;
- document listed as number 86, “Brief to Premier (3 March 2009)”;
- document listed as number 103, “Council for the Australian Federation (CAF) Senior Officials Meeting speaking points (8 April 2009)”;
- document listed as number 104, “CAF Senior Officials Meeting speaking points (8 April 2009)”;
- document listed as number 105, “Council of Australian Government (COAG) Senior Officials Meeting speaking points (19 March 2009)”;
- document listed as number 106, “CPRS Paper (August 2008)”;

- document listed as number 107, “CAF Paper (28 August 2008)”;
 - document listed as number 108, “CAF speaking points (11 September 2008)”;
 - document listed as number 109, “CAF meeting speaking points (3 September 2008)”;
 - document listed as number 110, “CAF meeting speaking points (9 September 2008)”;
 - document listed as number 111, “CAF Senior Officials Meeting speaking points (8 September 2008)”;
 - document listed as number 112, “COAG Senior Officials Meeting speaking points (12 November 2008)”;
- (7) demands that the Leader of the Government comply fully with the Resolution of the Council of 6 May 2009 and lodge the following documents as detailed on the schedule attached to the Attorney General’s letter with the Clerk by 12 noon on Tuesday, 24 November 2009:
- document listed as number 1, “Brief to the Treasurer (15 August 2008)”;
 - document listed as number 2, “Brief to the Treasurer (3 September 2008)”;
 - document listed as number 3, “Brief to the Treasurer (21 November 2008)”;
 - document listed as number 4, “Brief to the Treasurer (11 December 2008)”;
 - document listed as number 5, “Brief to the Treasurer (16 January 2009)”;
 - document listed as number 6, “Brief to the Treasurer (5 April 2009)”;
 - document listed as number 7, “Brief to the Treasurer (9 April 2009)”;
 - document listed as number 8, “Brief to the Treasurer (13 February 2009)”;
 - document listed as number 9, “Brief to the Treasurer (15 December 2008)”;
 - document listed as number 10, “DTF Presentation (10 December 2008)”;
 - document listed as number 11, “Briefing to the Treasurer (undated)”;
 - document listed as number 13, “Briefing to the Treasurer on a Cabinet Submission”;
 - document listed as number 14, “Brief to the Treasurer (4 August 2008)”;
 - document listed as number 16, “Paper for Heads of Treasury Intergovernmental meeting (undated)”;
 - document listed as number 17, “Paper for Heads of Treasury Intergovernmental meeting (undated)”;
 - document listed as number 18, “Briefing to the Treasurer (undated)”;
 - document listed as number 19, “Brief to the Treasurer (1 October 2008)”;
 - document listed as number 20, “Brief to the Treasurer (5 September 2008)”;
 - document listed as number 21, “Briefing to the Treasurer (undated)”;
 - document listed as number 22, “Brief to the Treasurer (25 August 2008)”;
 - document listed as number 23, “Brief to the Treasurer (2 October 2008)”;
 - document listed as number 24, “Briefing by DTF (undated)”;
 - document listed as number 25, “Brief to the Treasurer (6 April 2009)”;
 - document listed as number 26, “Brief to the Treasurer (16 July 2008)”;
 - document listed as number 27, “Brief to the Treasurer (15 July 2008)”;
 - document listed as number 28, “Brief to the Treasurer (15 December 2008)”;
 - document listed as number 30, “Brief to the Treasurer (18 July 2008)”;
 - document listed as number 31, “Brief to the Treasurer (undated)”;
 - document listed as number 32, “Report commissioned by the Department of Innovation, Industry and Regional Development (March 2009)”;
 - document listed as number 33, “Brief to the Treasurer (undated)”;
 - document listed as number 34, “Brief to the Treasurer (10 February 2009)”;
 - document listed as number 35, “Brief to the Treasurer (13 February 2009)”.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson
Mr Barber
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum (*Teller*)
Mr Finn (*Teller*)
Mr Guy
Mr Hall
Ms Hartland
Mr Kavanagh
Mr Koch
Mrs Kronberg
Ms Lovell
Mr O'Donohue
Ms Pennicuik
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

NOES, 19

Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmar
Ms Huppert
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Mr Pakula
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek (*Teller*)
Mr Tee
Mr Theophanous
Ms Tierney (*Teller*)
Mr Viney

Question agreed to.

10 VICTORIAN FUNDS MANAGEMENT CORPORATION — Mr Rich-Phillips moved, That this House expresses its concern at the performance of the Victorian Funds Management Corporation and the oversight failures by the Government, in particular noting —

- (1) the failure to achieve benchmark investment performance over a five year period, exacerbating the multi-billion dollar loss of funds under management;
- (2) the payment of substantial executive performance bonuses in spite of the investment losses and sustained underperformance;
- (3) the failure to ensure adequate corporate governance by allowing the acting chief executive officer and chief investment officer roles to be occupied by the same person; and
- (4) the failure to publicly disclose VFMC proxy voting records, particularly those involving conflicts of interest.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson
Mr Barber
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Guy
Mr Hall
Ms Hartland
Mr Koch
Mrs Kronberg

NOES, 20

Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmar (*Teller*)
Ms Huppert
Mr Jennings
Mr Kavanagh
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Mr Pakula
Ms Pulford

Ms Lovell	Mr Scheffer
Mr O'Donohue (<i>Teller</i>)	Mr Smith
Ms Pennicuik	Mr Somyurek
Mrs Petrovich	Mr Tee
Mrs Peulich	Mr Theophanous (<i>Teller</i>)
Mr Rich-Phillips	Ms Tierney
Mr Vogels (<i>Teller</i>)	Mr Viney

The Ayes and Noes being equal, the question was negatived.

11 OMBUDSMAN VICTORIA REPORT ON BROOKLAND GREENS ESTATE — Mrs Peulich moved, That this House notes the Ombudsman Victoria Report on Brookland Greens Estate – Investigation into methane gas leaks, October 2009 which catalogues a litany of failures in governance and policy, bureaucratic bungling, mismanagement and blame-shifting, and calls on the Premier to appoint a Panel of experts chaired by a retired judge to provide independent oversight to the Government's response and implementation of the response to the Ombudsman's report to:

- (1) address the on-going conflict of interest which exists given that many parties, including the Victorian State Government, are potentially parties to legal action;
- (2) provide a comprehensive response to the exposure of failures in policy, governance and management involving multiple parties, including the Environment Protection Authority and other Victorian State Government agencies;
- (3) respond to the need for a just and negotiated resolution and implementation of all outstanding issues, including liability for cost of rectification and on-going monitoring of the landfill and possible compensation to affected residents and communities;
- (4) ensure the adoption of an open accountability and reporting framework as an integral part of this process; and

that the Panel's report be tabled by the Premier or his representative in the Parliament by 1 April 2010.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza (<i>Teller</i>)
Mrs Coote	Mr Eideh (<i>Teller</i>)
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland	Mr Pakula
Mr Kavanagh	Ms Pulford
Mr Koch	Mr Scheffer
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue	Mr Tee
Ms Pennicuik	Mr Theophanous
Mrs Petrovich (<i>Teller</i>)	Ms Tierney
Mrs Peulich (<i>Teller</i>)	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

12 BUSINESS POSTPONED — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

13 PRODUCTION OF DOCUMENTS — CARBON TRADING INSTITUTIONS — The Clerk laid on the Table the following documents received in accordance with the resolution of the Council of 29 July 2009 —

- (1) Brief to Minister for Financial Services: Melbourne Carbon Market Taskforce Meeting Update and Minutes (October 2008);
- (2) Brief to Minister for Financial Services: Carbon Trading and Environmental Market Services (CTEMS) (August 2008);
- (3) Presentation by Allen Consulting Group: Melbourne as an Emissions Trading Centre (December 2008);
- (4) Brief to Minister for Financial Services: Minister Lenders to chair the Carbon Market Taskforce Meeting (9 April 2009);
- (5) Document: Strategic Delivery Linkages (February 2009);
- (6) Presentation by Farrier Swier Consulting: Strategy to centre Australia's carbon market business activities in Melbourne (19 February 2009);
- (7) Presentation by Farrier Swier Consulting: Strategy to centre Australia's carbon market business activities in Melbourne, Draft for Discussion (20 February 2009);
- (8) Internal DIIRD Document: Review of Global exchanges (April 2009);
- (9) Internal DIIRD Document: Investment Logic Map (14 October 2008);
- (10) Brief to Secretary, DIIRD: Update on Melbourne Carbon Market project (2 September 2008);
- (11) Brief to Minister for Industry and Trade: Melbourne Carbon Market Taskforce Meeting (8 October 2008);
- (12) Brief to Acting Minister for Industry and Trade: Mr Lenders, Acting Minister for Industry and Trade, will chair the first meeting of the Melbourne Carbon Market Taskforce on Friday 17 October 2008 (16 October 2008);
- (13) Brief to Minister for Industry and Trade: Carbon Trading and Environmental Market Services-Update 1 (10 August 2008);
- (14) Brief to Minister for Industry and Trade: Letter to Melbourne Carbon Market Taskforce (27 August 2008);
- (15) Brief to Minister for Industry and Trade: Melbourne Carbon Market-Update 2 (10 September 2008);
- (16) Draft Document: Financial Services Strategy (Undated);
- (17) Briefing: Agenda Item 4, VFIC Meeting (21 May 2009);
- (18) Letter from Acting Minister for Industry and Trade to Federal Minister for Climate Change and Water: Melbourne Carbon Market and Services Guide (2008), attaching: Publication: Melbourne Carbon Market Services Guide 2009/10;
- (19) Brief to Premier: Carbon Trading meeting (19 November 2008);
- (20) Brief to Premier: Meeting with Federal Treasurer: carbon market hub (3 December 2008);
- (21) Minutes: Premier's Carbon Hub roundtable (18 December 2008);
- (22) Draft presentation: Premier's carbon market meeting (18 December 2008);
- (23) Brief to Premier: Establishment of CPRS Regulator in Melbourne (22 December 2008), attaching: Letter, from the Premier of Victoria to the Prime Minister, re Location of the Carbon Pollution Reduction Scheme Regulator (29 December 2008);
- (24) Minutes: Melbourne Market Taskforce Meeting (17 October 2008) and Draft Minutes: Melbourne Market Taskforce Meeting (10 December 2008);
- (25) Publication: Victoria's Greenhouse Opportunity Set (April 2009);
- (26) Brief to Premier: Establishing a carbon exchange in Melbourne (20 March 2009);

- (27) Draft ministerial messages for carbon market video (24 July 2009);
- (28) Publication: VIM – Building Our Industries For The Future, Action Plans for Victorian Industry and Manufacturing (November 2008);
- (29) Agenda: Melbourne Carbon Market Taskforce (17 October 2008);

The Clerk also laid on the Table a letter from the Attorney-General dated 11 November 2009 —

- advising that e-mails had been excluded as identifying and assessing e-mails would require a substantial dedication of resources that would significantly divert the workings of Government;
- referring to the Government's process for assessing documents for potential Executive privilege;
- stating that Executive Privilege was claimed in relation to the following documents and that, therefore, those documents have not been provided:
 - (1) Business case prepared by the Victorian Government (April 2009);
 - (2) Brief to Minister for Financial Services regarding carbon market options with attachments (June 2009);
 - (3) Brief to Minister for Financial Services regarding carbon market options (March 2009);
 - (4) Brief to Minister for Financial Services regarding carbon market options (December 2008);
 - (5) Brief to Minister for Financial Services regarding carbon market taskforce with attachments (December 2008);
 - (6) Brief to Minister for Financial Services regarding carbon market taskforce (December 2008);
 - (7) Report by KPMG regarding carbon market options (July 2009);
 - (8) Report by Allens Consulting regarding carbon market options (November 2008);
 - (9) Report by Allens Consulting regarding carbon market options (December 2008);
 - (10) Report by Point Carbon regarding carbon market options (23 March 2009);
 - (11) Brief to Minister for Financial Services regarding carbon market taskforce (14 May 2009);
 - (12) Presentation by Farrier Swier Consulting regarding carbon market options (13 February 2009);
 - (13) Presentation by Farrier Swier Consulting regarding carbon market options (11 March 2009);
 - (14) Brief to Minister for Financial Services regarding carbon market options (19 June 2009);
 - (15) Internal DIIRD file note regarding carbon market options (April 2009);
 - (16) Internal DIIRD Report regarding carbon market options (21 April 2009);
 - (17) Internal DIIRD file note regarding carbon market options (April 2009);
 - (18) Attachment to Cabinet submission;
 - (19) Brief to Secretary, DIIRD regarding carbon market options (25 December 2008);
 - (20) Internal DIIRD file note regarding carbon market options (17 April 2009);
 - (21) PPQ prepared for Minister for Industry and Trade (undated);
 - (22) Internal DIIRD Presentation regarding financial services strategy (15 January 2009);
 - (23) PPQ prepared for Minister for Financial Services (17 April 2009);
 - (24) PPQ prepared for Minister for Financial Services (27 January 2009);
 - (25) PPQ prepared for Minister for Financial Services (2 June 2009);
 - (26) Internal DIIRD Briefing Notes regarding carbon market options (29 December 2008);
 - (27) Presentation by the Premier regarding carbon market options (18 December 2008);

- (28) Brief to Premier regarding carbon market options (20 October 2008);
- (29) Brief to Premier regarding carbon market taskforce (17 December 2008);
- (30) Brief to Premier regarding carbon market taskforce (17 December 2008);
- (31) Agenda, 'Premier's Carbon Market Meeting' with attachments regarding carbon market options (18 December 2008);
- (32) Premier's Presentation regarding carbon market options with speaking points (18 December 2008);
- (33) Brief to Secretary, DPC regarding carbon market options (23 December 2008);
- (34) Draft letter to Prime Minister from Premier (January 2009);
- (35) Draft Brief to Premier regarding carbon market options (January 2009);
- (36) Draft letter to Prime Minister (29 January 2009);
- (37) Draft letter to Prime Minister (February 2009);
- (38) Internal DPC file note regarding carbon market options (February 2009);
- (39) Cabinet Submission;
- (40) Cabinet Submission;
- (41) Draft business case prepared by Victorian Government (25 February 2009);
- (42) Draft messages from Premier and Minister for Financial Services for business case (27 February 2009);
- (43) Brief to Premier regarding carbon market options (2 March 2009);
- (44) Brief to Secretary, DPC regarding carbon market options (4 March 2009);
- (45) Presentation to Premier regarding carbon market options (13 March 2009);
- (46) Brief to Secretary, DPC regarding carbon market options (13 March 2009);
- (47) Brief to Premier regarding carbon market options (16 March 2009);
- (48) Internal DPC evaluation regarding carbon market options and timelines (24 March 2009);
- (49) Draft Media Release (April 2009);
- (50) Draft letter to Prime Minister from Premier (April 2009);
- (51) DIIRD Work Plan regarding carbon market options (27 March 2009);
- (52) Brief to Premier regarding carbon market options (7 April 2009);
- (53) Agenda and action notes from Carbon Market Taskforce meeting (16 April 2009);
- (54) DIIRD Draft Question and Answers document regarding carbon market options (16 April 2009);
- (55) Brief to Premier regarding carbon market options (21 April 2009);
- (56) Cabinet Submission;
- (57) Draft Brief to Premier regarding carbon market options (28 April 2009);
- (58) Brief to Premier regarding carbon market options (28 April 2009);
- (59) Cabinet decision extract;
- (60) Draft Brief to Premier regarding carbon market options (5 May 2009);
- (61) Brief to Premier regarding carbon market options (7 May 2009);
- (62) Internal DPC file note regarding carbon market options (18 June 2009);
- (63) Brief to Premier regarding carbon market options (9 July 2009);
- (64) Draft Cabinet Briefing;
- (65) Internal DTF Analysis of Cabinet proposals;
- (66) DIIRD Presentation regarding financial services strategy (3 April 2009);
- (67) Draft Cabinet Briefing;
- (68) Cabinet Submission;
- (69) Cabinet Briefing;
- (70) Cabinet Submission;
- (71) Cabinet Submission;

- (72) Cabinet Briefing;
- (73) Internal DPC Meeting Notes from carbon market taskforce (16 April 2008);
- (74) Internal DPC Meeting Notes from carbon market taskforce (17 October 2008);
- (75) Draft message from Premier regarding carbon market options, for business case (2009);
- (76) Draft message from Minister for Financial Services regarding carbon market options, for business case (2009);
- (77) Draft DIIRD Discussion and Consultation Paper regarding carbon market options (November 2008);
- (78) Draft Report from Allens Consulting regarding carbon market options (November 2008);
- (79) Agenda 'Melbourne Carbon Market Taskforce' with attachments and annotations (10 December 2008);
- (80) Internal DTF File Note regarding Cabinet submission; and
- (81) Draft PPQ prepared for the Treasurer (October 2008).

Mr D.M. Davis moved, by leave, That a list of the 29 documents being produced to the Council and a list of the 81 documents upon which Executive Privilege is being claimed, which are referred to in the letter from the Attorney-General, be incorporated into Hansard.

Question — put and agreed to.

14 GAMBLING REGULATION AMENDMENT (RACING CLUB VENUE OPERATOR LICENCES) BILL 2009 — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

15 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

16 ELECTRICITY INDUSTRY AMENDMENT (CRITICAL INFRASTRUCTURE) BILL 2009 — Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Hall), the debate was adjourned for one week.

17 VICTORIAN RENEWABLE ENERGY AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

18 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until the next day of meeting.

19 EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL AGE) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

20 LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Hartland were circulated.

Debate continued.

Business having been interrupted at 9.57 p.m. pursuant to Standing Orders —

21 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2009 — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958, the Criminal Procedure Act 2009, the Infringements Act 2006, the Major Crime (Investigative Powers) Act 2004, the Major Crime Legislation Amendment Act 2009, the Sheriff Act 2009, the Telecommunications (Interception) (State Provisions) Act 1988 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

22 ADJOURNMENT — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.31 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 144 — Thursday, 12 November 2009

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:

Infertility Treatment Authority — Report, 2008-09.

Mildura Cemetery Trust — Report, 2008-09.

Ombudsman — Report on Own motion investigation into the tendering and contracting of information technology services within Victoria Police, November 2009.

3 SITTING OF THE COUNCIL — Mr Pakula moved, That the Council at its rising, adjourn until Tuesday, 24 November 2009.

Question — put and agreed to.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

6 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

7 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2009 — Mr Pakula (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

8 LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

9 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

- 10 LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) BILL 2009** — Bill further considered in Committee of the whole.
Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 11 LOCAL GOVERNMENT AMENDMENT (OFFENCES AND OTHER MATTERS) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and committed to a Committee of the whole.
House in Committee.
Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 12 STATUTE LAW AMENDMENT (EVIDENCE CONSEQUENTIAL PROVISIONS) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time with the concurrence of a special majority of the whole number of the Members of the Legislative Council and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 13 CRIMINAL PROCEDURE AMENDMENT (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time 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.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 14 FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Fair Work (Commonwealth Powers) Act 2009 and to make related amendments to other Acts and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Pakula, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.
Mr Pakula moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 15 HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to provide for the adoption of a national law to establish a national registration and accreditation scheme for health practitioners and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Pakula (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr D.M. Davis), the debate was adjourned for one week.

- 16 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the First Home Owner Grant Act 2000, the Land Tax Act 2005, the Payroll Tax Act 2007 and the Taxation Administration Act 1997 and to make consequential amendments to other Acts, to repeal the Taxation (Reciprocal Powers) Act 1987 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Pakula (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 17 PARKS AND CROWN LAND LEGISLATION AMENDMENT (RIVER RED GUMS) BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the National Parks Act 1975 and the Crown Land (Reserves) Act 1978 to make further provision for parks along the Murray River, and to make other amendments to those Acts and to amend the Conservation, Forests and Lands Act 1987 and the Forests Act 1958 and to make miscellaneous amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Pakula (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr D.M. Davis), the debate was adjourned for one week.

- 18 CONSTITUTION (APPOINTMENTS) BILL 2009** — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act relating to actions taken by Lieutenant-Governors and Administrators of the State, to amend the Constitution Act 1975 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Pakula (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr O'Donohue, the debate was adjourned for one week.

- 19 ADJOURNMENT** — Mr Pakula moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 7.02 p.m. adjourned until Tuesday, 24 November 2009.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 142, 143 and 144

Tuesday, 10 November 2009

1 PLANNING LEGISLATION AMENDMENT BILL 2009 (NO. 2)

Clauses 1 to 10 — put and agreed to.

Bill reported without amendment.

Thursday, 12 November 2009

1 LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) BILL 2009

Clauses 1 to 9 — put and agreed to.

Clause 10 — Ms Hartland moved —

1. Clause 10, line 4, omit "2012" and insert "2010".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3	NOES, 35
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland	Ms Broad
Ms Pennicuik (<i>Teller</i>)	Mrs Coote
	Mr Dalla-Riva
	Ms Darveniza
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh
	Mr Elasmarr
	Mr Finn
	Mr Guy
	Mr Hall
	Ms Huppert
	Mr Jennings
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Ms Lovell
	Mr Madden
	Ms Mikakos
	Mr O'Donohue
	Mr Pakula
	Mrs Petrovich
	Mrs Peulich

Ms Pulford (*Teller*)
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney
 Mr Vogels (*Teller*)

Amendment negatived.

Clause 10 — put and agreed to.

Bill reported without amendment.

2 LOCAL GOVERNMENT AMENDMENT (OFFENCES AND OTHER MATTERS) BILL 2009

Clauses 1 to 29 — put and agreed to.

Clause 30 — Question — That Clause 30 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 36

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Ms Lovell
 Mr Madden
 Ms Mikakos (*Teller*)
 Mr O'Donohue (*Teller*)
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee

NOES, 3

Mr Barber
 Ms Hartland (*Teller*)
 Ms Pennicuik (*Teller*)

Mr Theophanous

Ms Tierney

Mr Viney

Mr Vogels

Question agreed to.

Clauses 31 to 65 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 145, 146, 147 and 148

No. 145 — Tuesday, 24 November 2009

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - On 17 November 2009 —
 - Education and Training Reform Amendment (School Age) Act 2009*
 - Gambling Regulation Amendment (Racing Club Venue Operator Licences) Act 2009*
 - Local Government Amendment (Offences and Other Matters) Act 2009*
 - Local Government (Brimbank City Council) Act 2009*
 - Planning Legislation Amendment Act 2009*
 - Victorian Renewable Energy Amendment Act 2009.*
 - On 24 November 2009 —
 - Criminal Procedure Amendment (Consequential and Transitional Provisions) Act 2009*
 - Statute Law Amendment (Evidence Consequential Provisions) Act 2009.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITION — THOMSON RIVER** — Mr Hall presented a Petition bearing 61 signatures from certain citizens of Victoria requesting that the State Government abandon its plan to take a further ten billion litres of water from the Thomson River to top up Melbourne's water supplies.

Ordered to lie on the Table.
- 5 **PAPERS** —
 - OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — URBAN GROWTH BOUNDARY** — Mr Elasmr presented a Report from the Outer Suburban/Interface Services and Development Committee on the Impact of the State Government's Decision to Change the Urban Growth Boundary (including Appendices, Extracts from the Proceedings and a Minority Report), together with Transcripts of Evidence.

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

Mr Elasmr moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

EXCEPTIONS AND EXEMPTIONS TO EQUAL OPPORTUNITY ACT 1995 — Mr Eideh presented the Final Report from the Scrutiny of Acts and Regulations Committee on Exceptions and Exemptions to the *Equal Opportunity Act 1995* (including Appendices, Extracts from the Proceedings and a Minority Report), together with Transcripts of Evidence.

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

Mr Eideh moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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ALERT DIGEST — Mr Eideh presented Alert Digest No. 14 of 2009 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

VICTORIAN BUSHFIRES ROYAL COMMISSION SECOND INTERIM REPORT — Pursuant to section 4(2)(b) of the *Bushfires Royal Commission (Report) Act 2009*, the Clerk laid on the Table a copy of the Victorian Bushfires Royal Commission's Second Interim Report — Priorities for Building in Bushfire Prone Areas, November 2009.

* * * * *

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 Annual Financial Report of the State of Victoria 2008-09, November 2009.

Crown Land (Reserves) Act 1978 —

Minister's Order of 6 November 2009 giving approval to the granting of a licence at Torquay and Jan Juc Foreshore Reserve.

Minister's Order of 12 November 2009 giving approval to the granting of a lease at Scotchmans Creek Linear Reserve.

Melbourne Central City Studios Pty Ltd —

Minister's report of failure to submit 2008-09 report to the Minister within the prescribed period and the reasons therefor.

Report, 2008-09.

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

Ballarat Planning Scheme — Amendment C95.

Baw Baw Planning Scheme — Amendment C42.

Boroondara Planning Scheme — Amendment C103.

Cardinia Planning Scheme — Amendment C125.

Colac Otway Planning Scheme — Amendment C59.

Corangamite Planning Scheme — Amendment C26.

Glenelg Planning Scheme — Amendment C47.

Greater Geelong Planning Scheme — Amendments C93, C141 and C191.

Kingston Planning Scheme — Amendment C81.

Manningham Planning Scheme — Amendment C84.

Maroondah Planning Scheme — Amendment C60.

Melbourne Planning Scheme — Amendment C154.

Moonee Valley Planning Scheme — Amendment C93.

Moorabool Planning Scheme — Amendment C49.

Mornington Peninsula Planning Scheme — Amendment C132.

Port Phillip Planning Scheme — Amendment C74.

West Wimmera Planning Scheme — Amendment C18.

Whittlesea Planning Scheme — Amendment C116.

Wodonga Planning Scheme — Amendment C56.

Yarra Planning Scheme — Amendment C118.

- Project Development and Construction Management Act 1994 —
 Nomination order, application order and a statement of reasons for making a nomination order, 10 November 2009 (three papers).
 Nomination order, application order and a statement of reasons for making a nomination order, 17 November 2009 (three papers).
 Special Investigations Monitor — Report 2008-09, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004, section 131T of the Fisheries Act 1995 and section 74P of the Wildlife Act 1975.
 Statutory Rules under the following Acts of Parliament:
 Alpine Resorts (Management) Act 1997 — No. 136.
 Births, Deaths and Marriages Registration Act 1996 — No. 133.
 Building Act 1993 — No. 139.
 Corrections Act 1986 — No. 135.
 Gambling Regulation Act 2003 — No. 141.
 Liquor Control Reform Act 1998 — No. 134.
 Road Safety Act 1986 — Nos. 137, 138 and 140.
 Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 130, 135, 137, 138, 139 and 141.
 Queen Victoria Women's Centre Trust — Report, 2008-09.
 Victorian Industry Participation Policy — Report, 2008-09.

6 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 25 November 2009:

- (1) the Notice of Motion given this day by Mr Barber, relating to the production of certain documents concerning Yarra Park;
- (2) the Notice of Motion given this day by Mr D.M. Davis, relating to the production of certain hospital financial and audit committee documents;
- (3) the Notice of Motion given this day by Mr D.M. Davis, relating to the production of certain documents relating to the mandatory reporting of children in need of protection at Mooroopna Secondary College;
- (4) the Notice of Motion given this day by Mr Barber, relating to the Northern Victoria Irrigation Renewal Project;
- (5) the Notice of Motion given this day by Mr Drum, relating to a reference to the Rural and Regional Committee;
- (6) the Notice of Motion given this day by Mr Atkinson, relating to Box Hill Hospital; and
- (7) Notice of Motion No. 10, standing in the name of Ms Pennicuik, relating to political donations.

Question — put and agreed to.

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

8 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

9 CONSTITUTION (APPOINTMENTS) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

10 DEAKIN UNIVERSITY BILL 2009, LA TROBE UNIVERSITY BILL 2009, MONASH UNIVERSITY BILL 2009 AND UNIVERSITY OF MELBOURNE BILL 2009 — The concurrent debate resumed on the questions, That these Bills be now read a second time.

Question — That the **Deakin University Bill 2009** be now read a second time — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

Question — That the **La Trobe University Bill 2009** be now read a second time — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

Question — That the **Monash University Bill 2009** be now read a second time — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

Question — That the **University of Melbourne Bill 2009** be now read a second time — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

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

12 SENTENCING AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

13 EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2009 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Country Fire Authority Act 1958 to confer on the Chief Officer a duty to issue warnings and to provide information to the community in relation to bushfires in Victoria, to make provision for identification and designation of neighbourhood safer places and to provide for the representation of volunteer members of brigades and to amend the Emergency Management Act 1986 in relation to the control of response to fires and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time.

Bill to be read a second time on the next day of meeting.

14 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.38 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 146 — Wednesday, 25 November 2009

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

GROWTH AREAS INFRASTRUCTURE CONTRIBUTION — Mrs Petrovich presented a Petition bearing 233 signatures from certain citizens of Victoria requesting that the Government immediately withdraw the Growth Areas Infrastructure Contribution in its current form and consult further with affected landholders to create a fairer outcome.

Ordered to lie on the Table.

BOX HILL HOSPITAL REDEVELOPMENT — Mr Atkinson presented a Petition bearing 123 signatures from certain citizens of Victoria requesting that the Government immediately commence planning for the redevelopment of the Box Hill Hospital and commit to a funding timetable.

Ordered to lie on the Table.

* * * * *

3 PAPERS —

ROAD SAFETY COMMITTEE — AUSTRALIAN DESIGN RULES — Mr Koch presented a Report from the Road Safety Committee on the Process of Development, Adoption and Implementation of Australian Design Rules (including Appendices), together with Transcripts of Evidence.

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

* * * * *

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

Auditor-General —

Report on Maintaining the Integrity and Confidentiality of Personal Information, November 2009.

Report of Managing Offenders on Community Corrections Orders, November 2009.

Report on Vehicle Fleet Management, November 2009.

Report on Water Entities: Results of the 2008-09 Audits, November 2009.

Professional Standards Act 2003 —

Notice of revocation of the Engineers Australia (Victoria) Scheme, 1 May 2009.

Engineers Australia (Victoria) Scheme, 9 November 2009.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 PRODUCTION OF DOCUMENTS — YARRA PARK — Mr Barber moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 8 December 2009 a copy of all documents relating to proposals to transfer control of Yarra Park to the Melbourne Cricket Ground Trust or the Melbourne Cricket Club.

Debate ensued.

Question — put and agreed to.

6 PRODUCTION OF DOCUMENTS — HEALTH BODIES FINANCIAL AND AUDIT COMMITTEES — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 8 December 2009 a copy of all agendas and minutes of the financial and/or audit committees and the investment committee (or its equivalent) if in existence, of each of the following Victorian health services, networks, hospitals and small rural services for the financial years 2008-09 and for meetings held in 2009-10 to date (providing the required information for each health service entity where appropriate and for each hospital or site where a separate or additional committee/s exists):

- (1) Albury Wodonga Health;
- (2) Alexandra District Hospital;
- (3) Alfred Health;
- (4) Alpine Health;
- (5) Angliss Hospital;
- (6) Austin and Repatriation Hospitals;
- (7) Austin Health;
- (8) Austin Health - Austin Hospital;
- (9) Austin Health - Heidelberg Repatriation Hospital;
- (10) Bairnsdale Regional Health Service;
- (11) Ballarat Health Services;
- (12) Barwon Health;

- (13) Bass Coast Regional Health;
- (14) Beaufort and Skipton Health Service;
- (15) Beechworth Health Service;
- (16) Benalla and District Memorial Hospital;
- (17) Bendigo Health Care Group;
- (18) Boort District Health;
- (19) Box Hill Hospital;
- (20) Broadmeadows Health Service;
- (21) Bundoora Extended Care Centre;
- (22) Calvary Health Care Bethlehem Ltd;
- (23) Caritas Christi Hospice Ltd;
- (24) Casey Hospital;
- (25) Casterton Memorial Hospital;
- (26) Caulfield Hospital;
- (27) Central Gippsland Health Service;
- (28) Cobram District Health;
- (29) Cohuna District Hospital;
- (30) Colac Area Health;
- (31) Craigieburn Health Service;
- (32) Cranbourne Integrated Care Centre;
- (33) Dandenong Hospital;
- (34) Dental Health Services Victoria;
- (35) Djerriwarrh Health Services;
- (36) Dunmunkle Health Services;
- (37) East Grampians Health Service;
- (38) East Wimmera Health Service;
- (39) Eastern Health;
- (40) Echuca Regional Health;
- (41) Edenhope and District Hospital;
- (42) Frankston Hospital;
- (43) Gippsland Southern Health Service;
- (44) Goulburn Valley Health;
- (45) Healesville and District Hospital;
- (46) Hepburn Health Service;
- (47) Hesse Rural Health Service;
- (48) Heywood Rural Health;
- (49) Inglewood and District Health Service;
- (50) Kerang District Health;
- (51) Kilmore and District Hospital;
- (52) Kingston Centre;
- (53) Kooweerup Regional Health Service;
- (54) Kyabram and District Health Service;
- (55) Kyneton District Health Service;
- (56) Latrobe Regional Hospital;
- (57) Lorne Community Hospital;
- (58) Maldon Hospital;
- (59) Mallee Track Health and Community Service;
- (60) Manangatang and District Hospital;
- (61) Mansfield District Hospital;
- (62) Maroondah Hospital;

- (63) Maryborough District Health Service;
- (64) Mclvor Health and Community Services;
- (65) Melbourne Health;
- (66) Melton Health;
- (67) Mercy Health - O'Connell Family Centre;
- (68) Mercy Hospital for Women;
- (69) Mercy Public Hospitals Inc.;
- (70) Mildura Base Hospital;
- (71) Monash Medical Centre, Clayton Campus;
- (72) Monash Medical Centre, Moorabbin Campus;
- (73) Mount Eliza Rehabilitation, Aged and Palliative Care;
- (74) Moyne Health Services;
- (75) Mt Alexander Hospital;
- (76) Nathalia District Hospital;
- (77) Northeast Health Wangaratta;
- (78) Northern Health;
- (79) Numurkah District Health Service;
- (80) Omeo District Health;
- (81) Orbost Regional Health;
- (82) Otway Health and Community Services;
- (83) PANCH Health Service;
- (84) Peninsula Health;
- (85) The Peter James Centre;
- (86) Peter MacCallum Cancer Institute;
- (87) Portland District Health;
- (88) Queen Elizabeth Centre;
- (89) Robinvale District Health Services;
- (90) Rochester and Elmore District Health Service;
- (91) Rosebud Hospital;
- (92) Royal Melbourne Hospital - City Campus;
- (93) Royal Melbourne Hospital - Royal Park Campus;
- (94) Royal Talbot Rehabilitation Centre;
- (95) Rural Northwest Health;
- (96) Sandringham and District Memorial Hospital;
- (97) Seymour District Memorial Hospital;
- (98) South Gippsland Hospital;
- (99) South West Healthcare;
- (100) South West Healthcare, Camperdown Campus;
- (101) South West Healthcare, Warrnambool Campus;
- (102) Southern Health;
- (103) St George's Health Service;
- (104) St Vincents Health;
- (105) St Vincent's Hospital (Melbourne) Ltd;
- (106) Stawell Regional Health;
- (107) Sunshine Hospital;
- (108) Swan Hill District Health;
- (109) Tallangatta Health Service;
- (110) Terang and Mortlake Health Service;
- (111) The Alfred;
- (112) The Northern Hospital;

- (113) The Royal Children's Hospital;
- (114) The Royal Victorian Eye and Ear Hospital;
- (115) The Royal Women's Hospital;
- (116) Timboon and District Healthcare Service;
- (117) Tweddle Child and Family Health Service;
- (118) Upper Murray Health and Community Services;
- (119) Wantirna Health;
- (120) Werribee Mercy Hospital;
- (121) West Gippsland Healthcare Group;
- (122) West Wimmera Health Service;
- (123) Western District Health Service;
- (124) Western District Health Service, Coleraine Campus;
- (125) Western Health;
- (126) Western Hospital;
- (127) Williamstown Hospital;
- (128) Wimmera Health Care Group;
- (129) Yarra Ranges Health;
- (130) Yarram and District Health Service;
- (131) Yarrawonga District Health Service; and
- (132) Yea and District Memorial Hospital.

Debate ensued.

Question — put and agreed to.

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 3, be postponed until the next day of meeting.

- 8 NORTHERN VICTORIA IRRIGATION RENEWAL PROJECT** — Mr Barber moved, That this House notes the decision by the Hon. Peter Garrett, Federal Minister for the Environment, Heritage and the Arts, to declare the Northern Victoria Irrigation Renewal Project a controlled action under the Environment Protection Biodiversity Conservation Act 1999.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

VICTORIAN FUNDS MANAGEMENT CORPORATION REMUNERATION STRUCTURE — Mr Lenders having given an answer to a supplementary question without notice relating to the Victorian Funds Management Corporation remuneration structure —

On the motion of Mr D.M. Davis, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

QUESTIONS — Questions without notice continued and an answer to a question on notice was circulated pursuant to Standing Order 8.10.

- 10 NORTHERN VICTORIA IRRIGATION RENEWAL PROJECT** — Debate continued on the question, That this House notes the decision by the Hon. Peter Garrett, Federal Minister for the Environment, Heritage and the Arts, to declare the Northern Victoria Irrigation Renewal Project a controlled action under the Environment Protection Biodiversity Conservation Act 1999.

Question — put and agreed to.

- 11 RURAL AND REGIONAL COMMITTEE** — Mr Drum moved, That this House requires the Rural and Regional Committee to inquire into, consider and report no later than 7 October 2010 on the extent and nature of disadvantage and inequity in rural and regional Victoria, and in particular to —

- (a) examine current evidence of disadvantage in rural and regional Victoria with a view to identifying the social groups most affected by disadvantage;

- (b) identify any gaps and weaknesses in methods for measuring, recording and capturing information on disadvantage and inequity in rural and regional Victoria;
- (c) identify the key factors of disadvantage and inequity in rural and regional Victoria, such as access to education, health care, employment opportunities, housing affordability and transport;
- (d) identify the geographical locations in rural and regional Victoria where disadvantage is most severe with a view to prioritising these areas for future action by Government;
- (e) identify rural and regional areas of significant disadvantage and inequity that may be masked by the comparative prosperity of surrounding areas;
- (f) investigate the impact of social and economic trends on the future of rural and regional Victoria in the context of disadvantage;
- (g) examine current Government responses to rural and regional disadvantage;
- (h) identify priorities for action by Government to tackle key rural and regional disadvantage issues;
- (i) examine measures taken at a local level to combat problems of hardship and disadvantage; and
- (j) investigate approaches in other jurisdictions to combat rural and regional disadvantage.

Debate ensued.

Question — put and agreed to.

12 BOX HILL HOSPITAL — Mr Atkinson moved, That this House —

- (1) notes that, while the doctors, nurses and ancillary workers and staff at Box Hill Hospital do a job of which Victorians can be proud in very trying circumstances, the October 2009 Your Hospitals report confirms that Box Hill Hospital failed to meet seven out of the government's nine performance benchmarks;
- (2) expresses its concern at the unnecessary suffering of patients at Box Hill Hospital, over one third of whom are left on trolleys in the emergency department unable to get a bed within the eight hour target, the 2791 patients that are waiting, officially for elective surgery, which is a 8.9 per cent increase on the number of patients waiting last year, the significantly increased proportion of patients who are not being seen in the required time frame in the Emergency Department and the concern at the delays faced by the many thousands waiting for outpatient appointments;
- (3) expresses its concern that the Brumby Government has failed to live up to its 2006 election promise to redevelop Box Hill Hospital and has for ten years failed to undertake desperately needed upgrades on a scale that will bring the Box Hill Hospital into the twenty first century; and
- (4) calls on the Brumby Labor Government to commit to a construction timetable and funding allocation for an upgrade of the Hospital that will put the Hospital and its staff in the position to continue serving its eastern suburbs patients at the standard they expect.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote (<i>Teller</i>)	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert (<i>Teller</i>)
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos

Ms Hartland	Mr Pakula
Mr Kavanagh	Ms Pulford (<i>Teller</i>)
Mr Koch	Mr Scheffer
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue	Mr Tee
Ms Pennicuik (<i>Teller</i>)	Mr Theophanous
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

- 13 POLITICAL DONATIONS** — Ms Pennicuik moved, That this House calls on the State and Federal Governments to reform laws relating to political donations, with the aim of banning donations from entities such as unions and corporations and limiting the size of donations from individuals.

Debate ensued.

Mr Viney moved, That the debate be now adjourned.

Debate ensued.

Question — put and agreed to.

14 BUSINESS POSTPONED —

Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

- 15 PRODUCTION OF DOCUMENTS — CARBON POLLUTION REDUCTION SCHEME** — The Clerk laid on the Table a letter from the Attorney-General in response to the Resolution of the Council of 11 November 2009 seeking the production of documents relating to the Carbon Pollution Reduction Scheme confirming the claim of Executive Privilege in respect of these documents.

- 16 EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2009** — Mr Jennings (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mrs Petrovich), the debate was adjourned until the next day of meeting.

- 17 SENTENCING AMENDMENT BILL 2009** — Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 18 ELECTRICITY INDUSTRY AMENDMENT (CRITICAL INFRASTRUCTURE) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 37	NOES, 3
Mr Atkinson	Mr Barber (<i>Teller</i>)
Ms Broad	Ms Hartland (<i>Teller</i>)
Mrs Coote	Ms Pennicuik

Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Ms Huppert
Mr Jennings
Mr Koch
Mr Kavanagh
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips (*Teller*)
Mr Scheffer (*Teller*)
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Ms Tierney
Mr Viney
Mr Vogels

Question agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

19 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

An amendment proposed to be moved in Committee by Mr Madden was circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported with an amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with an amendment and requesting their agreement.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

20 ADJOURNMENT — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.16 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 147 — Thursday, 26 November 2009

1 The President took the Chair and read the Prayer.

2 PETITION — PLANNING — URBAN GROWTH BOUNDARY — Mr Kavanagh presented a Petition bearing 4 signatures from certain citizens of Victoria requesting requesting that the Government rezone lands located in Yarrambat and Diamond Creek on the west side of Ironbark Road and include these properties within the Urban Growth Boundary.

Ordered to lie on the Table.

3 PAPERS —

PARTNERSHIPS VICTORIA PROJECT SUMMARY — VICTORIAN DESALINATION PROJECT — Mr Jennings moved, by leave, That there be laid before this House a copy of the Partnerships Victoria Project Summary for the Victorian Desalination Project, November 2009.

Question — put and agreed to.

The Report was presented by Mr Jennings 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:

Budget Update, 2009-10.

Commissioner for Environmental Sustainability Act 2003 — Government response to the State of the Environment Report 2008, November 2009.

Ombudsman — Report on own motion investigation into the Department of Human Services Child Protection Program, November 2009.

Parliamentary Committees Act 2003 — Government Response to the Public Accounts and Estimates Committee's Report on the Review of the Findings and Recommendations of the Auditor-General's Reports tabled March to August 2007.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

6 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

7 ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2009 — Debate resumed on the question, That the Council take note of the Statement.

Question — put and agreed to.

8 EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

9 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

- 10 EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2009** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 11 FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 12 PARKS AND CROWN LAND LEGISLATION AMENDMENT (RIVER RED GUMS) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

NOES, 18

Mr Barber (*Teller*)

Mr Atkinson

Ms Broad

Mrs Coote

Ms Darveniza

Mr Dalla-Riva

Mr Eideh (*Teller*)

Mr D.M. Davis

Mr Elasmarr

Mr P.R. Davis

Ms Hartland

Mr Drum

Ms Huppert

Mr Finn

Mr Jennings

Mr Guy

Mr Leane

Mr Hall

Mr Lenders

Mr Kavanagh (*Teller*)

Mr Madden

Mr Koch

Ms Mikakos

Mrs Kronberg (*Teller*)

Mr Pakula

Ms Lovell

Ms Pennicuik

Mr O'Donohue

Ms Pulford

Mrs Petrovich

Mr Scheffer

Mrs Peulich

Mr Smith

Mr Rich-Phillips

Mr Somyurek

Mr Vogels

Mr Tee

Mr Theophanous

Ms Tierney

Mr Viney

Question agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 13 HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

- 14 PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Crown Land (Reserves) Act 1978 and the National Parks Act 1975*

to make further provision for parks in East Gippsland, and to make other amendments to those Acts, and to make related amendments to another Act and for other purposes and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time.

Bill to be read a second time on the next day of meeting.

- 15 TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Accident Towing Services Act 2007, the Crimes Act 1958, the EastLink Project Act 2004, the Major Transport Projects Facilitation Act 2009, the Marine Act 1988, the Melbourne City Link Act 1995, the Port Services Act 1995, the Road Management Act 2004, the Road Safety Act 1986, the Southern and Eastern Integrated Transport Authority Act 2003 and the Transport Act 1983 and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Jennings (for Mr Pakula), the Bill was read a first time.

Bill to be read a second time on the next day of meeting.

- 16 PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Planning and Environment Act 1987 to provide for growth areas infrastructure contributions and to make related amendments to the Building Act 1993, the Project Development and Construction Management Act 1994, the Sale of Land Act 1962, the Subdivision Act 1988, the Taxation Administration Act 1997 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time.

Bill to be read a second time on the next day of meeting.

- 17 FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Taxation Administration Act 1997 in relation to feasibility studies and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Jennings (for Mr Lenders), the Bill was read a first time.

Bill to be read a second time on the next day of meeting.

- 18 EDUCATION AND TRAINING REFORM AMENDMENT (OVERSEAS STUDENTS) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 to provide for an expedited process for taking action against institutions providing courses to students from overseas and to provide for public disclosure of information about the cancellation or suspension under that Act of the registration, authorisation or approval of certain persons or bodies and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Jennings (for Mr Lenders), the Bill was read a first time.

Bill to be read a second time on the next day of meeting.

- 19 SUMMARY OFFENCES AND CONTROL OF WEAPONS ACTS AMENDMENT BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Summary Offences Act 1966 and the Control of Weapons Act 1990 and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time.

Bill ordered to be read a second time on the next day of meeting.

- 20 SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to enhance the protection of the community by requiring offenders who have served custodial sentences for certain sexual offences and who present an unacceptable risk of harm to the community to be subject to ongoing detention or supervision, to amend the*

Corrections Act 1986 and other Acts and to repeal the Serious Sex Offenders Monitoring Act 2005 and for other purposes and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time.

Bill to be read a second time on the next day of meeting.

- 21 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.39 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 148 — Friday, 27 November 2009

- 1 The President took the Chair and read the Prayer.
- 2 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:
Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 140.
- 3 **STANDING ORDERS COMMITTEE** — Mr Dalla-Riva moved, by leave, That the Resolution of the Council of 10 September 2008, as amended on 13 November 2008, 31 March 2009, 30 July 2009 and 13 October 2009, requiring the Standing Orders Committee to inquire into and report by 30 November 2009 on the establishment of new Standing Committees for the Legislative Council, be further amended so as to now require the Committee to present its report by 11 March 2010.
Question — put and agreed to.
- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.
- 5 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL 2009** — Mr Pakula (for Mr Jennings) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.
Mr Pakula moved, That the Bill be now read a second time.
On the motion of Mr D.M. Davis, the debate was adjourned for one week.
- 6 **TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL 2009** — Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.
Mr Pakula moved, That the Bill be now read a second time.
On the motion of Mr Koch, the debate was adjourned for one week.
- 7 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Mr Pakula (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Pakula, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.
Mr Pakula moved, That the Bill be now read a second time.
Mr Pakula made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
On the motion of Mr Guy, the debate was adjourned for one week.

- 8 FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009** — Mr Pakula (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 9 EDUCATION AND TRAINING REFORM AMENDMENT (OVERSEAS STUDENTS) BILL 2009** — Mr Pakula (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Hall, the debate was adjourned for one week.

- 10 SUMMARY OFFENCES AND CONTROL OF WEAPONS ACTS AMENDMENT BILL 2009** — Mr Pakula (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Dalla-Riva), the debate was adjourned for one week.

- 11 SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) BILL 2009** — Mr Pakula (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Dalla-Riva), the debate was adjourned for one week.

- 12 LAND (REVOCATION OF RESERVATIONS AND OTHER MATTERS) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik and Ms Hartland were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 13 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 14 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 15 VALUATION OF LAND AMENDMENT BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

16 LAND LEGISLATION AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

17 HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Mrs Peulich moved, That the debate be adjourned for one week.

Debate ensued.

Question — put and negatived.

Debate continued.

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

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

18 SITTING OF THE COUNCIL — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 8 December 2009.

Question — put and agreed to.

19 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 4.07 p.m., adjourned until Tuesday, 8 December 2009.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 145, 146, 147 and 148

Wednesday, 25 November 2009

1 SENTENCING AMENDMENT BILL 2009

Clauses 1 to 5 — put and agreed to.

Bill reported without amendment.

2 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2009

Clause 1 — put and agreed to.

Clause 2 — Mr Madden moved —

1. Clause 2, line 20, after "Part 2" insert "(except sections 3, 4 and 5)".

Question — That the amendment be agreed to — put and agreed to.

Clause 2, as amended — put and agreed to.

Clauses 3 to 62 — put and agreed to.

Bill reported with an amendment.

Thursday, 26 November 2009

1 EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2009

Clauses 1 to 11 — put and agreed to.

Bill reported without amendment.

Friday, 27 November 2009

1 LAND (REVOCATION OF RESERVATIONS AND OTHER MATTERS) BILL 2009

Clauses 1 to 16 — put and agreed to.

Clause 17 — Ms Pennicuik moved —

1. Part heading preceding clause 17, omit this heading.

Question — That the Part heading stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 33

Mr Atkinson
 Ms Broad
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Guy
 Mr Hall (*Teller*)
 Ms Huppert
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich (*Teller*)
 Mrs Peulich
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney
 Mr Vogels

NOES, 4

Mr Barber (*Teller*)
 Ms Hartland
 Mr Kavanagh (*Teller*)
 Ms Pennicuik

Question agreed to.

Clause 17 — put and agreed to.

Clauses 18 to 26 — put and agreed to.

Clause 27 — Ms Hartland moved —

1. Clause 27, line 30, omit "temporarily" and insert "permanently".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)
 Ms Hartland
 Ms Pennicuik (*Teller*)

NOES, 35

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum (*Teller*)
 Mr Eideh

Mr Elasmar
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane (*Teller*)
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negatived.

Clause 27 — put and agreed to.

Clauses 28 to 30 — put and agreed to.

Schedules 1 to 9 — put and agreed to.

Bill reported without amendment.

2 VALUATION OF LAND AMENDMENT BILL 2009

Clauses 1 to 9 — put and agreed to.

Clause 10 — Mr Jennings moved —

- 1 Clause 10, page 13, line 6, after "the valuation record" insert "and that is releasable information".
2. Clause 10, page 13, line 6, after this line insert—
 "(2) The valuer-general must not make available to the public information in the valuation record that is not releasable information."
3. Clause 10, page 13, line 7, omit "(2)" and insert "(3)".
4. Clause 10, page 13, line 7, omit "section," and insert "section—".
5. Clause 10, page 13, line 9, omit "**2000.**" and insert "**2000;**".
6. Clause 10, page 13, line 9, after this line insert—
 "**releasable information** means—
 (a) the net annual value, the site value and the capital improved value for each property recorded in the valuation record, where that value has been determined in the relevant valuation specified in section 7C(1);
 (b) a property description for each property recorded in the valuation record."

Question — That the amendments be agreed to — put and agreed to.

Clause 10, as amended — put and agreed to.

Clauses 11 to 36 — put and agreed to.

Bill reported with amendments.

3 HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) BILL 2009

Clauses 1 to 7 — put and agreed to.

Schedule — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 149, 150 and 151

No. 149 — Tuesday, 8 December 2009

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE MR PAT POWER** — The President advised the House of the death on 3 December 2009 of Mr Pat Power, Member of the Legislative Council for Jika Jika Province from 1992 to 1999.

Members stood in their places as a mark of respect to the memory of the late Mr Power.

- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 1 December 2009, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

Constitution (Appointments) Act 2009

Deakin University Act 2009

Electricity Industry Amendment (Critical Infrastructure) Act 2009

Emergency Services Legislation Amendment Act 2009

Fair Work (Commonwealth Powers) Amendment Act 2009

La Trobe University Act 2009

Monash University Act 2009

Sentencing Amendment Act 2009

University of Melbourne Act 2009.

- 4 **PAPERS** —

VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS REPORT — Mr Madden moved, by leave, That there be laid before this House a copy of the Victorian Government Indigenous Affairs Report, 2008-09.

Question — put and agreed to.

The Report was presented by Mr Madden and ordered to lie on the Table.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — VICTORIA'S PUBLIC FINANCE PRACTICES AND LEGISLATION — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Public Accounts and Estimates Committee's Report on New Directions in Accountability — Inquiry into Public Finance Practices and Legislation.

* * * * *

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

Health Services Commissioner — Report on the Investigation into Shamir Shalom, November 2009.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 125.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 30 November 2009 pursuant to section 7(4) of the Act.

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

Ararat Planning Scheme — Amendments C14 Part 1 and C15.

Ballarat Planning Scheme — Amendment C107.

Bass Coast Planning Scheme — Amendments C97 and C106.

Baw Baw Planning Scheme — Amendment C72.

Cardinia Planning Scheme — Amendment C60.

East Gippsland Planning Scheme — Amendment C63.

Golden Plains Planning Scheme — Amendment C46.

Greater Dandenong Planning Scheme — Amendment C104.

Horsham Planning Scheme — Amendments C25 Part 3 and C48.

Kingston Planning Scheme — Amendment C108.

Latrobe Planning Scheme — Amendment C52.

Manningham Planning Scheme — Amendment C85.

Monash Planning Scheme — Amendment C74.

Moyne Planning Scheme — Amendment C21.

South Gippsland Planning Scheme — Amendment C45.

Stonnington Planning Scheme — Amendment C83.

West Wimmera Planning Scheme — Amendment C19.

Whitehorse Planning Scheme — Amendments C20 and C122.

Wodonga Planning Scheme — Amendments C41, C61 and C70.

Wyndham Planning Scheme — Amendment C111.

Yarra Planning Scheme — Amendment C99.

Yarra Ranges Planning Scheme — Amendment C40.

Statutory Rules under the following Acts of Parliament:

Relationships Act 2008 — No. 142.

Supreme Court Act 1986 — Nos. 144 and 146.

Supreme Court Act 1986 — Criminal Procedure Act 2009 — No. 145.

Wildlife Act 1975 — No. 143.

Subordinate Legislation Act 1994 —

Minister's exception certificates under section 8(4) in respect of Statutory Rules Nos. 144, 145 and 146.

Wrongs Act 1958 — Notice of Scale of Fees and Costs for Referrals of Medical Questions to Medical Panels.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

Greenhouse Gas Geological Sequestration Act 2008 — Remaining provisions (except Division 2 of Part 18) — 1 December 2009 (*Gazette No. S439, 1 December 2009*).

National Parks Amendment (Point Nepean) Act 2009 — Sections 3, 4, 5, 6, 7 and 8 — 6 December 2009 (*Gazette No. G49, 3 December 2009*).

Personal Property Securities (Commonwealth Powers) Act 2009 — Section 6(2) — 26 November 2009 (*Gazette No. G48, 26 November 2009*).

5 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 9 December 2009:

- (1) the Notice of Motion given this day by Mr D.M. Davis, relating to the production of certain documents concerning health services;
- (2) the Notice of Motion given this day by Mr Barber, relating to the production of a report concerning the Colac Otway Shire Council;
- (3) the Notice of Motion given this day by Ms Lovell, relating to the production of certain documents relating to housing developments;

- (4) the Notice of Motion given this day by Mr Dalla-Riva, relating to the manufacturing sector;
- (5) the Notice of Motion given this day by Mr D.M. Davis, relating to the disclosure of personal police files; and
- (6) Notice of Motion No. 7, standing in the name of Ms Pennicuik, relating to the Frankston Bypass.

Question — put and agreed to.

6 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

7 CASINO LEGISLATION AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Lenders moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 36

NOES, 4

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Hartland

Mrs Coote

Mr Kavanagh (*Teller*)

Mr Dalla-Riva

Ms Pennicuik

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum (*Teller*)

Mr Eideh

Mr Elasmarr

Mr Finn

Mr Guy

Mr Hall

Ms Huppert (*Teller*)

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Mr Madden

Ms Mikakos

Mr O'Donohue

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Rich-Phillips

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Mr Theophanous

Ms Tierney

Mr Viney

Mr Vogels

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 8 PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 11 PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL 2009** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 12 TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Koch were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Ms Hartland were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

- 13 MELBOURNE CRICKET GROUND AND YARRA PARK AMENDMENT BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Melbourne (Yarra Park) Land Act 1980, the Melbourne Cricket Ground Act 2009 and the Conservation, Forests and Lands Act 1987 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Pakula (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 14 PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Mr Barber moved, That the debate be adjourned for one week.

Debate ensued.

Question — put and negatived.

Debate continued.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Barber.

15 LIQUOR CONTROL REFORM AMENDMENT (PARTY BUSES) BILL 2009 — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Liquor Control Reform Act 1998 in relation to the consumption of liquor on party buses and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time.

Bill to be read a second time on the next day of meeting.

16 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2009 — The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the amendment made by the Council in this Bill.

17 VALUATION OF LAND AMENDMENT BILL 2009 — The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.

18 PRODUCTION OF DOCUMENTS —

MINISTER FOR PLANNING INSTRUMENT OF DELEGATION — The Clerk laid on the Table the following documents received in accordance with the resolution of the Council of 11 November 2009:

- (1) Instrument of Delegation under section 186 of the *Planning and Environment Act 1987* from the Minister for Planning (1 August 2008);
- (2) Brief to Minister for Planning (1 August 2008); and
- (3) Internal Protocol for Determining Authorisation Requests (October 2008).

BROWN COAL, YARRA PARK AND HEALTH BODIES FINANCIAL AND AUDIT COMMITTEES — The Clerk laid on the Table a letter from the Attorney-General in response to the Resolutions of the Council of 11 November 2009 and 25 November 2009 seeking the production of documents relating to Brown Coal, Yarra Park and Health Bodies Financial and Audit Committees —

- referring to the Government's process for assessing documents for potential Executive privilege;
- advising that the Government is still in the process of identifying and assessing the documents; and
- indicating that the Government would respond to the Council's resolutions in early 2010.

19 ADJOURNMENT — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.37 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 150 — Wednesday, 9 December 2009

1 The President took the Chair and read the Prayer.

2 ASSENT TO ACTS — The President read a Message from the Governor informing the Council that he had, on 8 December 2009, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

Health Practitioner Regulation National Law (Victoria) Act 2009

Land Legislation Amendment Act 2009

Land (Revocation of Reservations and Other Matters) Act 2009

Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009

State Taxation Acts Further Amendment Act 2009.

3 SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — The President announced that he had received a letter from Mr Ryan Smith, MP, resigning from the Scrutiny of Acts and Regulations Committee, effective from 8 December 2009.

4 RURAL AND REGIONAL COMMITTEE — The President announced that he had received a letter from Ms Kirstie Marshall, MP, resigning from the Rural and Regional Committee, effective from 8 December 2009.

5 PETITIONS —

THOMSON RIVER — Mr Hall presented a Petition bearing 37 signatures from certain citizens of Victoria requesting that the State Government abandon its plan to take a further ten billion litres of water from the Thomson River to top up Melbourne's water supplies.

Ordered to lie on the Table.

* * * * *

GRAFFITI PENALTIES — Mr Atkinson presented a Petition bearing 505 signatures from certain citizens of Victoria requesting that penalties and punishments of graffiti vandals be increased.

Ordered to lie on the Table.

6 PAPERS —

MINISTER FOR FINANCE'S RESPONSE TO AUDITOR-GENERAL'S REPORTS — Mr Lenders moved, by leave, That there be laid before this House a copy of the Response by the Minister for Finance to the Auditor-General's Reports tabled during 2008-09.

Question — put and agreed to.

The Report was presented by Mr Lenders and ordered to lie on the Table.

* * * * *

LAW REFORM COMMITTEE — REVIEW OF MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) ACT 1978 — Mr Scheffer presented a Report from the Law Reform Committee on the *Members of Parliament (Register of Interests) Act 1978* (including Appendices, an Extract from the Proceedings and a Minority Report), together with Transcripts of Evidence.

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

Mr Scheffer moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

RURAL AND REGIONAL COMMITTEE — REGIONAL CENTRES OF THE FUTURE — Mr Drum presented a Report from the Rural and Regional Committee on Regional Centres of the Future (including Appendices and a Minority Report), together with Transcripts of Evidence.

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

Mr Drum moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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 Making Public Transport More Accessible for People Who Face Mobility Challenges, December 2009.

Report on Portfolio Departments and Associated Entities: Results of the 2008-09 Audits, December 2009.

Report on Use of Development Contributions by Local Government, December 2009.

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

Mornington Peninsula Planning Scheme — Amendment C118.

Yarra Ranges Planning Scheme — Amendment C105.

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

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

9 PRODUCTION OF DOCUMENTS — COLAC OTWAY SHIRE COUNCIL — REPORT OF THE LOCAL GOVERNMENT INVESTIGATIONS AND COMPLIANCE INSPECTORATE — Mr Barber moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on Tuesday, 2 February 2010 a copy of the Report of the Local Government Investigations and Compliance Inspectorate on Colac Otway Shire Council.

Debate ensued.

Question — put and agreed to.

10 PRODUCTION OF DOCUMENTS — PUBLIC AND SOCIAL HOUSING DEVELOPMENTS — Ms Lovell moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on Tuesday, 2 February 2010 a copy of the planning applications for all the public and social housing developments and proposed developments for which, under Amendment VC56 to the Victoria Planning Provisions, the Minister for Planning is or was the responsible authority, including those involving funding under the *Social Housing Initiative of the Nation Building – Economic Stimulus Plan*, detailing for each development —

- (a) whether or not it has already been approved including letters of approval;
- (b) its address and local government area;
- (c) how many storeys it will occupy;
- (d) the total number of units and bedrooms per unit;
- (e) where mixed, the number of public and social housing units and bedrooms per unit; and
- (f) the total number of residents' car parking spaces provided.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

11 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

12 PRODUCTION OF DOCUMENTS — PUBLIC AND SOCIAL HOUSING DEVELOPMENTS — Debate continued on the question, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on Tuesday, 2 February 2010 a copy of the planning applications for all the public and social housing developments and proposed developments for which, under Amendment VC56 to the Victoria Planning Provisions, the Minister for Planning is or was the responsible authority, including those involving funding under the *Social Housing Initiative of the Nation Building – Economic Stimulus Plan*, detailing for each development —

- (a) whether or not it has already been approved including letters of approval;
- (b) its address and local government area;
- (c) how many storeys it will occupy;
- (d) the total number of units and bedrooms per unit;
- (e) where mixed, the number of public and social housing units and bedrooms per unit; and
- (f) the total number of residents' car parking spaces provided.

Question — put and agreed to.

13 PRODUCTION OF DOCUMENTS — HEALTH SERVICES INTEGRATED PERFORMANCE REPORTS

— Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on Tuesday, 2 February 2010 a copy of the monthly and quarterly Integrated Performance Reports for the 2008-09 financial year and the first quarter of 2009-10, both Statewide and for the following individual health services —

- (1) Albury Wodonga Health;
- (2) Alexandra District Hospital;
- (3) Alfred Health;
- (4) Alpine Health;
- (5) Austin Health;
- (6) Bairnsdale Regional Health Service;
- (7) Ballarat Health Services;
- (8) Barwon Health;
- (9) Bass Coast Regional Health;
- (10) Beaufort and Skipton Health Service;
- (11) Beechworth Health Service;
- (12) Benalla and District Memorial Hospital;
- (13) Bendigo Health Care Group;
- (14) Boort District Health;
- (15) Calvary Health Care Bethlehem Ltd;
- (16) Casterton Memorial Hospital;
- (17) Central Gippsland Health Service;
- (18) Cobram District Health;
- (19) Cohuna District Hospital;
- (20) Colac Area Health;
- (21) Dental Health Services Victoria;
- (22) Djerriwarrh Health Services;
- (23) Dunmunkle Health Services;
- (24) East Grampians Health Service;
- (25) East Wimmera Health Service;
- (26) Eastern Health;
- (27) Echuca Regional Health;
- (28) Edenhope and District Hospital;
- (29) Gippsland Southern Health Service;
- (30) Goulburn Valley Health;
- (31) Hepburn Health Service;
- (32) Hesse Rural Health Service;
- (33) Heywood Rural Health;
- (34) Inglewood and District Health Service;
- (35) Kerang District Health;
- (36) Kilmore and District Hospital;
- (37) Kooweerup Regional Health Service;
- (38) Kyabram and District Health Service;
- (39) Kyneton District Health Service;
- (40) Latrobe Regional Hospital;
- (41) Lorne Community Hospital;
- (42) Maldon Hospital;
- (43) Mallee Track Health and Community Service;
- (44) Manangatang and District Hospital;

- (45) Mansfield District Hospital;
- (46) Maryborough District Health Service;
- (47) Mclvor Health and Community Services;
- (48) Melbourne Health;
- (49) Melton Health;
- (50) Mercy Public Hospitals Inc.;
- (51) Mildura Base Hospital;
- (52) Moyne Health Services;
- (53) Mt Alexander Hospital;
- (54) Nathalia District Hospital;
- (55) Northeast Health Wangaratta;
- (56) Northern Health;
- (57) Numurkah District Health Service;
- (58) Omeo District Health;
- (59) Orbost Regional Health;
- (60) Otway Health and Community Services;
- (61) Peninsula Health;
- (62) Peter MacCallum Cancer Institute;
- (63) Portland District Health;
- (64) Queen Elizabeth Centre;
- (65) Robinvale District Health Services;
- (66) Rochester and Elmore District Health Service;
- (67) Rural Northwest Health;
- (68) Seymour District Memorial Hospital;
- (69) South Gippsland Hospital;
- (70) South West Healthcare;
- (71) Southern Health;
- (72) St Vincent's Health;
- (73) Stawell Regional Health;
- (74) Swan Hill District Health;
- (75) Tallangatta Health Service;
- (76) Terang and Mortlake Health Service;
- (77) The Royal Children's Hospital;
- (78) The Royal Victorian Eye and Ear Hospital;
- (79) The Royal Women's Hospital;
- (80) Timboon and District Healthcare Service;
- (81) Tweddle Child and Family Health Service;
- (82) Upper Murray Health and Community Services;
- (83) West Gippsland Healthcare Group;
- (84) West Wimmera Health Service;
- (85) Western District Health Service;
- (86) Western Health;
- (87) Wimmera Health Care Group;
- (88) Yarram and District Health Service;
- (89) Yarrawonga District Health Service; and
- (90) Yea and District Memorial Hospital.

Debate ensued.

Question — put and agreed to.

14 MANUFACTURING SECTOR — Mr Dalla-Riva moved, That this House —

- (1) condemns the State Government for the loss of leadership in the manufacturing sector;
- (2) notes the Government's own internal confidential report titled "A Profile in the Victorian Manufacturing Industry" commissioned by the Department of Treasury and Finance; and
- (3) recognises that the failed policies of the current Victorian Labor Government have —
 - (a) recklessly eroded Victoria's competitive advantages with other States and Territories and thereby forced the manufacturing sector to flee Victoria and go elsewhere;
 - (b) allowed New South Wales to have higher levels of manufacturing production than Victoria in absolute terms;
 - (c) allowed South Australia and Tasmania to have higher relative levels of manufacturing production (as a percentage of GSP) than Victoria; and
 - (d) caused manufactured exports to be no longer the main driver of Victoria's export sector and that as a consequence Victoria's exports have suffered.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva (*Teller*)
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue (*Teller*)
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

NOES, 20

Ms Broad
 Ms Darveniza (*Teller*)
 Mr Eideh
 Mr Elasmarr
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Leane
 Mr Lenders
 Mr Madden (*Teller*)
 Ms Mikakos
 Mr Pakula
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney

Question negatived.

15 POLICE FILES — Mr D.M. Davis moved, That this House expresses its outrage with the Brumby Government's decision to hand personal police files to privately owned companies and calls on the Government to explain —

- (a) to exactly which companies personal police files have been given;
- (b) the number of files handed to each company;
- (c) the extent to which personal police files have been made available to Government departments; and
- (d) the justification for making personal police files available to private companies and Government departments.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy (*Teller*)
 Mr Hall
 Ms Hartland
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich (*Teller*)
 Mr Rich-Phillips
 Mr Vogels

NOES, 19

Ms Broad
 Ms Darveniza
 Mr Eideh
 Mr Elasmarr
 Ms Huppert
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Pakula (*Teller*)
 Ms Pulford
 Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney

Question agreed to.

- 16 PENINSULA LINK/FRANKSTON BYPASS** — Ms Pennicuik moved, That this House calls on the Government to abandon plans for the construction of the Peninsula Link or Frankston Bypass and instead implement alternative, local and less costly solutions to reduce bottlenecks and peak time congestion on existing arterial roads and upgrade public transport services in Frankston and the Mornington Peninsula.

Debate ensued.

On the motion of Mr Viney, the debate was adjourned for one week.

17 BUSINESS POSTPONED —

Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

- 18 MELBOURNE CRICKET GROUND AND YARRA PARK AMENDMENT BILL 2009** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Dalla-Riva), the debate was adjourned until the next day of meeting.

- 19 LIQUOR CONTROL REFORM AMENDMENT (PARTY BUSES) BILL 2009** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Guy, the debate was adjourned until the next day of meeting.

- 20 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 to 6 inclusive, be postponed until later this day.

- 21 PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Barber.

- 22 WATER AMENDMENT (ENTITLEMENTS) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Water Act 1989 and the Residential Tenancies Act 1997 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Jennings), the Bill was read a first time.

Bill to be read a second time on the next day of meeting.

- 23 LEGISLATION REFORM (REPEALS NO. 5) BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to repeal certain redundant Acts relating to companies and related matters and to make a consequential amendment to the Corporations (Ancillary Provisions) Act 2001* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time.

Bill to be read a second time on the next day of meeting.

- 24 VICTORIA UNIVERSITY BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to re-enact with amendments the law relating to Victoria University, to repeal the Victoria University of Technology Act 1990 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Pakula), the Bill was read a first time.

Bill to be read a second time on the next day of meeting.

- 25 ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to re-enact with amendments the law relating to the University named Royal Melbourne Institute of Technology, to repeal the Royal Melbourne Institute of Technology Act 1992 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Pakula), the Bill was read a first time.

Bill to be read a second time on the next day of meeting.

- 26 SWINBURNE UNIVERSITY OF TECHNOLOGY BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to re-enact with amendments the law relating to Swinburne University of Technology, to repeal the Swinburne University of Technology Act 1992 and to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Pakula), the Bill was read a first time.

Bill to be read a second time on the next day of meeting.

- 27 UNIVERSITY OF BALLARAT BILL 2009** — The President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to re-enact with amendments the law relating to the University of Ballarat, to repeal the University of Ballarat Act 1993 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Pakula), the Bill was read a first time.

Bill to be read a second time on the next day of meeting.

- 28 TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL 2009** — The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.

29 ADJOURNMENT — The President proposed the question, That the House do now adjourn. Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.
And then the Council, at 10.25 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 151 — Thursday, 10 December 2009

1 The President took the Chair and read the Prayer.

2 PETITIONS —

WATER AMENDMENT (ENTITLEMENTS) BILL 2009 — Mr Kavanagh presented a Petition bearing 4 signatures from certain citizens of Victoria requesting that the Legislative Council defer consideration of the Water Amendment (Entitlements) Bill 2009 until further consultation with land owners has occurred.

Ordered to lie on the Table.

* * * * *

BOX HILL HOSPITAL REDEVELOPMENT — Mr Atkinson presented a Petition bearing 104 signatures from certain citizens of Victoria requesting that the Government immediately commence planning for the redevelopment of the Box Hill Hospital and commit to a funding timetable.

Ordered to lie on the Table.

On the motion of Mr Atkinson, the petition was ordered to be taken into consideration on the next day of meeting.

3 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 15 of 2009 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

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

Forensic Leave Panel — Report, 2008.

Freedom of Information Act 1982 — Report of the Attorney-General on the operation of the Act, 2008-09.

Office of Police Integrity —

Report under section 30L of the Surveillance Devices Act 1999, 2008-09.

Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2008-09.

Ombudsman — Report on an investigation into the handling of drug exhibits at the Victoria Police Forensic Services Centre, December 2009.

Statutory Rules under the following Acts of Parliament:

Electricity Safety Act 1998 — No. 151.

Environment Protection Act 1970 — No. 152.

Fair Trading Act 1999 — No. 148.

Greenhouse Gas Geological Sequestration Act 2008 — Nos. 149 and 150.

Travel Agents Act 1986 — No. 147.

Subordinate Legislation Act 1994 —

Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule No. 151.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 147, 148 and 152.

Terrorism (Community Protection) Act 2003 — Report under section 13 and section 13ZR of the Act, 2008-09.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.
- 7 LEGISLATION REFORM (REPEALS NO. 5) BILL 2009** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr O'Donohue), the debate was adjourned for one week.

- 8 WATER AMENDMENT (ENTITLEMENTS) BILL 2009** — Mr Lenders (for Mr Jennings) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Ms Lovell, the debate was adjourned for one week.

- 9 VICTORIA UNIVERSITY BILL 2009** — Mr Lenders (for Mr Pakula) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Hall, the debate was adjourned for one week.

- 10 ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY BILL 2009** — Mr Lenders (for Mr Pakula) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Hall, the debate was adjourned for one week.

- 11 SWINBURNE UNIVERSITY OF TECHNOLOGY BILL 2009** — Mr Lenders (for Mr Pakula) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Hall, the debate was adjourned for one week.

- 12 UNIVERSITY OF BALLARAT BILL 2009** — Mr Lenders (for Mr Pakula) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Hall, the debate was adjourned for one week.

- 13 COGNATE BILLS** — Mr Viney moved, by leave, That this House authorises the President to permit the second reading debate on the Royal Melbourne Institute of Technology Bill 2009, the Swinburne University of Technology Bill 2009, the University of Ballarat Bill 2009 and the Victoria University Bill 2009 to be taken concurrently.

Question — put and agreed to.

14 PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Madden were circulated.

Debate continued.

Mr D.M. Davis moved, That the debate be adjourned for one week.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

NOES, 19

Mr Atkinson

Ms Broad

Mr Barber

Ms Darveniza

Mrs Coote

Mr Eideh

Mr Dalla-Riva

Mr Elasmar

Mr D.M. Davis

Ms Huppert

Mr P.R. Davis (*Teller*)

Mr Jennings (*Teller*)

Mr Drum

Mr Leane

Mr Finn

Mr Lenders

Mr Guy

Mr Madden

Mr Hall

Ms Mikakos

Ms Hartland

Mr Pakula

Mr Kavanagh

Ms Pulford

Mr Koch

Mr Scheffer

Mrs Kronberg

Mr Smith

Ms Lovell

Mr Somyurek

Mr O'Donohue

Mr Tee (*Teller*)

Ms Pennicuik

Mr Theophanous

Mrs Petrovich

Ms Tierney

Mrs Peulich

Mr Viney

Mr Rich-Phillips (*Teller*)

Mr Vogels

Question agreed to.

Business having been interrupted at 12.04 p.m. pursuant to Sessional Orders —

15 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

GOVERNMENT ADVERTISING ON BUSHFIRES — Mr Lenders having given an answer to a supplementary question without notice relating to Government advertising on bushfires —

On the motion of Mr D.M. Davis, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

QUESTIONS — Questions without notice continued.

16 FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

17 EDUCATION AND TRAINING REFORM AMENDMENT (OVERSEAS STUDENTS) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

18 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 10, be postponed until later this day.

19 LIQUOR CONTROL REFORM AMENDMENT (PARTY BUSES) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

20 SUMMARY OFFENCES AND CONTROL OF WEAPONS ACTS AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Government has conducted a full public consultation process on the amendments proposed to the *Summary Offences Act 1966* and the *Control of Weapons Act 1990*, including calling for public submissions, conducting public hearings and publishing the findings and recommendations of the review.”.

Debate ensued.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Question — That the reasoned amendment moved by Ms Pennicuik be agreed to — put.

The Council divided — The President in the Chair.

AYES, 4

Mr Barber
Ms Hartland (*Teller*)
Mr Kavanagh
Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Ms Huppert
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O’Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford

Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek (*Teller*)
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney
 Mr Vogels (*Teller*)

Amendment negatived.

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

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

House in Committee.

Bill reported without amendment, the Report was adopted.

Ms Pennicuik moved, That the Summary Offences and Control of Weapons Acts Amendment Bill 2009 be referred to the Legislation Committee to report by 15 March 2010.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 4	NOES, 35
Mr Barber	Mr Atkinson
Ms Hartland	Mrs Coote
Mr Kavanagh (<i>Teller</i>)	Mr Dalla-Riva
Ms Pennicuik (<i>Teller</i>)	Ms Darveniza
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh
	Mr Elasmar
	Mr Finn
	Mr Guy
	Mr Hall
	Ms Huppert
	Mr Jennings
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Mr Lenders
	Ms Lovell
	Mr Madden
	Ms Mikakos
	Mr O'Donohue
	Mr Pakula
	Mrs Petrovich
	Mrs Peulich
	Ms Pulford
	Mr Rich-Phillips
	Mr Scheffer (<i>Teller</i>)
	Mr Smith
	Mr Somyurek
	Mr Tee
	Mr Theophanous
	Ms Tierney (<i>Teller</i>)
	Mr Viney

Mr Vogels

Question negatived.

Mr Pakula moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 36

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Mrs Coote

Ms Hartland

Mr Dalla-Riva

Ms Pennicuik (*Teller*)

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Finn

Mr Guy

Mr Hall

Ms Huppert

Mr Jennings

Mr Kavanagh (*Teller*)

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Mr Madden

Ms Mikakos

Mr O'Donohue

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Rich-Phillips

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Mr Theophanous (*Teller*)

Ms Tierney

Mr Viney

Mr Vogels

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

21 SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

22 MELBOURNE CRICKET GROUND AND YARRA PARK AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Barber, the debate was adjourned until later this day.

23 CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2009 — The Acting President announced the receipt of a Message from the Assembly presenting *A Bill for an Act to amend the Conveyancers Act 2006, the Estate Agents Act 1980, the Fair Trading Act 1999, the Owners Corporations Act 2006, the Prostitution Control Act 1994, the Sale of Land Act 1962 and the Trade Measurement (Administration) Act 1995, to repeal the Collusive Practices Act 1965, the Fuel Prices Regulation Act 1981, the Marketable Securities Act 1970, the Petroleum Retail Selling Sites Act 1981, the Petroleum Products (Terminal Gate Pricing) Act 2000, the Private Agents Act 1966, the Trade Measurement Act 1995, the Trade Measurement (Administration) Act 1995 and the Utility Meters (Metrological Controls) Act 2002, to repeal provisions of the Landlord and Tenant Act 1958 and re-enact a provision in the Property Law Act 1958, to repeal certain provisions of, and make consequential amendments to, various other Acts and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Dalla-Riva (for Mr Guy), the debate was adjourned for one week.

24 MELBOURNE CRICKET GROUND AND YARRA PARK AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Mr Barber moved, That the debate be adjourned for one week.

Debate ensued.

Question — put and negatived.

Debate continued.

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

The Council divided — The President in the Chair.

AYES, 36

NOES, 4

Mr Atkinson

Mr Barber

Ms Broad

Ms Hartland

Mrs Coote

Mr Kavanagh (*Teller*)

Mr Dalla-Riva

Ms Pennicuik (*Teller*)

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Finn

Mr Guy

Mr Hall

Ms Huppert

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane
 Mr Lenders (*Teller*)
 Ms Lovell
 Mr Madden (*Teller*)
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney
 Mr Vogels

Question agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 25 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until a Tuesday at 3.00 p.m., to be nominated by the President, which shall be notified in writing to each Member of the Council.

Question — put and agreed to.

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

Disability Services Commissioner — Report, 2008-09.

Food Safety Council — Report, 2008-09.

Mental Health Review Board incorporating the Psychosurgery Review Board — Report, 2008-09.

A Statutory Rule under the Magistrates' Court Act 1989 — No. 153.

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 153.

- 27 PRODUCTION OF DOCUMENTS — SOLAR FEED-IN TARIFFS** — The Clerk laid on the Table the following documents received in accordance with the Resolution of the Council of 14 October 2009:

- (1) Brief, International Energy Agency (IEA) Energy Policies of IEA Countries: Germany, 2007 Review (2007);
- (2) Cost Summary, Feed-in Tariffs: Cost, FiT numbers 050508 (23 October 2009);
- (3) DPI Fact Sheet, Victoria's Premium Rate for Solar Power Fact Sheet (May 2008);
- (4) Media Release from the Minister for Energy and Resources, Premium Rate to Solar-Powered Victorian Households (7 May 2008);
- (5) Article, Spanish solar photovoltaic capacity seen growing at 100 MW a month (6 June 2008);
- (6) Brief, Firecone Ventures Pty Ltd, Options to increase the uptake of small-scale solar power by Victorian Households (April 2008);
- (7) Draft Brief, Survey on PV systems owners' experience, Alternative Technology Association (17 October 2007);
- (8) Cost Summary, Feed-in Tariffs, FiT numbers 250608 (23 October 2009);
- (9) DPI Comparison document, Feed-in tariff schemes in Australia, Attachment C (Undated);

- (10) DPI Comparison document, Comparison of some significant international Feed-in Tariff schemes, Attachment A (Undated);
- (11) Brief, The risks of global climate change (Undated);
- (12) Cost Summary, Feed-in Tariffs, FiT Modelling 030908 (Undated); and
- (13) Brief, Feed-in tariff modelling (Undated).

The Clerk also laid on the Table a letter from the Attorney-General advising that Executive Privilege was claimed in relation to the following documents and that, therefore, those documents have not been provided:

- (1) Background information regarding feed-in tariff for PWC containing information on natural developments (Undated);
- (2) Attachment to Options Paper, prepared by COAG Renewable Energy Sub-Group to inform COAG (mid-2008);
- (3) Paper regarding Premium feed-in tariff in Victoria (Undated);
- (4) FAQs for Premium Feed-in Tariff AIP Submission, including options for Cabinet consideration (Undated);
- (5) Draft Departmental Drafting Instructions, regarding Premium Feed-in Tariff Scheme (Undated); and
- (6) Departmental response to VCEC comments on draft Business Impact Assessment, disclosing Cabinet Committee decision (Undated).

28 ADJOURNMENT — Mr Pakula moved, That the House do now adjourn.

Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Sessional Orders.

And then the Council, at 9.37 p.m., adjourned until a Tuesday at 3.00 p.m., to be nominated by the President which shall be notified in writing to each Member of the Council.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 149, 150 and 151

Tuesday, 8 December 2009

1 CASINO LEGISLATION AMENDMENT BILL 2009

Clauses 1 to 9 — put and agreed to.

Bill reported without amendment.

2 PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL 2009

Clauses 1 to 26 — put and agreed to.

Bill reported without amendment.

3 TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL 2009

Clause 1 — Ms Hartland moved —

1. Clause 1, page 3, line 2, omit "rail replacement bus services,".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4	NOES, 33
Mr Barber	Mr Atkinson
Ms Hartland	Ms Broad
Mr Kavanagh (<i>Teller</i>)	Mrs Coote
Ms Pennicuik (<i>Teller</i>)	Mr Dalla-Riva
	Ms Darveniza (<i>Teller</i>)
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Eideh
	Mr Elasmarr
	Mr Finn
	Mr Guy (<i>Teller</i>)
	Mr Hall
	Ms Huppert
	Mr Jennings
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Mr Lenders
	Ms Lovell
	Mr Madden
	Ms Mikakos
	Mr O'Donohue

Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney

Amendment negatived.

Clause 1 — put and agreed to.

Clauses 2 to 14 — put and agreed to.

Clause 15 — Mr Koch moved —

1. Clause 15, page 102, lines 1 and 2, omit paragraph (a).

Question — That the amendment be agreed to — put and agreed to.

Mr Koch moved —

2. Clause 15, page 102, line 3, omit "(b)" and insert "(a)".
3. Clause 15, page 102, line 5, omit "(c)" and insert "(b)".
4. Clause 15, page 102, after line 24 insert—

"230ZD Protection against self-incrimination

- (1) It is a reasonable excuse for a natural person to refuse or fail to give information or do any other thing that the person is required to do by or under this Part, if the giving of the information or the doing of that other thing would tend to incriminate the person.
 - (2) Despite subsection (1), it is not a reasonable excuse for a natural person to refuse or fail to produce a document that the person is required to produce by or under this Part, if the production of the document would tend to incriminate the person."
5. Clause 15, page 102, lines 25 to 32, omit all words and expressions on these lines.
 6. Clause 15, page 103, lines 1 to 21, omit all words and expressions on these lines.
 7. Clause 15, page 103, line 22, omit "**230ZF**" and insert "**230ZE**".

Question — That the amendments be agreed to — put and agreed to.

Clause 15, as amended — put and agreed to.

Clauses 16 to 50 — put and agreed to.

Bill reported with amendments.

Thursday, 10 December 2009

1 FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009

Clause 1 — Mr Rich-Phillips moved —

1. Clause 1, lines 3 and 4, omit "feasibility studies" and insert "the conduct of a fire services funding feasibility study".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 22
Mr Atkinson	Mr Barber
Mrs Coote (<i>Teller</i>)	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmar
Mr Drum	Ms Hartland
Mr Finn	Ms Huppert
Mr Guy	Mr Jennings
Mr Hall	Mr Leane
Mr Kavanagh	Mr Lenders
Mr Koch	Mr Madden
Mrs Kronberg	Ms Mikakos (<i>Teller</i>)
Ms Lovell	Mr Pakula
Mr O'Donohue	Ms Pennicuik
Mrs Petrovich	Ms Pulford
Mrs Peulich	Mr Scheffer
Mr Rich-Phillips	Mr Smith
Mr Vogels (<i>Teller</i>)	Mr Somyurek
	Mr Tee
	Mr Theophanous (<i>Teller</i>)
	Ms Tierney
	Mr Viney

Amendment negatived.

Clause 1 — put and agreed to.

Clauses 2 to 6 — put and agreed to.

Bill reported without amendment.

2 SUMMARY OFFENCES AND CONTROL OF WEAPONS ACTS AMENDMENT BILL 2009

Clauses 1 to 14 — put and agreed to.

New Clause — Ms Pennicuik moved —

1. Insert the following New Clause to follow clause 8—

“61A Review of provisions inserted by the Summary Offences and Control of Weapons Acts Amendment Act 2009

- (1) The Minister must cause a review of the operation of the amendments made to this Act by Part 2 of the **Summary Offences and Control of Weapons Acts Amendment Act 2009** to be conducted and prepare a report on the review.
- (2) The review must be started as soon as possible after 31 December 2011.
- (3) The Minister must cause a copy of the report to be laid before each House of the Parliament as soon as possible after it is prepared.”.

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4	NOES, 36
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland (<i>Teller</i>)	Ms Broad
Mr Kavanagh	Mrs Coote
Ms Pennicuik	Mr Dalla-Riva
	Ms Darveniza

Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum (*Teller*)
 Mr Eideh
 Mr Elasmar
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney (*Teller*)
 Mr Viney
 Mr Vogels

Question negatived.

New Clause — Ms Pennicuik moved —

2. Insert the following New Clause to follow clause 12—

"A New section 11B inserted

After section 11A of the **Control of Weapons Act 1990** insert—

'11B Review of police powers

- (1) The Minister must cause a review of the operation of section 10 and sections 10C to 10L and Schedule 1 to be conducted and prepare a report on the review.
- (2) The review must be started as soon as possible after 31 December 2011.
- (3) The Minister must cause a copy of the report to be laid before each House of the Parliament as soon as possible after it is prepared.'."

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber
 Ms Hartland
 Mr Kavanagh (*Teller*)
 Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum

Mr Eideh
Mr Elasmar
Mr Finn
Mr Guy
Mr Hall (*Teller*)
Ms Huppert
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane (*Teller*)
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Mr Theophanous
Ms Tierney
Mr Viney
Mr Vogels

Question negated.

Bill reported without amendment.

3 SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) BILL 2009

Clauses 1 to 34 — put and agreed to.

Clause 35 — Ms Pennicuik moved —

1. Clause 35, lines 23 and 24, omit "is likely to commit" and insert "poses an unacceptable risk of committing".

Question — That the amendment be agreed to — put and negated.

Ms Pennicuik moved —

2. Clause 35, page 29, lines 9 to 14, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put and negated.

Clause 35 — put and agreed to.

Clauses 36 to 79 — put and agreed to.

Clause 80 — Ms Pennicuik moved —

3. Clause 80, page 56, after line 3 insert—

"(4) The Director of Public Prosecutions must disclose to an offender all information and things held by the Director in relation to an application relating to the offender (whether or not that information or thing is to be tendered in evidence at the hearing of the application) other than a victim submission made by the victim under this Act."

Question — That the amendment be agreed to — put and negatived.

Clause 80 — put and agreed to.

Clause 81 — put and agreed to.

Clause 82 — Ms Pennicuik moved —

4. Clause 82, line 26, after "obtain" insert "legal representation and".

Question — That the amendment be agreed to — put and negatived.

Clause 82 — put and agreed to.

Clauses 83 to 219 — put and agreed to.

Schedules 1 to 3 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 152, 153 and 154

No. 152 — Tuesday, 2 February 2010

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution having fixed this day as the date of meeting.

The President took the Chair and read the Prayer.

- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 15 December 2009, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

Casino Legislation Amendment Act 2009

Education and Training Reform Amendment (Overseas Students) Act 2009

Fire Services Funding (Feasibility Study) Act 2009

Justice Legislation Miscellaneous Amendments Act 2009

Liquor Control Reform Amendment (Party Buses) Act 2009

Melbourne Cricket Ground and Yarra Park Amendment Act 2009

Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009

Serious Sex Offenders (Detention and Supervision) Act 2009

Summary Offences and Control of Weapons Acts Amendment Act 2009

Transport Legislation Amendment (Hoon Boating and Other Amendments) Act 2009

Valuation of Land Amendment Act 2009.

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 4 **PETITION — LIQUOR LICENSING FEES** — Mr D.M. Davis presented a Petition bearing 612 signatures from certain citizens of Victoria requesting that liquor licensing fees for small, low-risk suburban packaged liquor outlets remain at their current levels and that a review of risk levels be immediately undertaken so that licensing fees can be more accurately determined.

Ordered to lie on the Table.

- 5 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 1 of 2010 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — SUPPORTED ACCOMODATION FOR PEOPLE WITH A DISABILITY AND/OR MENTAL ILLNESS — Pursuant to section 35(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk presented a Report from the Family and Community Development Committee on Supported

Accommodation for Victorians with a Disability and/or Mental Illness (including an Appendix, an Extract from the Proceedings and a Minority Report), together with Transcripts of Evidence.

* * * * *

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

Border Groundwaters Agreement Review Committee — Report, 2008-09.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to Statutory Rule Nos. 150, 151, 164 and 175.

Medical Practitioners Board of Victoria — Report for the year ended 30 September 2009.

Murray-Darling Basin Commission — Report, 2008-09.

Parliamentary Committees Act 2003 —

Government Response to the Economic Development and Infrastructure Committee's Report on Improving Access to the Victorian Public Sector Information and Data.

Government Response to the Drugs and Crime Prevention Committee's Report on Strategies to Prevent High Volume Offending and Recidivism by Young People.

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

Bass Coast Planning Scheme — Amendment C61.

Baw Baw Planning Scheme — Amendments C61 and C66.

Boroondara Planning Scheme — Amendments C92, C94 and C110.

Campaspe Planning Scheme — Amendments C70, C72 and C75.

Cardinia Planning Scheme — Amendments C91 and C135.

Casey Planning Scheme — Amendment C128.

Central Goldfields Planning Scheme — Amendment C21.

Corangamite Planning Scheme — Amendment C19.

East Gippsland Planning Scheme — Amendments C61 and C79.

Frankston Planning Scheme — Amendment C54.

Glenelg Planning Scheme — Amendment C16.

Greater Bendigo Planning Scheme — Amendment C108.

Greater Dandenong Planning Scheme — Amendments C81, C108 and C120.

Greater Geelong Planning Scheme — Amendments C117, C129 Part 1, C152, C179 and C210.

Greater Shepparton Planning Scheme — Amendments C130 and C132.

Hobsons Bay Planning Scheme — Amendment C29 Part 2.

Hume Planning Scheme — Amendment C115.

Indigo Planning Scheme — Amendment C51.

Kingston Planning Scheme — Amendment C100.

Knox Planning Scheme — Amendment C85.

Latrobe Planning Scheme — Amendments C17, C62 and C64.

Mansfield Planning Scheme — Amendment C16.

Maroondah Planning Scheme — Amendment C70.

Melton Planning Scheme — Amendment C94.

Moirra Planning Scheme — Amendment C42.

Monash Planning Scheme — Amendment C94.

Moonee Valley Planning Scheme — Amendment C95.

Moorabool Planning Scheme — Amendments C45 and C52.

Moreland Planning Scheme — Amendments C115 and C125.

Mornington Peninsula Planning Scheme — Amendments C94, C131, C136 and C138.

Murrindindi Planning Scheme — Amendment C25.

Queenscliffe Planning Scheme — Amendments C20 and C21.

Southern Grampians Planning Scheme — Amendment C10.

Stonnington Planning Scheme — Amendments C107 and C111.

Surf Coast Planning Scheme — Amendment C38.

Victoria Planning Provisions — Amendments VC64 and VC65.

- Wellington Planning Scheme — Amendment C54.
 Whitehorse Planning Scheme — Amendments C103 and C124.
 Whittlesea Planning Scheme — Amendment C129.
 Wyndham Planning Scheme — Amendments C124 and C126.
 Yarra Ranges Planning Scheme — Amendments C62, C88, C93, C94 and C100.
- Project Development and Construction Management Act 1994 — Nomination order and application order dated 15 December 2009 and a statement of reasons for making a nomination order dated 16 December 2009 (three papers).
- Statutory Rules under the following Acts of Parliament:
- Assisted Reproductive Treatment Act 2008 — No. 177/2009.
 Associations Incorporation Act 1981 — No. 1.
 Bail Act 1977 — No. 155/2009.
 Charter of Human Rights and Responsibilities Act 2006 — No. 174/2009.
 Children, Youth and Families Act 2005 — Nos. 159 and 186/2009.
 Children, Youth and Families Act 2005 — Criminal Procedure Act 2009 — No. 189/2009.
 Control of Weapons Act 1990 — No. 188/2009.
 County Court Act 1958 — Nos. 182, 184 and 185/2009.
 County Court Act 1958 — Criminal Procedure Act 2009 — Children, Youth and Families Act 2005 — No. 183/2009.
 Crimes Act 1958 — Nos. 158, 161 and 173/2009.
 Criminal Procedure Act 2009 — No. 169/2009.
 Crown Proceedings Act 1958 — No. 171/2009.
 Electricity Safety Act 1998 — Nos. 164, 165 and 175/2009.
 Evidence Act 1958 — No. 172/2009.
 Evidence Act 2008 — No. 162/2009.
 Forests Act 1958 — No. 166/2009.
 Gambling Regulation Act 2003 — No. 167/2009.
 Health Services Act 1988 — No. 176/2009.
 Infringements Act 2006 — No. 168/2009.
 Magistrates' Court Act 1989 — Nos. 157 and 170/2009.
 Magistrates' Court Act 1989 — Criminal Procedure Act 2009 — No. 181/2009.
 Major Crime (Investigative Powers) Act 2004 — No. 156/2009.
 Marine Act 1988 — No. 180/2009.
 Metropolitan Fire Brigades Act 1958 — No. 179/2009.
 Public Health and Wellbeing Act 2008 — No. 178/2009.
 Sentencing Act 1991 — No. 160/2009.
 Serious Sex Offenders (Detention and Supervision) Act 2009 — No. 187/2009.
 Supreme Court Act 1986 — No. 163/2009.
 Victorian Civil and Administrative Tribunal Act 1998 — No. 154/2009.
- Subordinate Legislation Act 1994 —
- Ministers' infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule Nos. 164 and 180/2009.
 Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 154 to 162, 169 to 171, 173, 179, 181 to 186 and 189/2009.
 Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 150, 163, 167, 168, 172, 175, 176, 187 and 188/2009.
- TAFE Development Centre — Minister's report of receipt of 2008-09 report.
 Water Act 1989 — Notice declaring the abolition of the Mid Loddon Water Supply Protection Area.

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PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

- Cemeteries and Crematoria Amendment Act 2009 — except for sections 6, 7, 24 and 25 — 1 January 2010 (*Gazette No. G51, 17 December 2009*); Sections 7 and 25 — 1 February 2010 (*Gazette No. G4, 28 January 2010*).

- Criminal Procedure Act 2009 — Remaining provisions (except for section 437) — 1 January 2010 (*Gazette No. G50, 10 December 2009*).
- Criminal Procedure Amendment (Consequential and Transitional Provisions) Act 2009 — Remaining provisions — 1 January 2010 (*Gazette No. G50, 10 December 2009*).
- Electricity Safety Amendment Act 2007 — Part 2 — 13 December 2009 (*Gazette No. G50, 10 December 2009*).
- Energy and Resources Legislation Amendment Act 2009 — Parts 1 to 6 (except Sections 6, 7, 8 and 12) — 13 December 2009; Sections 28, 30, and 31 and Part 9 — 1 January 2010 (*Gazette No. G50, 10 December 2009*); Sections 23, 24 and 32 — 27 January 2010 (*Gazette No. S33, 27 January 2010*).
- Fair Work (Commonwealth Powers) Amendment Act 2009 — except for Part 2 — 1 January 2010 (*Gazette No. G50, 10 December 2009*); Part 2 — 1 January 2010 (*Gazette No. G51, 17 December 2009*).
- Justice Legislation Miscellaneous Amendments Act 2009 — Part 6 (except for sections 41 and 42) — 17 December 2009 (*Gazette No. G51, 17 December 2009*).
- Land (Revocation of Reservations and Other Matters) Act 2009 — Parts 1 and 3 and Schedule 1 — 17 December 2009 (*Gazette No. G51, 17 December 2009*).
- Local Government Amendment (Offences and Other Matters) Act 2009 — except for Part 2 — 8 December 2009; Part 2 — 1 February 2010 (*Gazette No. S455, 8 December 2009*).
- Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009 — Part 1, sections 3, 4, 13 to 16, 25, 34 and 35 and Parts 5 to 8 and 10 — 1 January 2010 (*Gazette No. G51, 17 December 2009*).
- Serious Sex Offenders (Detention and Supervision) Act 2009 — 1 January 2010 (*Gazette No. G52, 24 December 2009*).
- Transport Legislation Amendment (Hoon Boating and Other Amendments) Act 2009 — Sections 6, 7, 8, 9(2), 19, 20(1), 20(2), 20(3), 20(4), 21, 22(1), 22(2), 22(3), 23(1), Parts 6, 7, 8, Division 1 of Part 9, section 40 and Parts 10, 11 and 12 — 17 December 2009; section 23(2) — 1 January 2010 (*Gazette No. G51, 17 December 2009*).
- Victorian Renewable Energy Amendment Act 2009 — 10 December 2009 (*Gazette No. G50, 10 December 2009*).

6 PRODUCTION OF DOCUMENTS —

MASTER AGENCY MEDIA SERVICE (MAMS) EXPENDITURE REPORTS — The Clerk laid on the Table the following documents received in accordance with the Resolution of the Council of 14 October 2009:

- (1) MAMS Expenditure Report, Quarter One – 04/05 (July - September 2004);
- (2) MAMS Expenditure Report, Quarter Two – 04/05 (July - December 2004);
- (3) MAMS Expenditure Report, Quarter Three – 04/05 (July 2004 - March 2005);
- (4) MAMS Expenditure Report, Quarter Four – 04/05 (July 2004 - June 2005);
- (5) MAMS Expenditure Report, Quarter One – 05/06 (July - September 2005);
- (6) MAMS Expenditure Report, Quarter Two – 05/06 (July - December 2005);
- (7) MAMS Expenditure Report, Quarter Three – 05/06 (July 2005 - March 2006);
- (8) MAMS Expenditure Report, Quarter Four – 05/06 (July 2005 - June 2006);
- (9) MAMS Expenditure Report, Quarter Two – 06/07 (July - December 2006);
- (10) MAMS Expenditure Report, Quarter Three – 06/07 (July 2006 - March 2007);
- (11) MAMS Expenditure Report, Quarter Four – 06/07 (July 2006 - June 2007);
- (12) MAMS Spend, July - September 2007;
- (13) MAMS Spend, October 2007;
- (14) MAMS Spend, November 2007;
- (15) MAMS Spend, December 2007;
- (16) MAMS Spend, January 2008;
- (17) MAMS Spend, February 2008;
- (18) MAMS Spend, March 2008;

- (19) MAMS Spend, April 2008;
- (20) MAMS Spend, May 2008;
- (21) MAMS Spend, June 2008;
- (22) MAMS Expenditure Summary, 07/08 (July 2007 - June 2008);
- (23) MAMS Expenditure Report, July 2008;
- (24) MAMS Expenditure Report, August 2008;
- (25) MAMS Expenditure Report, September 2008;
- (26) MAMS Expenditure Report, October 2008;
- (27) MAMS Expenditure Report, November 2008;
- (28) MAMS Expenditure Report, December 2008;
- (29) MAMS Expenditure Report, January 2009;
- (30) MAMS Expenditure Report, February 2009;
- (31) MAMS Expenditure Report, March 2009;
- (32) MAMS Expenditure Report, April 2009;
- (33) MAMS Expenditure Report, May 2009;
- (34) MAMS Expenditure Report, June 2009; and
- (35) MAMS Expenditure Summary, 08/09 (July 2008 - June 2009).

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COLAC OTWAY SHIRE COUNCIL, PUBLIC AND SOCIAL HOUSING DEVELOPMENTS AND HEALTH SERVICES INTEGRATED PERFORMANCE REPORTS — The Clerk laid on the Table a letter from the Attorney-General dated 1 February 2010 in response to the Resolutions of the Council of 9 December 2009 seeking the production of documents relating to the Colac Otway Shire Council, Public and Social Housing Developments and Health Services Integrated Performance Reports —

- referring to the Government's process for assessing documents for potential Executive privilege;
- advising that the Government is still in the process of identifying and assessing the documents; and
- indicating that the Government would respond to the Council's resolutions shortly.

7 RESTORATION OF DROPPED ORDER OF THE DAY — Ms Pennicuik moved, That pursuant to Standing Order 6.15, the resumption of debate on the motion moved by Ms Pennicuik relating to political donations be restored to the Notice Paper.

Question — put and agreed to.

8 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 3 February 2010:

- (1) the Notice of Motion given this day by Mr D.M. Davis for the introduction of a Bill relating to Government advertising;
- (2) the Notice of Motion given this day by Mr Koch relating to public transport;
- (3) the Notice of Motion given this day by Ms Lovell relating to liquor licensing; and
- (4) the Order of the Day for the resumption of debate on the motion moved by Ms Pennicuik relating to political donations.

Question — put and agreed to.

9 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

10 BUSINESS POSTPONED —

Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until Thursday, 4 February 2010.

- 11 LEGISLATION REFORM (REPEALS NO. 5) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 12 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 to 7 inclusive, be postponed until later this day.
- 13 CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and committed to a Committee of the whole.
House in Committee.
Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 14 WATER AMENDMENT (ENTITLEMENTS) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and committed to a Committee of the whole.
House in Committee.
The Deputy President reported progress and asked leave to sit again.
Bill to be again considered in Committee of the whole on the next day of meeting.
- 15 VICTORIA UNIVERSITY BILL 2009, ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY BILL 2009, SWINBURNE UNIVERSITY OF TECHNOLOGY BILL 2009 AND UNIVERSITY OF BALLARAT BILL 2009** — The concurrent debate resumed on each of the questions, That the Bills be now read a second time.
Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Hall.
- 16 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.
And then the Council, at 10.37 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 153 — Wednesday, 3 February 2010

- 1 The President took the Chair and read the Prayer.
- 2 **OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE** — The President announced that he had received a letter from Ms Danielle Green, MP resigning from the Outer Suburban/Interface Services and Development Committee, effective from 21 January 2010.
- 3 **FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — The President announced that he had received a letter from Ms Mary Wooldridge, MP resigning from the Family and Community Development Committee, effective from 1 February 2010.

4 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — The President announced that he had received a letter from Ms Janice Munt, MP resigning from the Public Accounts and Estimates Committee, effective from 2 February 2010.

5 PETITIONS —

BOX HILL HOSPITAL REDEVELOPMENT — Mr Atkinson presented a Petition bearing 5 signatures from certain citizens of Victoria requesting that the Government immediately commence planning for the redevelopment of the Box Hill Hospital and commit to a funding timetable.

Ordered to lie on the Table.

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WATER AMENDMENT (ENTITLEMENTS) BILL 2009 — Mr Kavanagh presented a Petition bearing 1 signature from a certain citizen of Victoria requesting that the Legislative Council defer consideration of the Water Amendment (Entitlements) Bill 2009 until further consultation with land owners has occurred.

Ordered to lie on the Table.

6 PAPERS —

ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010 — Mr Lenders moved, by leave, That there be laid before this House a copy of the Annual Statement of Government Intentions for 2010.

Question — put and agreed to.

The Statement was presented by Mr Lenders and ordered to lie on the Table.

On the motion of Mr Lenders, the Statement was ordered to be taken into consideration on the next day of meeting.

* * * * *

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 Effectiveness of Student Wellbeing Programs and Services, February 2010.

Gambling Regulation Act 2003 — Report of the Gambling and Lotteries Review Panel to the Minister for Gaming in Relation to the Review of Registrations of Interest in the Grant of the Keno Licence.

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

8 GOVERNMENT (POLITICAL) ADVERTISING BILL 2010 — Mr D.M. Davis, pursuant to notice, introduced *A Bill for an Act to prevent the Government misusing taxpayers' money on political advertising and so-called information campaigns by Government departments and authorities, especially during election periods.*

On the motion of Mr D.M. Davis, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

9 PUBLIC TRANSPORT — Mr Koch moved, That this House expresses its outrage at the Brumby Government's failure over a period of more than 10 years to manage Victoria's public transport and calls on the newly appointed Minister for Public Transport to tell the House and Victorian commuters as a matter of urgency how he plans to deal with the many problems that after more than a decade of Labor beset our transport system, including —

- (a) what steps will be taken, and their expected implementation timeline, to fix the flawed Myki ticketing system and ensure its smooth operation;
- (b) what plans the Brumby Government has to deal with the braking problems of the Siemens trains that have occurred since 2003 on the metropolitan rail system including advising the House as to when these trains can be regarded as safe;
- (c) what steps the Brumby Government will take to bring up to modern standard the maintenance of rail tracks, the sagging and unreliable overhead catenary wires, signalling, points and when these will be completed to an acceptable standard;

- (d) what steps will be taken to examine and explain the chronic metropolitan and country rail unpunctuality, unreliability, overcrowding and faulty train air-conditioning and when will credible steps to deal with each of those problems be taken by the Brumby Government; and
- (e) why, after spending \$839 million more than the originally estimated \$80 million cost on Regional Fast Rail, V/Line's trains have run 'officially late' for 40 consecutive months on the Geelong line, 30 consecutive months on the Seymour line, 28 consecutive months on the Bendigo line, 23 consecutive months on the Traralgon and Bairnsdale lines and 35 of 40 months on the Ballarat line and what steps will the Minister take to ensure those lines reach acceptable punctuality standards without delay.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

10 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

11 PUBLIC TRANSPORT — Debate continued on the question, That this House expresses its outrage at the Brumby Government's failure over a period of more than 10 years to manage Victoria's public transport and calls on the newly appointed Minister for Public Transport to tell the House and Victorian commuters as a matter of urgency how he plans to deal with the many problems that after more than a decade of Labor beset our transport system, including —

- (a) what steps will be taken, and their expected implementation timeline, to fix the flawed Myki ticketing system and ensure its smooth operation;
- (b) what plans the Brumby Government has to deal with the braking problems of the Siemens trains that have occurred since 2003 on the metropolitan rail system including advising the House as to when these trains can be regarded as safe;
- (c) what steps the Brumby Government will take to bring up to modern standard the maintenance of rail tracks, the sagging and unreliable overhead catenary wires, signalling, points and when these will be completed to an acceptable standard;
- (d) what steps will be taken to examine and explain the chronic metropolitan and country rail unpunctuality, unreliability, overcrowding and faulty train air-conditioning and when will credible steps to deal with each of those problems be taken by the Brumby Government; and
- (e) why, after spending \$839 million more than the originally estimated \$80 million cost on Regional Fast Rail, V/Line's trains have run 'officially late' for 40 consecutive months on the Geelong line, 30 consecutive months on the Seymour line, 28 consecutive months on the Bendigo line, 23 consecutive months on the Traralgon and Bairnsdale lines and 35 of 40 months on the Ballarat line and what steps will the Minister take to ensure those lines reach acceptable punctuality standards without delay.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber (<i>Teller</i>)	Mr Eideh (<i>Teller</i>)
Mrs Coote	Mr Elasmarr
Mr Dalla-Riva	Ms Huppert
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Kavanagh
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland	Mr Pakula
Mr Koch	Ms Pulford
Mrs Kronberg (<i>Teller</i>)	Mr Scheffer

Ms Lovell	Mr Smith
Mr O'Donohue	Mr Somyurek
Ms Pennicuik	Mr Tee (<i>Teller</i>)
Mrs Petrovich	Mr Theophanous
Mrs Peulich	Ms Tierney
Mr Rich-Phillips	Mr Viney

The Ayes and Noes being equal, the question was negatived.

12 LIQUOR LICENSING — Ms Lovell moved, That this House —

- (1) notes the hardship caused to many social, sporting and community clubs, small licensed grocers and bottle shops, live music venues, smaller pubs, vigneron and other licensed venues as a consequence of the Brumby Government's unfair liquor licensing regime;
- (2) notes the Brumby Government's unfair liquor licensing regime directly threatens the future of Victoria's live music scene as demonstrated by the closure of iconic live music venue the Tote Hotel in Collingwood with the consequential loss of opportunities for musicians and the loss of jobs for full time and part time staff;
- (3) notes that uniform licensing conditions requiring security staff to be engaged at licensed venues featuring live or amplified music are making the performance of live music at some low-risk venues financially unviable with serious consequences for Victoria's music industry;
- (4) notes the unfair fee increases which have seen the liquor licence fee for a small grocer in Port Fairy increase from \$249 to \$6330, and the liquor licence fees for many small licensed grocers and bottle shops exceed those payable by large liquor supermarkets, and many smaller, family owned pubs with no adverse compliance history being required to pay fee increases of thousands of dollars;
- (5) notes the Brumby Government's statement that despite increasing liquor licensing fees from \$15 million in 2009 to \$35.8 million in 2010 "The proposed risk-based renewal fees are not considered a burden on businesses";
- (6) condemns the Brumby Government for its failure to implement a genuinely risk-based liquor licensing regime that provides for licensing fees and conditions appropriate to the venue and activity; and
- (7) calls on the Brumby Government to immediately scrap its unfair liquor licensing regime in favour of a system that is both fair and genuinely risk-based.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 18
Mr Atkinson	Ms Broad
Mrs Coote (<i>Teller</i>)	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings
Mr Drum (<i>Teller</i>)	Mr Leane (<i>Teller</i>)
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Mr Kavanagh	Mr Pakula
Mr Koch	Ms Pulford
Mrs Kronberg	Mr Scheffer
Ms Lovell	Mr Smith
Mr O'Donohue	Mr Somyurek
Mrs Petrovich	Mr Tee

Mrs Peulich
Mr Rich-Phillips

Mr Theophanous
Ms Tierney (*Teller*)
Mr Viney

Question negated.

- 13 POLITICAL DONATIONS** — The Order of the Day was read for the resumption of debate on the question, That this House calls on the State and Federal Governments to reform laws relating to political donations, with the aim of banning donations from entities such as unions and corporations and limiting the size of donations from individuals.

Question — put and negated.

- 14 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

- 15 ADJOURNMENT** — Mr Lenders moved, That the House do now adjourn.
Debate ensued.

And then the Council, at 10.23 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 154 — Thursday, 4 February 2010

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — LIQUOR LICENSING FEES** — Mr D.M. Davis presented a Petition bearing 260 signatures from certain citizens of Victoria requesting that liquor licensing fees for small low-risk suburban packaged liquor outlets remain at their current levels and that a review of risk levels be immediately undertaken so that licensing fees can be more accurately determined.
Ordered to lie on the Table.

- 3 **PAPERS** —
VICTORIAN COMPETITION AND EFFICIENCY COMMISSION — A SUSTAINABLE FUTURE FOR VICTORIA — Mr Lenders moved, by leave, That there be laid before this House a copy of the Report of the Victorian Competition And Efficiency Commission — A Sustainable Future for Victoria: Getting Environmental Regulation Right, Final Report July 2009 and the Government Response to that Report.

Question — put and agreed to.

The papers were presented by Mr Lenders and ordered to lie on the Table.

On the motion of Mr D.M. Davis, the papers were ordered to be taken into consideration on the next day of meeting.

* * * * *

- PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — VICTORIA'S AUDIT ACT 1994** — Mr Dalla-Riva presented a Discussion Paper from the Public Accounts and Estimates Committee on *Victoria's Audit Act 1994*.

Ordered to lie on the Table and the Discussion Paper to be printed.

Mr Dalla-Riva moved, That the Council take note of the Discussion Paper.

Debate ensued.

Question — put and agreed to.

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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:

Office of Police Integrity — Report on Information Security and the Victoria Police State Surveillance Unit, February 2010.

Victoria Police — Chief Commissioner —

Report under section 21M of the Terrorism (Community Protection) Act 2003, 2008-09.

Report under section 30L of the Surveillance Devices Act 1999, 2008-09.

Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2008-09.

- 4 RIGHT OF REPLY — COLAC OTWAY SHIRE COUNCIL** — Pursuant to the Standing Orders of the Legislative Council, the President presented a Right of Reply from Colac Otway Shire Council to statements made in the Council by Mr Vogels on 2 June 2009.

Ordered to lie on the Table and to be printed.

- 5 SELECT COMMITTEE ON TRAIN SERVICES** — Mr Atkinson moved, by leave, That the Resolution of the Council of 11 March 2009 requiring the Select Committee on Train Services to present its final report to the Council no later than March 2010 be amended so as to now require the Committee to present its final report by May 2010.

Question — put and agreed to.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 7 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 8 WATER AMENDMENT (ENTITLEMENTS) BILL 2009** — Bill further considered in Committee of the whole.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 10 WATER AMENDMENT (ENTITLEMENTS) BILL 2009** — Bill further considered in Committee of the whole.

Bill reported with an amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with an amendment and requesting their agreement.

- 11 VICTORIA UNIVERSITY BILL 2009, ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY BILL 2009, SWINBURNE UNIVERSITY OF TECHNOLOGY BILL 2009 AND UNIVERSITY OF BALLARAT BILL 2009** — The concurrent debate resumed on each of the questions, That the Bills be now read a second time.

Amendments proposed to be moved in Committee by Ms Hartland to the Victoria University Bill 2009 were circulated.

Debate continued.

The concurrent second reading debate having concluded —

Question — That the Victoria University Bill 2009 be now read a second time — put and agreed to.

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

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

- 12 ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY BILL 2009** — The concurrent second reading debate having concluded —

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

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 13 SWINBURNE UNIVERSITY OF TECHNOLOGY BILL 2009** — The concurrent second reading debate having concluded —

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

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 14 UNIVERSITY OF BALLARAT BILL 2009** — The concurrent second reading debate having concluded —

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

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 15 PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Ms Huppert, the debate was adjourned until the next day of meeting.

- 16 ACCIDENT COMPENSATION AMENDMENT BILL 2009** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Accident Compensation Act 1985 and the Accident Compensation (WorkCover Insurance) Act 1993, to consequentially amend certain other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Pakula (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Rich-Phillips), the debate was adjourned for one week.

- 17 TRANSPORT INTEGRATION BILL 2009** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to create a new framework for the provision of an integrated and sustainable transport system in Victoria, to amend the Transport Act 1983, the Marine Act 1988, the Rail Corporations Act 1996, the Eastlink Project Act 2004 and certain other Acts, to repeal the Southern and Eastern Integrated Transport Authority Act 2003 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Pakula, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Koch, the debate was adjourned for one week.

- 18 MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL 2009** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Magistrates' Court Act 1989 to establish a Mental Health List in the Magistrates' Court for a trial period, to provide for its operation and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Pakula (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

19 ACCIDENT COMPENSATION AMENDMENT BILL 2009 — Leave having been granted, Mr Pakula made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

20 SITTING OF THE COUNCIL — Mr Pakula moved, That the Council, at its rising, adjourn until Tuesday, 23 February 2010.

Question — put and agreed to.

21 ADJOURNMENT — Mr Pakula moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.25 p.m. adjourned until Tuesday, 23 February 2010.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 152, 153 and 154

Tuesday, 2 February 2010

1 CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2009

Clauses 1 to 110 — put and agreed to.

Schedule — put and agreed to.

Bill reported without amendment.

2 WATER AMENDMENT (ENTITLEMENTS) BILL 2009

Clauses 1 to 5 — put and agreed to.

Clause 6 — On the motion of Ms Lovell, clause 6 postponed.

Clauses 7 to 81 — put and agreed to.

Schedule — put and agreed to.

Progress reported.

Thursday, 4 February 2010

1 WATER AMENDMENT (ENTITLEMENTS) BILL 2009

Postponed Clause 6 — Question — That postponed Clause 6 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair

AYES, 18	NOES, 20
Ms Broad (<i>Teller</i>)	Mr Atkinson
Mr Eideh	Mr Barber
Mr Elasmarr	Mrs Coote
Ms Huppert	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Mr Leane	Mr P.R. Davis
Mr Lenders	Mr Drum (<i>Teller</i>)
Mr Madden	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pulford	Ms Hartland (<i>Teller</i>)
Mr Scheffer (<i>Teller</i>)	Mr Kavanagh
Mr Smith	Mr Koch
Mr Somyurek	Mrs Kronberg
Mr Tee	Ms Lovell
Mr Theophanous	Mr O'Donohue

Ms Tierney
Mr Viney

Ms Pennicuik
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips

Question negated.

Committee interrupted at 12 noon pursuant to Sessional Orders.

Committee resumed.

Bill reported with an amendment.

2 VICTORIA UNIVERSITY BILL 2009

Clauses 1 and 2 — put and agreed to.

Clause 3 — Ms Hartland moved —

1. Clause 3, page 5, line 12 omit "Visitor." and insert "Visitor;".

Question — That the amendment be agreed to — put and agreed to.

Ms Hartland moved —

2. Clause 3, page 5, after line 12 insert—

"Western Metropolitan region of Melbourne means the following—

- (a) Brimbank City Council;
- (b) Hobson's Bay City Council;
- (c) Maribyrnong City Council;
- (d) Moonee Valley City Council;
- (e) Hume City Council;
- (f) Wyndham City Council;
- (g) Melton Shire."

Question — That the amendment be agreed to — put and agreed to.

Clause 3, as amended — put and agreed to.

Clause 4 — put and agreed to.

Clause 5 — Ms Hartland moved —

3. Clause 5, page 8, line 18, omit "otherwise." and insert "otherwise;".

4. Clause 5, page 8, after line 18 insert—

"() to develop and provide educational, cultural, professional, technical and vocational services, and, in particular, to foster participation in post-secondary education for persons living or working in the Western Metropolitan region of Melbourne."

Question — That the amendments be agreed to — put and agreed to.

Clause 5, as amended — put and agreed to.

Clauses 6 to 74 — put and agreed to.

Schedule — put and agreed to.

Bill reported with amendments.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 155, 156 and 157

No. 155 — Tuesday, 23 February 2010

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

On 9 February 2010 —

Consumer Affairs Legislation Amendment Act 2010
Legislation Reform (Repeals No. 5) Act 2010.

On 16 February 2010 —

Royal Melbourne Institute of Technology Act 2010
Swinburne University of Technology Act 2010
University of Ballarat Act 2010.

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

4 **PETITIONS** —

THOMSON RIVER — Mr Hall presented a Petition bearing 383 signatures from certain citizens of Victoria requesting that the State Government abandon its plan to take a further ten billion litres of water from the Thomson River to top up Melbourne's water supplies.

Ordered to lie on the Table.

* * * * *

ROCK EISTEDDFOD — Mr Drum presented a Petition bearing 578 signatures from certain citizens of Victoria requesting that the State Government reverse its decision to no longer fund the Victorian secondary schools Rock Eisteddfod.

Ordered to lie on the Table.

5 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

LEGISLATION REFORM (REPEALS NO. 6) BILL 2009 — Mr Eideh presented a report from the Scrutiny of Acts and Regulations Committee on the Legislation Reform (Repeals No. 6) Bill 2009, together with Appendices.

Ordered to lie on the Table and to be printed.

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ALERT DIGEST — Mr Eideh presented Alert Digest No. 2 of 2010 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

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

Crown Land (Reserves) Act 1978 —

Minister's Order of 25 January 2010 giving approval to the granting of a lease at O'Donnell Gardens Reserve and Shakespeare Grove Reserve.

Minister's Order of 12 February 2010 giving approval to the granting of a lease at Cross Keys Reserve.

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2009.

Lake Mountain Alpine Resort Management Board — Minister's report of receipt of report for year ending 31 October 2009.

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2009.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2009.

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2009.

Parliamentary Committees Act 2003 — Government Response to the Education and Training Committee's Report on Geographical Differences in the Rate in which Victorian Students Participate in Higher Education.

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

Alpine Planning Scheme — Amendment C11.

Alpine Resorts Planning Scheme — Amendment C20.

Ararat Planning Scheme — Amendment C22.

Bass Coast Planning Scheme — Amendments C108, C109, C110 and C111.

Baw Baw Planning Scheme — Amendment C44 (Part 1).

Bayside Planning Scheme — Amendment C84.

Casey Planning Scheme — Amendments C94, C102, C104 and C120.

Darebin Planning Scheme — Amendment C64.

East Gippsland Planning Scheme — Amendments C78 and C83.

Frankston Planning Scheme — Amendments C58 and C59.

French Island and Sandstone Island Planning Scheme — Amendment C3.

Glenelg Planning Scheme — Amendment C49.

Greater Bendigo Planning Scheme — Amendment C138.

Greater Dandenong Planning Scheme — Amendment C119.

Greater Geelong Planning Scheme — Amendment C212.

Greater Shepparton Planning Scheme — Amendments C115 and C125.

Horsham Planning Scheme — Amendment C38.

Hume Planning Scheme — Amendment C106.

Loddon Planning Scheme — Amendment C18.

Manningham Planning Scheme — Amendment C77.

Melton Planning Scheme — Amendment C95.

Mornington Peninsula Planning Scheme — Amendments C9 and C114.

Mount Alexander Planning Scheme — Amendment C34.

Moyne Planning Scheme — Amendments C41 and C43.

Northern Grampians Planning Scheme — Amendment C11.

Port Phillip Planning Scheme — Amendment C70.

South Gippsland Planning Scheme — Amendment C26.

Stonnington Planning Scheme — Amendments C80, C88 and C97.

Surf Coast Planning Scheme — Amendments C52 and C58.

Wellington Planning Scheme — Amendments C58 and C63.

Whitehorse Planning Scheme — Amendments C96 and C99.

Whittlesea Planning Scheme — Amendments C119, C122 and C136.

Wodonga Planning Scheme — Amendment C72.

Yarriambiack Planning Scheme — Amendment C8.

Statutory Rules under the following Acts of Parliament:

Infringements Act 2006 — No. 2.

Magistrates' Court Act 1989 — No. 6.

Mineral Resources (Sustainable Development) Act 1990 — No. 3.

Public Transport Competition Act 1995 — No. 5.

Road Safety Act 1986 — No. 7.

Transport Act 1983 — No. 4.

Subordinate Legislation Act 1994 —

Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule No. 3.

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 6.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 2, 4, 5 and 7.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Acting Clerk:

Cemeteries and Crematoria Amendment Act 2009 — Sections 6 and 24 — 1 March 2010 (*Gazette No. G7, 18 February 2010*).

State Taxation Acts Further Amendment Act 2009 — Division 1 of Part 5 and Part 6 — 1 March 2010 (*Gazette No. G7, 18 February 2010*).

6 RIGHT OF REPLY — MELTON SHIRE COUNCIL AND COUNCILLOR RENATA CUGLIARI

— Pursuant to the Standing Orders of the Legislative Council, the President presented a Right of Reply from Melton Shire Council and Councillor Renata Cugliari to statements made in the Council by Mrs Peulich on 12 November 2009.

Ordered to lie on the Table and to be printed.

7 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That —

- (1) precedence be given to the following General Business on Wednesday, 24 February 2010:
 - (a) the Notice of Motion given this day by Mr Barber relating to the delegation of powers by the Minister for Planning;
 - (b) Notice of Motion No. 12 of 2010, standing in the name of Mr D.M. Davis, demanding the Government comply with the Council's Resolution relating to the production of certain documents relating to Brown Coal;
 - (c) Notice of Motion No. 13 of 2010, standing in the name of Mr D.M. Davis, demanding the Government comply with the Council's Resolution relating to the production of certain documents relating to government advertising;
 - (d) Notice of Motion No. 14 of 2010, standing in the name of Mr D.M. Davis, demanding the Government comply with the Council's Resolution relating to the production of certain documents relating to renewable energy feed-in tariffs;
 - (e) Notice of Motion No. 15 of 2010, standing in the name of Mr D.M. Davis, demanding the Government comply with the Council's Resolution relating to the production of certain transport ministerial briefing documents;
 - (f) Notice of Motion No. 16 of 2010, standing in the name of Mr D.M. Davis, demanding the Government comply with the Council's Resolution relating to the production of certain documents relating to health bodies' financial and audit committees;
 - (g) Notice of Motion No. 18 of 2010, standing in the name of Mr D.M. Davis, demanding the Government comply with the Council's Resolution relating to the production of certain documents relating to water projects and desalination documents;
 - (h) the Notice of Motion given this day by Mr D.M. Davis, relating to the desalination plant Gateway Review documents;
 - (i) resumption of debate on Order of the Day No. 10, relating to the Frankston Bypass;

- (j) the Notice of Motion given this day by Mr O'Donohue relating to an independent broad based anti-corruption commission;
 - (k) the Notice of Motion given this day by Mr Dalla-Riva relating to the failure of the Government to listen to Victorian communities; and
 - (l) the Notice of Motion given this day by Mr Hall relating to Rock Eisteddfod; and
- (2) this House authorises the President to permit Notices of Motion, General Business, Nos. 12 to 16 and 18 of 2010, and the Notice of Motion given this day by Mr D.M. Davis relating to the desalination plant Gateway Review documents to be moved and debated concurrently.

Question — put and agreed to.

8 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

9 PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Kavanagh were circulated.

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 19
Ms Broad	Mr Atkinson
Mr Eideh	Mr Barber
Mr Elasmarr	Mrs Coote
Ms Huppert	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Mr Leane	Mr P.R. Davis (<i>Teller</i>)
Mr Lenders	Mr Drum
Mr Madden	Mr Finn
Ms Mikakos (<i>Teller</i>)	Mr Guy (<i>Teller</i>)
Mr Pakula	Mr Hall
Ms Pulford	Ms Hartland
Mr Scheffer (<i>Teller</i>)	Mr Koch
Mr Smith	Mrs Kronberg
Mr Somyurek	Ms Lovell
Mr Tee	Ms Pennicuik
Mr Theophanous	Mrs Petrovich
Ms Tierney	Mrs Peulich
Mr Viney	Mr Rich-Phillips
	Mr Vogels

Question negatived.

Bill returned to the Assembly with a Message acquainting them that the Council have rejected the Bill.

10 TRANSPORT INTEGRATION BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

11 ADJOURNMENT — Mr Pakula moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.37 p.m., adjourned until tomorrow.

MATTHEW TRICARICO
Acting Clerk of the Legislative Council

No. 156 — Wednesday, 24 February 2010

1 The President took the Chair and read the Prayer.

2 **PETITION — CLEARWAYS EXTENSION** — Mrs Coote presented a Petition bearing 23 signatures from certain citizens of Victoria requesting that the proposed extension of clearways in Melbourne be withdrawn and abandoned.

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 Acting Clerk:

Auditor-General —

Report on Management of Concessions by the Department of Human Services,
February 2010.

Report on Tendering and Contracting in Local Government, February 2010.

Statutory Rules under the following Acts of Parliament:

Road Safety Act 1986 — No. 9.

Taxation Administration Act 1997 — No. 10.

Transport Accident Act 1986 — No. 8.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

5 **PRODUCTION OF DOCUMENTS — MINISTER FOR PLANNING INSTRUMENT OF DELEGATION** — Mr Barber moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 9 March 2010 a copy of the register of the exercise of delegated powers, discretions and functions between the Minister for Planning and departmental staff within the Department of Planning and Community Development as described at point 5, page 52, of the Instrument of Delegation of Minister's Powers, Discretions and Functions, previously provided to the Legislative Council, for each of the years 2006, 2007, 2008 and 2009.

Debate ensued.

Question — put and agreed to.

6 **PRODUCTION OF DOCUMENTS** — Pursuant to an Order of the Council on 23 February 2010, Mr D.M. Davis moved —

1. That this House —

(1) notes the failure of the Government to comply fully with the Resolution of the Council of 11 November 2009 to table a copy of all documents concerning government consideration for proposals to pipe and export overseas brown coal from the LaTrobe Valley;

(2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;

(3) accordingly censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 11 November 2009; and

(4) demands that the Leader of the Government comply fully with the Resolution of the Council of 11 November 2009 and lodge all documents with the Clerk by 12 noon on 9 March 2010.

2. That this House —
 - (1) notes the failure of the Government to comply fully with the Resolution of the Council of 14 October 2009 to table a copy of all documents relating to the Working Victoria and Shine advertising campaigns;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
 - (3) notes that the Government has now had 16 weeks in which to “identify and assess” and produce the relevant documents;
 - (4) accordingly censures the Leader of the Government as the representative of the Government in the Council for the Government’s failure to fully comply with the Council’s Resolution of 8 December 2009; and
 - (5) demands that the Leader of the Government comply fully with the Resolution of the Council of 14 October 2009 and lodge all documents with the Clerk by 12 noon on 9 March 2010.
3. That this House —
 - (1) notes the continued failure of the Government to comply fully with a number of resolutions of the Council in 2009;
 - (2) notes in particular the failure of the Government to produce the following —
 - (a) copies of all documents relating to solar feed-in tariffs prepared for departmental officers and/or committees in the Department of Innovation, Industry and Regional Development, the Department of Primary Industries and the Department of Sustainability and Environment and for the Minister for Environment and Climate Change and the Minister for Energy and Resources as ordered by the Council on 11 March 2009 and 16 September 2009;
 - (b) copies of all documents, studies, evaluations and briefing papers produced by the Victorian government or its agents concerning the impact of the Commonwealth Government’s proposed carbon pollution reduction scheme on the Victorian economy held by the Departments of Premier and Cabinet, Sustainability and Environment and Primary Industry as ordered by the Council on 1 April 2009 and 11 November 2009;
 - (c) all documents held by the Department of Transport, the Minister for Public Transport, the Minister for Roads and Ports, the Department of Planning and Community Development, the Minister for Local Government, the Department of Premier and Cabinet and the Premier relating to the Victorian State Government’s policy of extending clearway times as ordered by the Council on 1 April 2009 and 16 September 2009;
 - (d) copies of all documents, studies, evaluations and briefing papers produced by the Victorian Government or its agents concerning the impact of the Commonwealth Government’s proposed carbon pollution reduction scheme on the Victorian economy held by the Department of Treasury and Finance as ordered by the Council on 6 May 2009 and 11 November 2009;
 - (e) copies of all documents relating to the company Better Place as ordered by the Council on 6 May 2009 and 16 September 2009,
 - (f) copies of all documents relating to the review of the Alpine Resort areas as ordered by the Council on 3 June 2009 and 16 September 2009;
 - (g) copies of all documents and communications held by the Government in relation to the extension of licence for the number of gaming tables at Crown Casino as ordered by the Council on 24 June 2009 and 16 September 2009; and
 - (h) copies of all documents examining the placement of carbon trading institutions and carbon trading institutes in Melbourne or other Victorian locations as ordered by the Council on 29 July 2009 and 16 September 2009;

- (3) notes that the Leader of the Government has already been censured by this House for not complying with the Council's resolutions;
 - (4) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
 - (5) accordingly, again, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolutions as listed above; and
 - (6) demands that the Leader of the Government comply fully with the Resolutions of the Council as listed above and table all related documents by 12 noon on 9 March 2010.
4. That this House —
- (1) notes the refusal of the Government to comply fully with the resolutions of the Council of 29 October 2008 and 11 March 2009 to table transport ministerial briefing documents;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the executive and demands accountability for all aspects of executive behaviour;
 - (3) rejects the Government's claim of executive privilege in relation to the documents not produced and notes with great concern the Government's apparent belief that it is not accountable to the Parliament of Victoria;
 - (4) notes that the appointment of the new Minister for Public Transport is a good opportunity for the Government to reassess its intransigent refusal to release ministerial briefings to the House in accordance with the House's right to demand such documents;
 - (5) accordingly censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to comply fully with the Council's resolutions of 29 October 2008 and 11 March 2009; and.
 - (6) demands that the Leader of the Government and the newly appointed Minister for Public Transport comply fully with the resolutions of the Council of 29 October 2008 and 11 March 2009 and lodge the following documents with the Clerk by 12 noon on 9 March 2010 —
 - (a) 'Taxi policy initiatives' (ministerial briefing note MBN011023) registered by the former Department of Infrastructure on 2 April 2008;
 - (b) 'Registration and licensing system funding options' (ministerial briefing note MBN011037) registered by the former Department of Infrastructure on 3 April 2008;
 - (c) 'EastLink-ConnectEast DRP underwriting agreement — novation' (ministerial briefing note MBN011047) registered by the former Department of Infrastructure on 3 April 2008;
 - (d) 'To advise the minister of the status of AusLink 2 projects identified as candidates for the commencement of expenditure ahead of 2009/10 2013/14' (ministerial briefing note MBN011055) registered by the former Department of Infrastructure on 8 April 2008;
 - (e) 'Metropolitan rail franchising (MR3) market engagement trip' (ministerial briefing note MBN011059) registered by the former Department of Infrastructure on 10 April 2008;
 - (f) 'Media interest and progress with grade separation study' (re Springvale Road, Nunawading, level crossing) (ministerial briefing note MBN011065) registered by the former Department of Infrastructure on 10 April 2008;
 - (g) 'Meeting with the CEO of the bus proprietors' (ministerial briefing note MBN011091) registered by the former Department of Infrastructure on 15 April 2008;
 - (h) '2009 fare changes strategy overview' (ministerial briefing note MBN011116) registered by the former Department of Infrastructure on 22 April 2008;
 - (i) 'Geelong and Frankston taxi depots' (ministerial briefing note MBN011141) registered by the former Department of Infrastructure on 28 April 2008;

- (j) 'Status of the regional pilot of the NTS' (ministerial briefing note MBN011146) registered by the former Department of Infrastructure on 29 April 2008; and
 - (k) 'M1 heads of agreement' (ministerial briefing note MBN011159) registered by the Department of Transport on 30 April 2008.
5. That this House —
- (1) notes the failure of the Government to comply fully with the Resolution of the Council of 25 November 2009 to table a copy of all agendas and minutes of the financial and/or audit committees of the hospitals and health services listed in the motion of 25 November 2009;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour, particularly given the serious nature of the financial situation facing Victorian Health Services as pointed to by the Auditor-General in the *Public Hospitals: Results of the 2008-2009 Financial Audits* report;
 - (3) notes that on 8 December 2009 the Government said it would be in a position to respond in early 2010 and that the Government has now had 10 weeks in which to comply;
 - (4) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to comply fully with the Council's Resolution of 25 November 2009; and
 - (5) demands that the Leader of the Government urgently comply fully with the Resolution of the Council of 25 November 2009 and lodge all documents with the Clerk by 12 noon on 9 March 2010.
6. That this House —
- (1) notes the failure of the Government to comply fully with the Resolution of the Council of 12 August 2009 to table a copy of all documents concerning tenders and lobbyists for the desalination plant;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
 - (3) notes that, despite the Government indicating that it would comply, 25 weeks has now elapsed and the Government has failed to honour its commitment;
 - (4) accordingly censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 24 June 2009; and
 - (5) demands that the Leader of the Government comply fully with the Resolution of the Council of 12 August 2009 and lodge all documents with the Clerk by 12 noon on 9 March 2010.
7. That this House —
- (1) notes the failure of the Government to comply fully with the Resolution of the Council of 24 June 2009 to table a copy of all Gateway Review documents that relate to the Public Private Partnership desalination plant project at Wonthaggi/Kilcunda;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
 - (3) asks that the Government explain why the release of documents listed in the schedule attached to correspondence to the Clerk of the Legislative Council on 11 August 2009 by the Attorney General would "be prejudicial to the public interest" or "reveal the high level confidential deliberative processes of the Executive Government";
 - (4) is of the view that the list of 2 documents in the table provided by the Government is unlikely to be a complete list, given that the project has passed the required gateways, and the Council therefore asks that the Government verify that the list is complete and that no documents were omitted and if documents are found to be omitted to provide a full list of documents to the Council;

- (5) accordingly censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 24 June 2009; and
- (6) demands that the Leader of the Government comply fully with the Resolution of the Council of 24 June 2009 and lodge all documents with the Clerk by 12 noon on 9 March 2010.

Debate ensued.

Question — That this House —

- (1) notes the failure of the Government to comply fully with the Resolution of the Council of 11 November 2009 to table a copy of all documents concerning government consideration for proposals to pipe and export overseas brown coal from the LaTrobe Valley;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
- (3) accordingly censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 11 November 2009; and
- (4) demands that the Leader of the Government comply fully with the Resolution of the Council of 11 November 2009 and lodge all documents with the Clerk by 12 noon on 9 March 2010.

— put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr Finn
 Mr Guy
 Mr Hall (*Teller*)
 Ms Hartland
 Mr Kavanagh (*Teller*)
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

NOES, 17

Ms Broad
 Mr Eideh (*Teller*)
 Mr Elasmarr
 Ms Huppert
 Mr Jennings
 Mr Leane
 Mr Lenders
 Ms Mikakos
 Mr Pakula
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous (*Teller*)
 Ms Tierney
 Mr Viney

Question agreed to.

Question — That this House —

- (1) notes the failure of the Government to comply fully with the Resolution of the Council of 14 October 2009 to table a copy of all documents relating to the Working Victoria and Shine advertising campaigns;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
- (3) notes that the Government has now had 16 weeks in which to "identify and assess" and produce the relevant documents;
- (4) accordingly censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 8 December 2009; and

- (5) demands that the Leader of the Government comply fully with the Resolution of the Council of 14 October 2009 and lodge all documents with the Clerk by 12 noon on 9 March 2010.

— put.

The Council divided — The President in the Chair.

AYES, 19

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Mr Kavanagh (*Teller*)
Mr Koch
Mrs Kronberg
Ms Lovell
Mr O'Donohue
Ms Pennicuik
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

NOES, 17

Ms Broad
Mr Eideh (*Teller*)
Mr Elasmarr
Ms Huppert
Mr Jennings
Mr Leane
Mr Lenders
Ms Mikakos
Mr Pakula
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee (*Teller*)
Mr Theophanous
Ms Tierney
Mr Viney

Question agreed to.

Question — That this House —

- (1) notes the continued failure of the Government to comply fully with a number of resolutions of the Council in 2009;
- (2) notes in particular the failure of the Government to produce the following —
 - (a) copies of all documents relating to solar feed-in tariffs prepared for departmental officers and/or committees in the Department of Innovation, Industry and Regional Development, the Department of Primary Industries and the Department of Sustainability and Environment and for the Minister for Environment and Climate Change and the Minister for Energy and Resources as ordered by the Council on 11 March 2009 and 16 September 2009;
 - (b) copies of all documents, studies, evaluations and briefing papers produced by the Victorian government or its agents concerning the impact of the Commonwealth Government's proposed carbon pollution reduction scheme on the Victorian economy held by the Departments of Premier and Cabinet, Sustainability and Environment and Primary Industry as ordered by the Council on 1 April 2009 and 11 November 2009;
 - (c) all documents held by the Department of Transport, the Minister for Public Transport, the Minister for Roads and Ports, the Department of Planning and Community Development, the Minister for Local Government, the Department of Premier and Cabinet and the Premier relating to the Victorian State Government's policy of extending clearway times as ordered by the Council on 1 April 2009 and 16 September 2009;
 - (d) copies of all documents, studies, evaluations and briefing papers produced by the Victorian Government or its agents concerning the impact of the Commonwealth Government's proposed carbon pollution reduction scheme on the Victorian economy held by the Department of Treasury and Finance as ordered by the Council on 6 May 2009 and 11 November 2009;
 - (e) copies of all documents relating to the company Better Place as ordered by the Council on 6 May 2009 and 16 September 2009,

- (f) copies of all documents relating to the review of the Alpine Resort areas as ordered by the Council on 3 June 2009 and 16 September 2009;
 - (g) copies of all documents and communications held by the Government in relation to the extension of licence for the number of gaming tables at Crown Casino as ordered by the Council on 24 June 2009 and 16 September 2009; and
 - (h) copies of all documents examining the placement of carbon trading institutions and carbon trading institutes in Melbourne or other Victorian locations as ordered by the Council on 29 July 2009 and 16 September 2009;
- (3) notes that the Leader of the Government has already been censured by this House for not complying with the Council's resolutions;
 - (4) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
 - (5) accordingly, again, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolutions as listed above; and
 - (6) demands that the Leader of the Government comply fully with the Resolutions of the Council as listed above and table all related documents by 12 noon on 9 March 2010.

— put.

The Council divided — The President in the Chair.

AYES, 19

NOES, 17

Mr Atkinson

Ms Broad

Mr Barber

Mr Eideh (*Teller*)

Mrs Coote

Mr Elasmarr

Mr Dalla-Riva

Ms Huppert

Mr D.M. Davis

Mr Jennings

Mr Finn

Mr Leane

Mr Guy

Mr Lenders

Mr Hall (*Teller*)

Ms Mikakos

Ms Hartland

Mr Pakula

Mr Kavanagh (*Teller*)

Ms Pulford

Mr Koch

Mr Scheffer

Mrs Kronberg

Mr Smith

Ms Lovell

Mr Somyurek

Mr O'Donohue

Mr Tee (*Teller*)

Ms Pennicuik

Mr Theophanous

Mrs Petrovich

Ms Tierney

Mrs Peulich

Mr Viney

Mr Rich-Phillips

Mr Vogels

Question agreed to.

Question — That this House —

- (1) notes the refusal of the Government to comply fully with the resolutions of the Council of 29 October 2008 and 11 March 2009 to table transport ministerial briefing documents;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the executive and demands accountability for all aspects of executive behaviour;
- (3) rejects the Government's claim of executive privilege in relation to the documents not produced and notes with great concern the Government's apparent belief that it is not accountable to the Parliament of Victoria;
- (4) notes that the appointment of the new Minister for Public Transport is a good opportunity for the Government to reassess its intransigent refusal to release ministerial briefings to the House in accordance with the House's right to demand such documents;

- (5) accordingly censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to comply fully with the Council's resolutions of 29 October 2008 and 11 March 2009; and.
- (6) demands that the Leader of the Government and the newly appointed Minister for Public Transport comply fully with the resolutions of the Council of 29 October 2008 and 11 March 2009 and lodge the following documents with the Clerk by 12 noon on 9 March 2010 —
- (a) 'Taxi policy initiatives' (ministerial briefing note MBN011023) registered by the former Department of Infrastructure on 2 April 2008;
 - (b) 'Registration and licensing system funding options' (ministerial briefing note MBN011037) registered by the former Department of Infrastructure on 3 April 2008;
 - (c) 'EastLink-ConnectEast DRP underwriting agreement — novation' (ministerial briefing note MBN011047) registered by the former Department of Infrastructure on 3 April 2008;
 - (d) 'To advise the minister of the status of AusLink 2 projects identified as candidates for the commencement of expenditure ahead of 2009/10 2013/14' (ministerial briefing note MBN011055) registered by the former Department of Infrastructure on 8 April 2008;
 - (e) 'Metropolitan rail franchising (MR3) market engagement trip' (ministerial briefing note MBN011059) registered by the former Department of Infrastructure on 10 April 2008;
 - (f) 'Media interest and progress with grade separation study' (re Springvale Road, Nunawading, level crossing) (ministerial briefing note MBN011065) registered by the former Department of Infrastructure on 10 April 2008;
 - (g) 'Meeting with the CEO of the bus proprietors' (ministerial briefing note MBN011091) registered by the former Department of Infrastructure on 15 April 2008;
 - (h) '2009 fare changes strategy overview' (ministerial briefing note MBN011116) registered by the former Department of Infrastructure on 22 April 2008;
 - (i) 'Geelong and Frankston taxi depots' (ministerial briefing note MBN011141) registered by the former Department of Infrastructure on 28 April 2008;
 - (j) 'Status of the regional pilot of the NTS' (ministerial briefing note MBN011146) registered by the former Department of Infrastructure on 29 April 2008; and
 - (k) 'M1 heads of agreement' (ministerial briefing note MBN011159) registered by the Department of Transport on 30 April 2008.

— put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr Finn
 Mr Guy
 Mr Hall (*Teller*)
 Ms Hartland
 Mr Kavanagh (*Teller*)
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich

NOES, 17

Ms Broad
 Mr Eideh (*Teller*)
 Mr Elasmarr
 Ms Huppert
 Mr Jennings
 Mr Leane
 Mr Lenders
 Ms Mikakos
 Mr Pakula
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee (*Teller*)
 Mr Theophanous
 Ms Tierney

Mrs Peulich
Mr Rich-Phillips
Mr Vogels

Mr Viney

Question agreed to.

Question — That this House —

- (1) notes the failure of the Government to comply fully with the Resolution of the Council of 25 November 2009 to table a copy of all agendas and minutes of the financial and/or audit committees of the hospitals and health services listed in the motion of 25 November 2009;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour, particularly given the serious nature of the financial situation facing Victorian Health Services as pointed to by the Auditor-General in the *Public Hospitals: Results of the 2008-2009 Financial Audits* report;
- (3) notes that on 8 December 2009 the Government said it would be in a position to respond in early 2010 and that the Government has now had 10 weeks in which to comply;
- (4) accordingly, censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to comply fully with the Council's Resolution of 25 November 2009; and
- (5) demands that the Leader of the Government urgently comply fully with the Resolution of the Council of 25 November 2009 and lodge all documents with the Clerk by 12 noon on 9 March 2010.

— put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson
Mr Barber
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
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Mr Guy
Mr Hall (*Teller*)
Ms Hartland
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Mr Koch
Mrs Kronberg
Ms Lovell
Mr O'Donohue
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Mrs Petrovich
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Mr Vogels

NOES, 17

Ms Broad
Mr Eideh (*Teller*)
Mr Elasmarr
Ms Huppert
Mr Jennings
Mr Leane
Mr Lenders
Ms Mikakos
Mr Pakula
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee (*Teller*)
Mr Theophanous
Ms Tierney
Mr Viney

Question agreed to.

Question — That this House —

- (1) notes the failure of the Government to comply fully with the Resolution of the Council of 12 August 2009 to table a copy of all documents concerning tenders and lobbyists for the desalination plant;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
- (3) notes that, despite the Government indicating that it would comply, 25 weeks has now elapsed and the Government has failed to honour its commitment;

- (4) accordingly censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 24 June 2009; and
- (5) demands that the Leader of the Government comply fully with the Resolution of the Council of 12 August 2009 and lodge all documents with the Clerk by 12 noon on 9 March 2010.

— put.

The Council divided — The President in the Chair.

<p>AYES, 19</p> <p>Mr Atkinson</p> <p>Mr Barber</p> <p>Mrs Coote</p> <p>Mr Dalla-Riva</p> <p>Mr D.M. Davis</p> <p>Mr Finn</p> <p>Mr Guy</p> <p>Mr Hall</p> <p>Ms Hartland</p> <p>Mr Kavanagh</p> <p>Mr Koch</p> <p>Mrs Kronberg</p> <p>Ms Lovell (<i>Teller</i>)</p> <p>Mr O'Donohue</p> <p>Ms Pennicuik (<i>Teller</i>)</p> <p>Mrs Petrovich</p> <p>Mrs Peulich</p> <p>Mr Rich-Phillips</p> <p>Mr Vogels</p>	<p>NOES, 17</p> <p>Ms Broad</p> <p>Mr Eideh</p> <p>Mr Elasmarr</p> <p>Ms Huppert</p> <p>Mr Jennings (<i>Teller</i>)</p> <p>Mr Leane</p> <p>Mr Lenders</p> <p>Ms Mikakos</p> <p>Mr Pakula</p> <p>Ms Pulford</p> <p>Mr Scheffer (<i>Teller</i>)</p> <p>Mr Smith</p> <p>Mr Somyurek</p> <p>Mr Tee</p> <p>Mr Theophanous</p> <p>Ms Tierney</p> <p>Mr Viney</p>
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Question agreed to.

Question — That this House —

- (1) notes the failure of the Government to comply fully with the Resolution of the Council of 24 June 2009 to table a copy of all Gateway Review documents that relate to the Public Private Partnership desalination plant project at Wonthaggi/Kilcunda;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
- (3) asks that the Government explain why the release of documents listed in the schedule attached to correspondence to the Clerk of the Legislative Council on 11 August 2009 by the Attorney General would "be prejudicial to the public interest" or "reveal the high level confidential deliberative processes of the Executive Government";
- (4) is of the view that the list of 2 documents in the table provided by the Government is unlikely to be a complete list, given that the project has passed the required gateways, and the Council therefore asks that the Government verify that the list is complete and that no documents were omitted and if documents are found to be omitted to provide a full list of documents to the Council;
- (5) accordingly censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 24 June 2009; and
- (6) demands that the Leader of the Government comply fully with the Resolution of the Council of 24 June 2009 and lodge all documents with the Clerk by 12 noon on 9 March 2010.

— put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 17
Mr Atkinson	Ms Broad
Mr Barber	Mr Eideh (<i>Teller</i>)
Mrs Coote	Mr Elasmarr
Mr Dalla-Riva	Ms Huppert
Mr D.M. Davis	Mr Jennings
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Hall (<i>Teller</i>)	Ms Mikakos
Ms Hartland	Mr Pakula
Mr Kavanagh (<i>Teller</i>)	Ms Pulford
Mr Koch	Mr Scheffer
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue	Mr Tee (<i>Teller</i>)
Ms Pennicuik	Mr Theophanous
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

- 7 PENINSULA LINK/FRANKSTON BYPASS** — The Order of the Day was read for the resumption of debate on the question, That this House calls on the Government to abandon plans for the construction of the Peninsula Link or Frankston Bypass and instead implement alternative, local and less costly solutions to reduce bottlenecks and peak time congestion on existing arterial roads and upgrade public transport services in Frankston and the Mornington Peninsula.

On the motion of Mr Viney, the debate was adjourned until later this day.

- 8 ANTI-CORRUPTION COMMISSION** — Mr O'Donohue moved, That this House calls on the Victorian Government to introduce an independent broad based anti-corruption commission in Victoria.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 10 ANTI-CORRUPTION COMMISSION** — Debate continued on the question, That this House calls on the Victorian Government to introduce an independent broad based anti-corruption commission in Victoria.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 16
Mr Barber	Ms Broad (<i>Teller</i>)
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr P.R. Davis	Ms Huppert
Mr Drum (<i>Teller</i>)	Mr Jennings
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Hall	Ms Mikakos
Ms Hartland	Mr Pakula
Mr Kavanagh	Ms Pulford
Mr Koch	Mr Scheffer
Ms Lovell	Mr Smith

Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips (*Teller*)
 Mr Vogels

Mr Somyurek
 Mr Theophanous
 Ms Tierney (*Teller*)
 Mr Viney

Question agreed to.

- 11 PENINSULA LINK/FRANKSTON BYPASS** — Debate resumed on the question, That this House calls on the Government to abandon plans for the construction of the Peninsula Link or Frankston Bypass and instead implement alternative, local and less costly solutions to reduce bottlenecks and peak time congestion on existing arterial roads and upgrade public transport services in Frankston and the Mornington Peninsula.

Question — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber
 Ms Hartland (*Teller*)
 Ms Pennicuik (*Teller*)

NOES, 32

Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mr Leane
 Mr Lenders
 Ms Lovell
 Ms Mikakos
 Mr O'Donohue (*Teller*)
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Theophanous
 Ms Tierney
 Mr Viney
 Mr Vogels

Question negatived.

- 12 LOCAL COMMUNITY PROBLEMS** — Mr Dalla-Riva moved, That this House believes the Brumby Labor Government is not listening to Victorian communities and has failed to respond to key local community problems.

Debate ensued.

On the motion of Mr P.R. Davis, the debate was adjourned until the next day of meeting.

- 13 SCHOOLS ROCK EISTEDDFOD** — Mr Hall moved, That this House condemns the Brumby Labor Government for causing the cancellation of the 2010 Victorian Schools Rock Eisteddfod due to its failure to provide the \$200,000 sought by organisers to help fund this annual event.

Debate ensued.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Ms Broad.

- 14 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued and a response to an Adjournment matter was circulated pursuant to Sessional Orders.

And then the Council, at 10.45 p.m., adjourned until tomorrow.

MATTHEW TRICARICO
Acting Clerk of the Legislative Council

No. 157 — Thursday, 25 February 2010

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

2 **PAPERS** —

CHILDREN'S COURT OF VICTORIA — Mr Madden presented, by command of the Governor, the Report of the Children's Court of Victoria for the year 2008-09.

The Report was presented by Mr Madden and ordered to lie on the Table.

* * * * *

SUPREME COURT JUDGES — Mr Madden presented, by command of the Governor, the Report of the Supreme Court Judges for the year 2008-09.

The Report was presented by Mr Madden and ordered to lie on the Table.

* * * * *

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — APPROVALS PROCESS FOR RENEWABLE ENERGY PROJECTS IN VICTORIA — Mr Viney presented a Report from the Environment and Natural Resources Committee on the Approvals Process for Renewable Energy Projects in Victoria (including Appendices, Extracts of the Proceedings and Minority Report), together with Transcripts of Evidence.

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

Mr Viney moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

ECONOMIC DEVELOPMENT COMMITTEE — STATE GOVERNMENT TAXATION AND DEBT — Mr Tee presented an Interim Report from the Economic Development and Infrastructure Committee on State Government Taxation and Debt (including Appendices).

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

Mr Tee moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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

Office of Police Integrity — Report on Information Security and the Victoria Police State Surveillance Unit, February 2010 (in lieu of that tabled on 4 February 2010).

Ombudsman — Ombudsman's recommendations: Report on their implementation, February 2010.

- 3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 4 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 5 MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.
Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.
Debate continued.
Amendments proposed to be moved in Committee by Mr Madden were circulated by Mr Tee.
Debate continued.
- Business having been interrupted at 12 noon pursuant to Sessional Orders —*
- 6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 7 MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL 2009** — Debate continued on the question, That the Bill be now read a second time.
On the motion of Mr Drum, the debate was adjourned until later this day.
- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.
- 9 ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — Mr Theophanous moved, That the Council take note of the Annual Statement of Government Intentions for 2010.
Debate ensued.
On the motion of Mr O'Donohue, the debate was adjourned for one week.
- 10 MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL 2009** — Debate continued on the question, That the Bill be now read a second time.
On the motion of Ms Hartland, the debate was adjourned until the next day of meeting.
- 11 CRIMES LEGISLATION AMENDMENT BILL 2009** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 to restructure the maximum penalties for the offence of sexual penetration of a child under the age of 16, to amend the Crimes (Controlled Operations) Act 2004, the Evidence (Miscellaneous Provisions) Act 1958, the Family Violence Protection Act 2008, the Fisheries Act 1995, the Sentencing Act 1991 and the Wildlife Act 1975 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Madden, the second reading speech was incorporated into Hansard.
Mr Madden moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 12 EDUCATION AND TRAINING REFORM AMENDMENT BILL 2009** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Madden (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Madden, the second reading speech was incorporated into Hansard.
Mr Madden moved, That the Bill be now read a second time.
On the motion of Mr Hall, the debate was adjourned for one week.

13 LIQUOR CONTROL REFORM AMENDMENT (ANZAC DAY) BILL 2010 — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Liquor Control Reform Act 1998 in relation to the supply of liquor on ANZAC Day and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Guy), the debate was adjourned for one week.

14 OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE BILL 2010 — The Acting President read a Message from the Assembly presenting *A Bill for an Act to regulate petroleum exploration and recovery activities and petroleum facilities and the geological storage of carbon dioxide in the Victorian offshore area and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Hall), the debate was adjourned for one week.

15 SITTING OF THE COUNCIL — Mr Madden moved, That the Council, at its rising, adjourn until Tuesday, 9 March 2010.

Question — put and agreed to.

16 ADJOURNMENT — Mr Madden moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 5.07 p.m. adjourned until Tuesday, 9 March 2010.

MATTHEW TRICARICO
Acting Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 155, 156 and 157

Tuesday, 23 February 2010

1 TRANSPORT INTEGRATION BILL 2009

Clauses 1 to 206 — put and agreed to.

Schedules 1 to 6 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 158, 159 and 160

No. 158 — Tuesday, 9 March 2010

- 1 The President took the Chair and read the Prayer.
- 2 **RESIGNATION OF MEMBER** — The President announced that he had received the following communication:

1 March 2010

Hon. Robert Smith, MLC,
President,
Legislative Council,
Parliament House,
MELBOURNE VIC 3002

Dear President,

I write to advise that on Monday, 1 March 2010 I received a letter from Mr Theo Theophanous, MLC, resigning his seat in the Legislative Council. A copy of that letter is enclosed for your reference.

Upon my receipt of that letter, Mr Theophanous's seat in the Legislative Council became vacant. I note that, in accordance with section 27A of the *Constitution Act 1975*, a joint sitting of the Council and the Assembly is required to fill this vacancy.

Yours sincerely,

David de Kretser
Governor

* * * * *

Professor David de Kretser AC
Governor of Victoria
Government House
MELBOURNE VIC 3004

28 February 2010

Dear Governor

I write to inform you that I am resigning as Member for Northern Metropolitan Region in the Legislative Council.

It has indeed been a privilege to serve Victorians as a Member of Parliament for more than 21 years and as a Minister for more than 7 years.

I wish to thank the people of Victoria for the trust they placed in me and put on record my thanks to the many people in the community and in the Labor Party who supported me over so many years and of course to my family who encouraged me to try to make a difference.

Thank you also for your own support to me as a Minister.

Yours sincerely

Theo Charles Theophanous

Mr Lenders moved, by leave, That this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Theo Charles Theophanous and proposes that the time and place of such a meeting be the Legislative Assembly Chamber this day at 6.15 p.m.

Question — put and agreed to.

Message sent to the Assembly acquainting them of the Resolution and requesting their agreement.

- 3 ASSENT TO ACT** — The President read a Message from the Governor informing the Council that he had, on 2 March 2010, given the Royal Assent to the following Act presented to him by the Clerk of the Legislative Council:

Transport Integration Act 2010.

- 4 STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION** — The President announced that he had received a letter from the Chair of the Standing Committee on Finance and Public Administration, dated 3 March 2010, advising that the Committee had determined to inquire into and report on Victorian Government decision making, consultation and approval processes, and any knowledge and/or involvement of Ministers, Ministerial staff and/or Victorian Government officers since 1 December 2006 and in particular issues arising from media plans prepared within the Victorian Government since 1 December 2006.

- 5 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 6 PETITIONS** —

LIQUOR LICENSING FEES — Mr D.M. Davis presented a Petition bearing 66 signatures from certain citizens of Victoria requesting that liquor licensing fees for small low-risk suburban packaged liquor outlets remain at their current levels and that a review of risk levels be immediately undertaken so that licensing fees can be more accurately determined.

Ordered to lie on the Table.

* * * * *

NEIGHBOURHOOD WATCH — Mr Drum presented a Petition bearing 15 signatures from certain citizens of Victoria requesting that the Government reverse its changes to Neighbourhood Watch crime statistics, so that statistics continue to be available on a street-by-street basis and not only by postcode.

Ordered to lie on the Table.

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

Crown Land (Reserves) Act 1978 — Minister's Order of 20 February 2010 giving approval to the granting of a lease at Yarra Bend Park Reserve.

Emergency Services Superannuation Act 1986 — Report on the Actuarial Investigation of the Emergency Services Superannuation Scheme as at 30 June 2009.

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

- Baw Baw Planning Scheme — Amendment C73.
- Cardinia Planning Scheme — Amendment C137.
- Frankston Planning Scheme — Amendment C57.
- Horsham Planning Scheme — Amendment C43.
- Hume Planning Scheme — Amendment C109.
- Macedon Ranges Planning Scheme — Amendment C70.
- Maribyrnong Planning Scheme — Amendment C56.
- Mildura Planning Scheme — Amendment C61.
- Moorabool Planning Scheme — Amendment C18.
- Moyne Planning Scheme — Amendment C50.
- Nillumbik Planning Scheme — Amendment C58 (Part 1).
- Wellington Planning Scheme — Amendments C57 and C59.
- Yarra Ranges Planning Scheme — Amendment C98.

Statutory Rules under the following Acts of Parliament:

- Conservation, Forests and Lands Act 1987 — No. 11.
- Racing Act 1958 — No. 12.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 11 and 12.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

- Consumer Affairs Legislation Amendment Act 2010 — Section 19 and Parts 8 and 9 — 1 March 2010 (*Gazette No. G8, 25 February 2010*).
- Land (Revocation of Reservations and Other Matters) Act 2009 — Parts 2 (other than section 3), 5, 6 and 7 and Schedules 3, 4, 5, 8 and 9 — 25 February 2010 (*Gazette No. G8, 25 February 2010*).
- Racing Legislation Amendment (Racing Integrity Assurance) Act 2009 — Parts 2, 3 and 4 — 1 March 2010 (*Gazette No. G8, 25 February 2010*).

8 PRODUCTION OF DOCUMENTS —

VARIOUS ORDERS — The Clerk laid on the Table a letter from the Attorney-General dated 9 March 2010 in response to resolutions of the Council seeking the production of documents —

- advising that the Government is still in the process of identifying and assessing the documents relevant to the Order requesting the register of the exercise of delegated powers by the Minister for Planning and that the Government would respond to the Council's resolution as soon as possible;
- advising that the Government confirmed its claim of Executive Privilege in relation to certain documents and had therefore completed its response to the Orders relating to solar energy feed-in tariffs, the carbon pollution reduction scheme (two Orders), clearways, Better Place, alpine resorts, carbon trading institutes and Department of Transport Ministerial Briefings;
- advising that the Government is still in the process of identifying and assessing the documents relevant to the Orders requesting the Brown Coal, Working Victoria and Shine campaigns, Crown Casino and Water Projects and Desalination documents;
- advising that Executive Privilege is claimed in relation to the following documents relating to the Desalination Plant Gateway Review and that, therefore, those documents have not been produced:
 - (1) Report from Gateway Review Team to Department of Sustainability and Environment, Gateway Review 2 – Business Case (23 May 2008); and
 - (2) Report from Gateway Review Team to Department of Sustainability and Environment, Gateway Review 3 – Readiness for Market (23 May 2008).

HEALTH BODIES FINANCIAL AND AUDIT COMMITTEES AND COLAC OTWAY SHIRE COUNCIL — REPORT OF THE LOCAL GOVERNMENT INVESTIGATIONS AND COMPLIANCE INSPECTORATE — The Clerk laid on the Table a letter from the Attorney-

General dated 9 March 2010 in response to resolutions of the Council of 25 November 2009 and 9 December 2009 seeking the production of documents —

- advising that the Government does not possess any documents that are relevant to the Health Bodies Financial and Audit Committees Order; and
- advising that Executive Privilege is claimed in relation to the Report of the Local Government Investigations and Compliance Inspectorate on Colac Otway Shire Council and that, therefore, the report has not been produced.

On the motion of Mr D.M. Davis, the Attorney-General's letters were ordered to be taken into consideration on the next day of meeting.

9 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 10 March 2010:

- (1) the Notice of Motion given this day by Mr D.M. Davis expressing no confidence in the Minister for Planning;
- (2) Notice of Motion No. 26 of 2009, standing in the name of Mr Hall, to disallow the Bulk Entitlement (Eildon-Goulburn Wier) Conversion Further Amending Order (No. 2) 2009;
- (3) Notice of Motion No. 26 of 2010, standing in the name of Ms Pennicuik, relating to political donations;
- (4) the Notice of Motion given this day by Mr D.M. Davis, relating to the production of certain documents relating to the review of the Victorian Funds Management Corporation by Dr Mike Vertigan;
- (5) Notice of Motion No. 25 of 2010, standing in the name of Mr Dalla-Riva, relating to the production of certain Office of Police Integrity documents;
- (6) resumption of debate on Order of the Day No. 12, relating to local community problems; and
- (7) resumption of debate on Order of the Day No. 13, relating to the Schools Rock Eisteddfod.

Question — put and agreed to.

10 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

11 MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and an amended long title which is as follows "*A Bill for an Act to amend the Magistrates' Court Act 1989 to establish an Assessment and Referral Court List in the Magistrates' Court for a trial period, to provide for its operation and for other purposes*", with which they request the agreement of the Legislative Assembly.

12 JOINT SITTING — CASUAL COUNCIL VACANCY — The Acting President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to meet the Council to choose a person to hold the vacant seat in the Legislative Council rendered vacant by the resignation of the Honourable Theo Theophanous, and, as proposed by the Council, that the place and time of the Joint Sitting be the Assembly Chamber this day at 6.15 p.m.

13 ACCIDENT COMPENSATION AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.
Debate continued.

Interruption —

- 14 JOINT SITTING — CASUAL COUNCIL VACANCY** — The President announced that the time had arrived for the Council to meet the Assembly in the Assembly Chamber to choose a person to hold the vacant seat in the Legislative Council rendered vacant by the resignation of the Honourable Theo Theophanous.

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

The President reported that at the Joint Sitting, Mr Nathan Scott Murphy was chosen to hold the vacant seat in the Legislative Council rendered vacant by the resignation of the Honourable Theo Theophanous.

- 15 DECLARATION OF ALLEGIANCE** — Mr Nathan Scott Murphy, having been introduced, approached the Table and took and subscribed the Oath required by law.

The President attested the Roll.

- 16 ACCIDENT COMPENSATION AMENDMENT BILL 2009** — Debate continued on the question, That the Bill be now read a second time.

On the motion of Ms Pennicuik, the debate was adjourned until later this day.

- 17 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 to 6 inclusive, be postponed until later this day.

- 18 ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — Debate resumed on the question, That the Council take note of the Annual Statement of Government Intentions for 2010.

On the motion of Mr O'Donohue, the debate was adjourned until later this day.

- 19 ACCIDENT COMPENSATION AMENDMENT BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Ms Pulford.

- 20 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.34 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 159 — Wednesday, 10 March 2010

- 1** The President took the Chair and read the Prayer.
- 2 ACTING PRESIDENT** — The President laid on the Table the following Warrant nominating an Acting President:

LEGISLATIVE COUNCIL
VICTORIA

Pursuant to the provisions of Standing Order 2.12 of the Legislative Council, I do hereby nominate —
Ms Jennifer Sue Huppert

to be an Acting President whenever requested to do so by the President or Deputy President.

Given under my hand on 10 March 2010.

ROBERT F. SMITH
President of the Legislative Council

3 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — The President read a letter from Mr Viney resigning from the Environment and Natural Resources Committee, effective from 9 March 2010.

4 PETITION — BELLARINE BAYSIDE FORESHORE COMMITTEE OF MANAGEMENT — Mr Koch presented a Petition bearing 914 signatures from certain citizens of Victoria requesting that the Government replace the Bellarine Bayside Foreshore Committee of Management with an organisation that can better deal with local issues and deliver more satisfactory services for all users of the foreshore.

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:

Alpine Resorts Co-ordinating Council — Report, 2008-09.

Auditor-General — Report on Irrigation Water Stores: Lake Mokoan and Tarago Reservoir, March 2010.

Australian Crime Commission — Report, 2008-09.

Commissioner for Environmental Sustainability — Report, 2008-09.

Parliamentary Committees Act 2003 — Government Response to the Public Accounts and Estimates Committee's Report on the Review of the Findings and Recommendations of the Auditor-General's Reports Tabled September 2007 – February 2008.

Surveyors Registration Board of Victoria — Report, 2008-09.

6 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — Mr Viney moved, by leave, That Mr Murphy be a member of the Environment and Natural Resources Committee.

Question — put and agreed to.

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

8 WANT OF CONFIDENCE IN THE MINISTER FOR PLANNING — Mr D.M. Davis moved —

(1) That the Minister for Planning no longer possesses the confidence of this House in view of his failure to accept Ministerial responsibility for a media plan document transmitted by his media adviser outlining a sham consultation strategy regarding the Windsor Hotel redevelopment; and

(2) That, as the House has already supported a motion of no-confidence in the Minister on 3 June 2009, the House now calls on the Minister to resign immediately, in the interests of upholding the long established traditions of Ministerial responsibility under the Westminster system.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

9 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

10 WANT OF CONFIDENCE IN THE MINISTER FOR PLANNING — Debate continued on the question —

(1) That the Minister for Planning no longer possesses the confidence of this House in view of his failure to accept Ministerial responsibility for a media plan document transmitted by his media adviser outlining a sham consultation strategy regarding the Windsor Hotel redevelopment; and

(2) That, as the House has already supported a motion of no-confidence in the Minister on 3 June 2009, the House now calls on the Minister to resign immediately, in the

interests of upholding the long established traditions of Ministerial responsibility under the Westminster system.

Mr Kavanagh moved, that the debate be adjourned until Wednesday next.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 19
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber (<i>Teller</i>)
Mr Eideh	Mrs Coote
Mr Elasmarr	Mr Dalla-Riva
Ms Huppert	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis (<i>Teller</i>)
Mr Kavanagh (<i>Teller</i>)	Mr Drum
Mr Leane	Mr Finn
Mr Lenders	Mr Guy
Mr Madden	Mr Hall
Mr Murphy (<i>Teller</i>)	Ms Hartland
Mr Pakula	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Smith	Mr O'Donohue
Mr Somyurek	Ms Pennicuik
Mr Tee	Mrs Petrovich
Ms Tierney	Mrs Peulich
Mr Viney	Mr Rich-Phillips

The Ayes and Noes being equal, the question was negatived.

Debate continued on the question —

- (1) That the Minister for Planning no longer possesses the confidence of this House in view of his failure to accept Ministerial responsibility for a media plan document transmitted by his media adviser outlining a sham consultation strategy regarding the Windsor Hotel redevelopment; and
- (2) That, as the House has already supported a motion of no-confidence in the Minister on 3 June 2009, the House now calls on the Minister to resign immediately, in the interests of upholding the long established traditions of Ministerial responsibility under the Westminster system.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings (<i>Teller</i>)
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy (<i>Teller</i>)	Mr Madden
Mr Hall	Mr Murphy
Ms Hartland	Mr Pakula
Mr Koch	Ms Pulford
Mrs Kronberg	Mr Scheffer
Ms Lovell	Mr Smith
Mr O'Donohue	Mr Somyurek (<i>Teller</i>)

Ms Pennicuik	Mr Tee
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips (<i>Teller</i>)	

Question agreed to.

- 11 BULK ENTITLEMENT (EILDON-GOULBURN WEIR) CONVERSION FURTHER AMENDING ORDER (NO. 2) 2009** — Mr Hall moved, That pursuant to section 34(3) of the *Water Act 1989*, the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Further Amending Order (No. 2) 2009, published in Government Gazette No. S300 on 1 September 2009, be disallowed.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane (<i>Teller</i>)
Mr Finn	Mr Lenders (<i>Teller</i>)
Mr Guy	Mr Madden
Mr Hall (<i>Teller</i>)	Mr Murphy
Ms Hartland	Mr Pakula
Mr Kavanagh	Ms Pulford
Mr Koch	Mr Scheffer
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue (<i>Teller</i>)	Mr Tee
Ms Pennicuik	Ms Tierney
Mrs Petrovich	Mr Viney
Mrs Peulich	
Mr Rich-Phillips	

Question agreed to.

Business having been interrupted at 10.03 p.m. pursuant to Standing Orders —

- 12 CREDIT (COMMONWEALTH POWERS) BILL 2010** — The President read a Message from the Assembly presenting *A Bill for an Act to adopt the National Consumer Credit Protection Act 2009 of the Commonwealth (as amended) and the National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009 of the Commonwealth, and to refer certain matters relating to the provision of credit and certain other financial transactions to the Parliament of the Commonwealth, for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth and to make related provisions and transitional and consequential provisions* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time.

Bill to be read a second time on the next day of meeting.

- 13 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.25 p.m., adjourned until tomorrow.

No. 160 — Thursday, 11 March 2010

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — BELLARINE BAYSIDE FORESHORE COMMITTEE OF MANAGEMENT** — Mr Koch presented a Petition bearing 717 signatures from certain citizens of Victoria requesting that the Government replace the Bellarine Bayside Foreshore Committee of Management with an organisation that can better deal with local issues and deliver more satisfactory services for all users of the foreshore.

Ordered to lie on the Table.

- 3 **PAPERS —**
ELECTORAL MATTERS COMMITTEE — PROVISIONS OF THE ELECTORAL ACT 2002 RELATING TO MISLEADING OR DECEPTIVE POLITICAL ADVERTISING — Mr P.R. Davis presented a report from the Electoral Matters Committee on the Provisions of the *Electoral Act 2002 (Vic)* relating to misleading or deceptive political advertising (including Appendices and a Minority Report), together with Transcripts of Evidence.

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

Mr P.R. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

- SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Eideh presented Alert Digest No. 3 of 2010 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

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

Budget Sector — 2009-10 Mid-Year Financial Report, incorporating Quarterly Financial Report No. 2 for the period ended 31 December 2009.

Gambling Regulation Act 2003 — Fixed Term Ban Order of 24 February 2010 under section 2.5.A.9 of the Act.

Ombudsman — Report on Investigation into the disclosure of information by a councillor of the City of Casey, March 2010.

Parliamentary Committees Act 2003 — Government Response to the Scrutiny of Acts and Regulations Committee's Report on Exceptions and Exemptions to the Equal Opportunity Act 1995.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 15.

Fisheries Act 1995 — No. 13.

Road Safety Act 1986 — No. 16.

Victorian Civil and Administrative Tribunal Act 1998 — No. 14.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 15.

- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until later this day.
- 7 **CREDIT (COMMONWEALTH POWERS) BILL 2010** — Mr Jennings (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

8 CRIMES LEGISLATION AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Madden were circulated by Mr Tee.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

9 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

10 CRIMES LEGISLATION AMENDMENT BILL 2009 — Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

11 ACCIDENT COMPENSATION AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

12 LIVESTOCK MANAGEMENT BILL 2009 — The Acting President read a Message from the Assembly presenting *A Bill for an Act to regulate livestock management in Victoria and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Vogels), the debate was adjourned for one week.

13 SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009 — The Acting President read a Message from the Assembly presenting *A Bill for an Act to enact a new legislative scheme for the detention and treatment of persons with a severe substance dependence, to repeal the Alcoholics and Drug-dependent Persons Act 1968 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr D.M. Davis, the debate was adjourned for one week.

- 14 STATUTE LAW AMENDMENT (NATIONAL HEALTH PRACTITIONER REGULATION) BILL 2010** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Health Professions Registration Act 2005, the Health Practitioner Regulation National Law (Victoria) Act 2009 and other Acts and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
- Mr Jennings moved, That the Bill be now read a second time.
- On the motion of Mr D.M. Davis, the debate was adjourned for one week.
- 15 CRIMES LEGISLATION AMENDMENT BILL 2009** — The Acting President read a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.
- 16 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until the next day of meeting.
- 17 LIQUOR CONTROL REFORM AMENDMENT (ANZAC DAY) BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.
- Question — put and agreed to.
- Bill read a second time and, by leave, read a third time and passed.
- Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 18 STANDING ORDERS COMMITTEE** — Mr Dalla-Riva moved, by leave, That the Resolution of the Council of 10 September 2008, as amended on 13 November 2008, 31 March 2009, 30 July 2009, 13 October 2009 and 27 November 2009 requiring the Standing Orders Committee to inquire into and report by 11 March 2010 on the establishment of new Standing Committees for the Legislative Council, be further amended so as to now require the Committee to present its report by 15 April 2010.
- Question — put and agreed to.
- 19 OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.
- Question — put and agreed to.
- Bill read a second time and committed to a Committee of the whole.
- House in Committee.
- Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.
- Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 20 SITTING OF THE COUNCIL** — Mr Pakula moved, That the Council, at its rising, adjourn until Tuesday, 23 March 2010.
- Question — put and agreed to.
- 21 ADJOURNMENT** — Mr Pakula moved, That the House do now adjourn.
- Debate ensued
- And then the Council, at 10.06 p.m. adjourned until Tuesday, 23 March 2010.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 158, 159 and 160

Tuesday, 9 March 2010

1 MAGISTRATES' COURT (MENTAL HEALTH LIST) BILL 2009

Clause 1 — Mr Madden moved —

1. Clause 1, lines 2 and 3, omit "Mental Health" and insert "Assessment and Referral Court".

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 1, as amended, stand part of the Bill — put and agreed to.

Clauses 2 and 3 — put and agreed to.

Clause 4 — Mr Madden moved —

2. Clause 4, after line 11 insert—
"**Assessment and Referral Court List** means the list established by section 4S;".
3. Clause 4, lines 14 and 15, omit the words and expressions on these lines.
4. Clause 4, page 3, line 7, omit "Mental Health" and insert "Assessment and Referral Court".
5. Clause 4, page 3, line 13, omit "Mental Health" and insert "Assessment and Referral Court".

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 4, as amended, stand part of the Bill — put and agreed to.

Clause 5 — Mr Madden moved —

6. Clause 5, line 17, omit "**Mental Health**" and insert "**Assessment and Referral Court**".
7. Clause 5, line 18, omit "A Mental Health" and insert "An Assessment and Referral Court".
8. Clause 5, line 19, omit "Mental Health" and insert "Assessment and Referral Court".
9. Clause 5, line 23, omit "Mental Health" and insert "Assessment and Referral Court".
10. Clause 5, page 4, line 8, omit "Mental Health" and insert "Assessment and Referral Court".
11. Clause 5, page 4, line 11, omit "Mental Health" and insert "Assessment and Referral Court".
12. Clause 5, page 4, line 16, omit "Mental Health" and insert "Assessment and Referral Court".
13. Clause 5, page 4, line 18, omit "Mental Health" and insert "Assessment and Referral Court".
14. Clause 5, page 4, line 23, omit "Mental Health" and insert "Assessment and Referral Court".
15. Clause 5, page 4, lines 27 and 28, omit "Mental Health" and insert "Assessment and Referral Court".
16. Clause 5, page 5, line 3, omit "Mental Health" and insert "Assessment and Referral Court".
17. Clause 5, page 6, line 9, omit "**Mental Health**" and insert "**Assessment and Referral Court**".
18. Clause 5, page 6, line 10, omit "Mental Health" and insert "Assessment and Referral Court".
19. Clause 5, page 6, line 22, omit "Mental Health" and insert "Assessment and Referral Court".
20. Clause 5, page 6, lines 27 and 28, omit "Mental Health" and insert "Assessment and Referral Court".
21. Clause 5, page 7, lines 3 and 4, omit "**Mental Health**" and insert "**Assessment and Referral Court**".
22. Clause 5, page 7, line 8, omit "Mental Health" and insert "Assessment and Referral Court".
23. Clause 5, page 8, line 7, omit "**Mental Health**" and insert "**Assessment and Referral Court**".
24. Clause 5, page 8, line 11, omit "Mental Health" and insert "Assessment and Referral Court".

25. Clause 5, page 8, line 14, omit "Mental Health" and insert "Assessment and Referral Court".

26. Clause 5, page 8, line 18, omit "Mental Health" and insert "Assessment and Referral Court".

Question — That the amendments be agreed to — put and agreed to.

Mr Rich-Phillips moved —

1. Clause 5, page 4, after line 16 insert—

"() For the purposes of subsection (3)(b), in determining whether an accused meets the eligibility criteria specified in section 4T, the Court must, so far as is practicable, have regard to any assessment undertaken by a person with appropriate clinical qualifications and experience in relation to the particular impairment or principal impairment that the accused may have."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 20
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza (<i>Teller</i>)
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr (<i>Teller</i>)
Mr Drum	Ms Hartland
Mr Finn (<i>Teller</i>)	Ms Huppert
Mr Guy	Mr Jennings
Mr Hall	Mr Leane
Mr Kavanagh	Mr Lenders
Mr Koch	Mr Madden
Mrs Kronberg	Mr Pakula
Ms Lovell	Ms Pennicuik
Mr O'Donohue	Ms Pulford
Mrs Petrovich (<i>Teller</i>)	Mr Scheffer
Mr Rich-Phillips	Mr Smith
	Mr Somyurek
	Mr Tee
	Ms Tierney
	Mr Viney

Amendment negated.

Mr Rich-Phillips moved —

2. Clause 5, page 4, after line 28 insert—

"() Without limiting subsection (6), the Chief Magistrate, in exercising the powers under that subsection and having regard to the needs or requirements of persons with different types of impairment, may provide for—

- (a) separate hearing lists within the List; and
- (b) other arrangements to deal with needs or requirements in relation to different types of impairment."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 20
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad (<i>Teller</i>)
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum	Ms Hartland
Mr Finn	Ms Huppert
Mr Guy	Mr Jennings
Mr Hall	Mr Leane

Mr Kavanagh	Mr Lenders
Mr Koch	Mr Madden
Mrs Kronberg (<i>Teller</i>)	Mr Pakula
Ms Lovell	Ms Pennicuik
Mr O'Donohue (<i>Teller</i>)	Ms Pulford
Mrs Petrovich	Mr Scheffer (<i>Teller</i>)
Mr Rich-Phillips	Mr Smith
	Mr Somyurek
	Mr Tee
	Ms Tierney
	Mr Viney

Amendment negated.

Mr Rich-Phillips moved —

3. Clause 5, page 4, after line 35 insert—
- "() The annual report prepared under section 15(3) must include the following information in relation to the operation of the List—
- (a) the sources of referrals to the List;
 - (b) the numbers of persons in each diagnostic criteria in respect of whom a criminal proceeding was entered in the List;
 - (c) the numbers of persons who do not complete an individual support plan causing the criminal proceeding to be removed from the List and the reasons for those removals;
 - (d) the outcomes of criminal proceedings referred to the List, including—
 - (i) the number of proceedings in relation to which an accused failed to complete an individual support plan and the reasons for the failure;
 - (ii) the number of accused discharged in accordance with section 4U and section 4Y;
 - (iii) the number of proceedings transferred from the List under section 4X and the number of proceedings transferred to the List under that section;
 - (e) an assessment of how the List is functioning, including an assessment of the extent to which the List reduces re-offending."

Question — That the amendment be agreed to — put and negated.

Mr Rich-Phillips moved —

4. Clause 5, page 5, line 28 after "plan" insert "that has regard to the particular diagnostic and functional criteria applying to the accused and".

Question — That the amendment be agreed to — put and negated.

Question — That Clause 5, as amended, stand part of the Bill — put and agreed to.

Clause 6 — Mr Madden moved —

27. Clause 6, line 17, omit "Mental Health" and insert "Assessment and Referral Court".
28. Clause 6, line 19, omit "Mental Health" and insert "Assessment and Referral Court".

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 6, as amended, stand part of the Bill — put and agreed to.

Clause 7 — Mr Madden moved —

29. Clause 7, line 24, omit "**Mental Health**" and insert "**Assessment and Referral Court**".
30. Clause 7, line 28, omit "**Mental Health**" and insert "**Assessment and Referral Court**".

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 7, as amended, stand part of the Bill — put and agreed to.

Clause 8 — Mr Madden moved —

31. Clause 8, line 4, omit "**Mental Health**" and insert "**Assessment and Referral Court**".
32. Clause 8, line 6, after "of" insert "**Assessment and Referral Court List**".
33. Clause 8, line 7, omit ", **Mental Health List**".

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 8, as amended, stand part of the Bill — put and agreed to.

Clause 9 — put and agreed to.

Long title — Mr Madden moved —

34. Long title, omit "a Mental Health" and insert "an Assessment and Referral Court".

Question — That the amendment be agreed to — put and agreed to.

Question — That the long title, as amended, be the long title of the Bill — put and agreed to.

Short title — Mr Madden moved —

35. Short title, omit "Mental Health" and insert "Assessment and Referral Court".

Question — That the amendment be agreed to — put and agreed to.

Question — That the Short title, as amended, be the short title of the Bill — put and agreed to.

Bill reported with amendments.

Thursday, 11 March 2010

1 CRIMES LEGISLATION AMENDMENT BILL 2009

Clause 1 — Mr Madden moved —

1. Clause 1, page 2, line 7, after "document" insert "and other matters".

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 1, as amended, stand part of the Bill — put and agreed to.

Clauses 2 to 10 — put and agreed to.

Clause 11 — Mr Madden moved —

2. Clause 11, line 19, omit "9" and insert "11".

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 11, as amended, stand part of the Bill — put and agreed to.

Clauses 12 to 14 — put and agreed to.

Clause 15 — Mr Madden moved —

3. Clause 15, line 19, omit "13" and insert "15".

Question — That the amendment be agreed to — put and agreed to.

Question — That Clause 15, as amended, stand part of the Bill — put and agreed to.

Clause 16 — put and agreed to.

New clauses — Mr Madden moved —

4. Insert the following new clauses to follow clause 7—

'AA Exclusion and publication prohibition orders

(1) Insert the following heading to section 19B of the Evidence (Miscellaneous Provisions) Act 1958—

"Exclusion and publication prohibition orders".

(2) In section 19B(2) of the **Evidence Act (Miscellaneous Provisions) 1958**, omit "to which an order under subsection (1) applies".

(3) After section 19B(2) of the **Evidence (Miscellaneous Provisions) Act 1958** insert—

"(2A) The commissioner must not make an order under subsection (2) unless the commissioner is satisfied that the making of the order would facilitate the conduct of the inquiry by the commission or would otherwise be in the public interest."

BB New section 164 inserted

After section 163 of the **Evidence (Miscellaneous Provisions) Act 1958 insert—**

"164 Validation of certain orders

An order of a commissioner presiding at a hearing of a commission purported to be made under section 19B(2) and purported to be in force immediately before the commencement of this section is, on and from that commencement, taken to have the same force and effect as it would have had if it had been validly made under section 19B(2).".

Question — That the new clauses stand part of the Bill — put and agreed to.

Bill reported with amendments.

2 ACCIDENT COMPENSATION AMENDMENT BILL 2009

Clauses 1 and 2 — postponed.

Clause 3 — put and agreed to.

Clause 4 — Ms Pennicuik moved —

15. Clause 4, lines 16 to 22, omit paragraphs (a), (b) and (c) and insert—

- '(a) in subsection (1AA)—
 - (i) **omit** "for the first 26 weeks after the death of the worker";
 - (ii) for "that first 26 week period" **substitute** "the period when weekly payments are payable";
- (b) in subsection (1AB)—
 - (i) **omit** "for the first 26 weeks after the death of the worker";
 - (ii) for "that first 26 week period" **substitute** "the period when weekly payments are payable";
- (c) in subsection (1A) (where secondly occurring)—
 - (i) **omit** "for the first 26 weeks";
 - (ii) for "that first 26 week period" **substitute** "the period when weekly payments are payable";

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3
Mr Barber (*Teller*)
Ms Hartland (*Teller*)
Ms Pennicuik

NOES, 35
Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva (*Teller*)
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Ms Huppert
Mr Jennings
Mr Kavanagh
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell

Mr Madden
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negatived.

Clause 4 — put and agreed to.

Clauses 5 to 11 — put and agreed to.

Clause 12 — Question — That Clause 12 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 34

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall (*Teller*)
 Ms Huppert (*Teller*)
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney

NOES, 3

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

Mr Viney
Mr Vogels

Question agreed to.

Clause 13 — Ms Pennicuik moved —

18. Clause 13, line 18, omit "Subject to 82A, 82B and 82C, if" and insert "If".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)
Ms Hartland (*Teller*)
Ms Pennicuik

NOES, 34

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva (*Teller*)
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Ms Huppert
Mr Jennings
Mr Kavanagh
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Mr Murphy
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney (*Teller*)
Mr Vogels

Amendment negatived.

Clause 13 — put and agreed to.

Clause 14 — put and agreed to.

Clause 15 — Question — That Clause 15 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva

NOES, 3

Mr Barber (*Teller*)
Ms Hartland (*Teller*)
Ms Pennicuik

Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Mr Murphy
 Mr O'Donohue (*Teller*)
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee (*Teller*)
 Ms Tierney
 Mr Viney
 Mr Vogels

Question agreed to.

Clause 16 — Question — That Clause 16 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35	NOES, 3
Mr Atkinson	Mr Barber (<i>Teller</i>)
Ms Broad	Ms Hartland (<i>Teller</i>)
Mrs Coote	Ms Pennicuik
Mr Dalla-Riva	
Mr D.M. Davis	
Mr P.R. Davis	
Mr Drum	
Mr Eideh	
Mr Elasmarr	
Mr Finn	
Mr Guy	
Mr Hall	
Ms Huppert	
Mr Jennings	
Mr Kavanagh	
Mr Koch	
Mrs Kronberg	
Mr Leane	
Mr Lenders	
Ms Lovell	

Mr Madden
Mr Murphy
Mr O'Donohue
Mr Pakula (*Teller*)
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney
Mr Vogels (*Teller*)

Question agreed to.

Clause 17 — Question — That Clause 17 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn (*Teller*)
Mr Guy
Mr Hall
Ms Huppert
Mr Jennings
Mr Kavanagh
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Mr Murphy
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek (*Teller*)
Mr Tee
Ms Tierney
Mr Viney
Mr Vogels

NOES, 3

Mr Barber (*Teller*)
Ms Hartland (*Teller*)
Ms Pennicuik

Question agreed to.

Clause 18 — Question — That Clause 18 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35	NOES, 3
Mr Atkinson	Mr Barber (<i>Teller</i>)
Ms Broad	Ms Hartland (<i>Teller</i>)
Mrs Coote	Ms Pennicuik
Mr Dalla-Riva	
Mr D.M. Davis	
Mr P.R. Davis	
Mr Drum	
Mr Eideh	
Mr Elasmarr	
Mr Finn	
Mr Guy	
Mr Hall	
Ms Huppert	
Mr Jennings	
Mr Kavanagh	
Mr Koch	
Mrs Kronberg	
Mr Leane	
Mr Lenders	
Ms Lovell	
Mr Madden	
Mr Murphy (<i>Teller</i>)	
Mr O'Donohue	
Mr Pakula	
Mrs Petrovich (<i>Teller</i>)	
Mrs Peulich	
Ms Pulford	
Mr Rich-Phillips	
Mr Scheffer	
Mr Smith	
Mr Somyurek	
Mr Tee	
Ms Tierney	
Mr Viney	
Mr Vogels	

Question agreed to.

Clauses 19 to 36 — put and agreed to.

Clause 37 — Ms Pennicuik moved —

28. Clause 37, lines 16 to 18, omit "for an aggregate period of 52 weeks (whether or not consecutive)".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3	NOES, 35
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland (<i>Teller</i>)	Ms Broad
Ms Pennicuik	Mrs Coote
	Mr Dalla-Riva
	Mr D.M. Davis
	Mr P.R. Davis

Mr Drum
 Mr Eideh (*Teller*)
 Mr Elasmar
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell (*Teller*)
 Mr Madden
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negatived.

Clause 37 — put and agreed to.

Clauses 38 to 44 — put and agreed to.

Clause 45 — Question — That Clause 45 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum (*Teller*)
 Mr Eideh (*Teller*)
 Mr Elasmar
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders

NOES, 3

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

Ms Lovell
 Mr Madden
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Question agreed to.

Clauses 46 to 78 — put and agreed to.

Clause 79 — Question — That Clause 79 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva (*Teller*)
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert (*Teller*)
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney

NOES, 3

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

Mr Viney
Mr Vogels

Question agreed to.

Clauses 80 to 128 — put and agreed to.

Clause 129 — Ms Pennicuik moved —

39. Clause 129, page 246, line 20, omit "of 52 weeks".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3
Mr Barber (*Teller*)
Ms Hartland (*Teller*)
Ms Pennicuik

NOES, 35
Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Ms Huppert
Mr Jennings
Mr Kavanagh
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Mr Murphy
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich (*Teller*)
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee (*Teller*)
Ms Tierney
Mr Viney
Mr Vogels

Amendment negatived.

Ms Pennicuik moved —

42. Clause 129, page 247, lines 22 and 23, omit "to the extent that it is reasonable to do so" and insert "unless to do so would cause unjustifiable hardship to the employer".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3
 Mr Barber (*Teller*)
 Ms Hartland
 Ms Pennicuik (*Teller*)

NOES, 34
 Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr (*Teller*)
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Kavanagh (*Teller*)
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negatived.

Ms Pennicuik moved —

46. Clause 129, page 253, after line 9 insert—

"197A Risk management program

- (1) An employer who has certified, or in respect of whom there has been assessed, total remuneration of less than \$2 000 000 for all workplaces of the employer in respect of the preceding policy period must within 3 months of the certification or assessment establish and maintain a risk management program.
- (2) An employer of a worker who has an incapacity for work that was caused by, or that was materially contributed to by, an injury must within 3 months after the relevant day establish and maintain a risk management program.
- (3) The relevant day is whichever of the following 2 days occurs later—
 - (a) the day on which the earliest of the following events occurs—
 - (i) a claim by the worker for weekly payments in respect of the injury is accepted;
 - (ii) a Conciliation Officer gives a direction that weekly payments are to be paid in relation to such a claim;
 - (iii) a Conciliation Officer makes a recommendation that weekly payments be paid in relation to a claim and the recommendation is accepted by the employer or the Authority or the self-insurer (as the case may be);
 - (iv) such a claim is determined by a court in favour of the worker;

- (b) the day on which the employer becomes aware, or ought reasonably to have become aware, that the worker's period or periods of incapacity caused, or materially contributed to, by the injury is likely to exceed 20 days.
- (4) The following classes of employers, to the extent indicated, are exempt from the requirements under subsections (1) and (2)—
- (a) employers (including owners corporations within the meaning of the **Owners Corporations Act 2006**) who employ domestic or similar workers otherwise than for the purposes of the employer's trade or business (but only to the extent that such workers are concerned);
 - (b) employers who hold owner-builders' permits under the **Building Control Act 1981** (but only to the extent that the workers employed for the purposes of the work to which the permit relates are concerned);
 - (c) employers (being corporations) who only employ workers who are directors of the corporation;
 - (d) employers who only employ workers who are members of the employers family;
 - (e) employers who only employ workers who only perform work while outside Victoria;
 - (f) employers of workers who are pupils at a school within the meaning of Part IVA of the **Education Act 1958** employed pursuant to a work experience arrangement under that Part in respect of those workers.
- (5) For the purposes of this section, a risk management program is a program that provides for the steps to be taken after an injury has occurred in the workplace to, as far as is practicable, reduce the risk of subsequent injury of that kind."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)

Ms Hartland (*Teller*)

Ms Pennicuik

NOES, 35

Mr Atkinson

Ms Broad

Mrs Coote

Mr Dalla-Riva

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Finn

Mr Guy

Mr Hall

Ms Huppert

Mr Jennings

Mr Kavanagh

Mr Koch (*Teller*)

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Mr Madden

Mr Murphy (*Teller*)

Mr O'Donohue

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Rich-Phillips

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Ms Tierney
Mr Viney
Mr Vogels

Amendment negatived.

Clause 129 — put and agreed to.

Clauses 130 to 144 — put and agreed to.

Clause 145 — Question — That Clause 145 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn (*Teller*)
Mr Guy
Mr Hall
Ms Huppert
Mr Jennings
Mr Kavanagh
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Mr Murphy
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford (*Teller*)
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney
Mr Vogels

NOES, 3

Mr Barber (*Teller*)
Ms Hartland (*Teller*)
Ms Pennicuik

Question agreed to.

Clauses 146 to 194 — put and agreed to.

Postponed Clause 1 — put and agreed to.

Postponed Clause 2 — put and agreed to.

Bill reported without amendment.

3 OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE BILL 2010

Clauses 1 to 800 — put and agreed to.

Schedules 1 to 6 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 161, 162 and 163

No. 161 — Tuesday, 23 March 2010

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

On 16 March 2010 —

Crimes Legislation Amendment Act 2010

Liquor Control Reform Amendment (ANZAC Day) Act 2010.

On 23 March 2010 —

Accident Compensation Amendment Act 2010

Offshore Petroleum and Greenhouse Gas Storage Act 2010.

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
DICKSON STREET, SUNSHINE PLANNING PROCESS — Mr Madden having given an answer to a supplementary question without notice relating to the planning process for a project in Dickson Street, Sunshine —

On the motion of Mr Finn, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

QUESTIONS — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 4 **PETITIONS** —

ROCK EISTEDDFOD — Mr Drum presented a Petition bearing 25 signatures from certain citizens of Victoria requesting that the State Government reverse its decision to no longer fund the Victorian secondary schools Rock Eisteddfod.

Ordered to lie on the Table.

* * * * *

SMART METERS — Mr Vogels presented a Petition bearing 379 signatures from certain citizens of Victoria requesting that the Government immediately freeze the roll out of smart meters across Victoria until it can be independently demonstrated that consumers will not be forced to pay for the Brumby Government's mismanagement of the smart meter project.

Ordered to lie on the Table.

* * * * *

FLEMINGTON HOUSING ESTATES — Mr Barber presented a Petition bearing 99 signatures from certain citizens of Victoria requesting that the State Government immediately address the needs of residents of high rise public housing in Flemington during heat waves and days

of extreme temperatures, and in particular the elderly and vulnerable, by installing means for adequate air circulation and/or cooling.

Ordered to lie on the Table.

On the motion of Mr Barber, the petition was ordered to be taken into consideration on the next day of meeting.

5 PAPERS —

VICTORIAN COMPETITION AND EFFICIENCY COMMISSION — GETTING IT TOGETHER: FINAL REPORT INTO THE SHARING OF GOVERNMENT AND COMMUNITY FACILITIES

— Mr Lenders moved, by leave, That there be laid before this House a copy of the Victorian Competition And Efficiency Commission Report — Getting it Together: An Inquiry into the Sharing of Government and Community Facilities, Final Report September 2009 and the Government Response to that Report.

Question — put and agreed to.

The papers were presented by Mr Lenders and ordered to lie on the Table.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

ANNUAL REVIEW 2009 — Mr Eideh presented the Annual Review 2009 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

Mr Eideh moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

ALERT DIGEST — Mr Eideh presented Alert Digest No. 4 of 2010 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

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

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems, January 2010.

Crown Land (Reserves) Act 1978 — Minister's Order of 6 March 2010 giving approval to the granting of a lease at Torquay Foreshore Reserve.

Essential Services Commission — Review of the Victorian Rail Access Regime: Final Report, February 2010 (three volumes).

Legal Profession Act 2004 — Practitioner Remuneration Order 2010.

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

Ballarat Planning Scheme — Amendment C137.

Brimbank Planning Scheme — Amendments C119 and C123.

Casey Planning Scheme — Amendments C112 and C131.

Greater Bendigo Planning Scheme — Amendment C126.

Hume Planning Scheme — Amendment C113.

Manningham Planning Scheme — Amendment C88.

Mildura Planning Scheme — Amendment C65.

Moreland Planning Scheme — Amendment C81.

Murrindindi Planning Scheme — Amendment C27.

Strathbogie Planning Scheme — Amendments C21 and C47.

Wellington Planning Scheme — Amendment C53 (Part 2).

Wodonga Planning Scheme — Amendment C58.

State Services Authority — The State of the Public Sector in Victoria, 2008-09.

A Statutory Rule under the Infringements Act 2006 — No. 17.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 14, 16 and 17.

6 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That —

- (1) precedence be given to the following General Business on Wednesday, 24 March 2010:
 - (a) Notice of Motion No. 25 of 2010 standing in the name of Mr Dalla-Riva relating to the production of certain Office of Police Integrity documents;
 - (b) Notice of Motion No. 32 of 2010, standing in the name of Mr D.M. Davis, relating to the production of certain documents relating to the review of the Victorian Funds Management Corporation by Dr Mike Vertigan;
 - (c) the Notice of Motion given this day by Mr D.M. Davis, relating to the production of documents and data used in the collation of the "Your Hospitals" report;
 - (d) the Notice of Motion given this day by Mr D.M. Davis, demanding the Government comply with the Council's Resolution relating to the production of documents relating to planning applications for all the public and social housing developments for which the Minister for Planning is or was the responsible authority;
 - (e) the Notice of Motion given this day by Mr Barber, requiring the Government to comply with the Council's Resolution relating to the production of documents relating to the register of the exercise of powers delegated by the Minister for Planning;
 - (f) the Notice of Motion given this day by Mr D.M. Davis, demanding the Government comply with the Council's Resolution relating to the production of documents relating to health services integrated performance reports;
 - (g) Order of the Day No. 12, debate on a motion to take note of the letters of the Attorney-General of 9 March 2010;
 - (h) the Notice of Motion given this day by Mr O'Donohue, relating to a reference to the Law Reform Committee; and
 - (i) Order of the Day No. 10, resumption of debate on the motion relating to local community problems; and
- (2) this House authorises the President to permit the Notices of Motion, General Business, listed as (1)(d), (e) and (f) above to be moved and debated concurrently.

Question — put and agreed to.

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

8 BUSINESS POSTPONED — Ordered — That the consideration of the Notice of Motion, Government Business, be postponed until later this day.

9 CREDIT (COMMONWEALTH POWERS) BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

On the motion of Mr Jennings, the Bill was ordered to be committed to a Committee of the whole later this day.

10 EDUCATION AND TRAINING REFORM AMENDMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

On the motion of Mr Pakula, the Bill was ordered to be committed to a Committee of the whole later this day.

11 LIVESTOCK MANAGEMENT BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

An amendment proposed to be moved in Committee by Ms Lovell was circulated.

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 37

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh (*Teller*)
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford (*Teller*)
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

NOES, 3

Mr Barber (*Teller*)
 Ms Hartland
 Ms Pennicuik (*Teller*)

Question agreed to.

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

House in Committee.

Bill reported with an amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with an amendment and requesting their agreement.

- 12 DISPUTE RESOLUTION COMMITTEE — PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — The President announced the receipt of a Message from the Assembly informing the Council that they had agreed to the following Resolution:

That the Planning and Environment Amendment (Growth Areas Infrastructure) Bill 2009 be referred to the Dispute Resolution Committee for consideration under section 65C of the *Constitution Act 1975*.

- 13 VICTORIA UNIVERSITY BILL 2009** — The President read a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.
- 14 MAGISTRATES' COURT AMENDMENT (ASSESSMENT AND REFERRAL COURT LIST) BILL 2009** — The President read a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.
- 15 ADJOURNMENT** — Mr Madden moved, That the House do now adjourn.
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.
And then the Council, at 10.31 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 162 — Wednesday, 24 March 2010

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — EQUAL OPPORTUNITY ACT EXEMPTIONS** — Mr Atkinson presented a Petition bearing 140 signatures from certain citizens of Victoria requesting that the Government abandon its plan for the removal of the exemptions to the *Equal Opportunity Act 1995* which currently serve to protect the core interests of faith-based schools, single sex clubs and small business.
Ordered to lie on the Table.
- 3 **PAPERS —**
STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION — GROWTH AREAS AUTHORITY PERFORMANCE — Mr Rich-Phillips presented a Report from the Standing Committee on Finance and Public Administration on Departmental and Agency Performance and Operations — Growth Areas Authority (including Appendices and Transcripts of Evidence).
Ordered to lie on the Table and to be printed.
Mr Rich-Phillips moved, That the Council take note of the Report.
Debate ensued.
Question — put and agreed to.

* * * * *

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

Auditor-General — Report on Management of Safety Risks at Level Crossings, March 2010.

- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 **PRODUCTION OF DOCUMENTS — PROSECUTION CASE AGAINST FORMER ASSISTANT COMMISSIONER OF POLICE** — Mr Dalla-Riva moved, That this House —
- (1) notes the administrative failure of the Office of Police Integrity in the management of the prosecution case against former Assistant Commissioner of Police, Mr Noel Ashby, and further notes Victorians will now not be in a position to examine the evidence concerning, or properly debate issues surrounding, the reported involvement and conduct of Mr Martin Foley, MP, Member for Albert Park and the now Minister for Roads and Ports, Mr Tim Pallas, MP, in the case;

- (2) further notes that in the absence of a broad based independent anti-corruption commission in Victoria, few formal mechanisms exist to restore public confidence or fully and independently probe the broader implications of preliminary evidence in the case; and
- (3) therefore orders that in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 13 April 2010 a copy of all relevant material collected for the prosecution case against the former Assistant Commissioner of Police, all background material that supported the case including but not limited to transcripts and recordings and other documents that form part of the authorised telephone intercepts and including specifically any and all documents and information in the possession of the Office of Police Integrity and the Department of Justice that refer to the Member for Albert Park and the now Minister for Roads and Ports and material that refers to members of the Brumby and Bracks Governments' ministerial staff either current or past.

Debate ensued.

On the motion of Mr Finn, the debate was adjourned for one week.

- 6 PRODUCTION OF DOCUMENTS — VERTIGAN REVIEW INTO VICTORIAN FUNDS MANAGEMENT CORPORATION** — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 4.00 p.m. on 13 April 2010 a copy of all documents relating to the review completed by Dr Mike Vertigan into the Victorian Funds Management Corporation's payment of bonuses to executives including any correspondence between the Office of the Treasurer, the Department of Treasury and Finance or the Victorian Funds Management Corporation regarding the review, and any actuarial data, analysis or comparisons undertaken by the Office of the Treasurer, the Department of Treasury and Finance, the Victorian Funds Management Corporation or Dr Mike Vertigan.

Debate ensued.

Question — put and agreed to.

- 7 PRODUCTION OF DOCUMENTS — YOUR HOSPITALS REPORT** — Mr D.M. Davis moved, That this House —
- (1) expresses its concern at the Government's increasing pattern of delay in releasing the six-monthly "Your Hospitals" report since it replaced the quarterly "Hospital Services" Report in 2005, and in particular notes that the "Your Hospitals" reports were initially released in April and September and that those release dates have now been pushed back to July and October;
 - (2) notes that all the data used in the production of the six-monthly "Your Hospitals" report would have now been collected from hospitals and provided to the Department of Health; and
 - (3) therefore orders that in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on Tuesday, 13 April 2010 a copy of all documents and data collected for the period July to December 2009 from Victorian hospitals and health services that are used in the collation of the "Your Hospitals" report.

Debate ensued.

Question — put and agreed to.

- 8 PRODUCTION OF DOCUMENTS** — Pursuant to an Order of the Council on 23 March 2010 —
1. Mr D.M. Davis moved, That this House —
 - (1) notes the failure of the Government to comply fully with the Resolution of the Council of 9 December 2009 to table a copy of the planning applications for all the public and social housing developments for which the Minister for Planning is or was the responsible authority;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;

- (3) notes the Government's statement to the Council on 1 February 2010 indicating that they were seeking to comply and further notes that it is now 15 weeks and the Government has still failed to comply;
 - (4) accordingly censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 9 December 2009; and
 - (5) demands that the Leader of the Government urgently comply fully with the Resolution of the Council of 9 December 2009 and lodge all documents with the Clerk by 12 noon on Tuesday, 13 April 2010.
2. Mr Barber moved, That this House —
- (1) notes that the documents relating to the register of the exercise of powers delegated by the Minister for Planning ordered by the resolution of the Council on 24 February 2010 to be tabled in the Council by 12 noon on 9 March 2010, have not been received by the Council;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour; and
 - (3) requires the Minister for Planning to comply fully with the resolution of the Council of 24 February 2010 and table by 12 noon on Tuesday, 13 April 2010 a copy of the register of the exercise of delegated powers, discretions and functions between the Minister for Planning and departmental staff within the Department of Planning and Community Development as described at point 5, page 52, of the Instrument of Delegation of Minister's Powers, Discretions and Functions, previously provided to the Legislative Council, for each of the years 2006, 2007, 2008 and 2009.
3. Mr D.M. Davis moved, That this House —
- (1) notes the failure of the Government to comply fully with the Resolution of the Council of 9 December 2009 to table a copy of the health services monthly and quarterly integrated performance reports for the 2008-09 financial year and the first quarter of 2009-10;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
 - (3) notes the Government's statement to the Council on 1 February 2010 indicating that they were seeking to comply and further notes that it is now 15 weeks and the Government has still failed to comply;
 - (4) accordingly censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 9 December 2009; and
 - (5) demands that the Leader of the Government urgently comply fully with the Resolution of the Council of 9 December 2009 and lodge all documents with the Clerk by 12 noon on Tuesday, 13 April 2010.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

9 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

10 PRODUCTION OF DOCUMENTS — Debate continued on the questions —

1. That this House —
 - (1) notes the failure of the Government to comply fully with the Resolution of the Council of 9 December 2009 to table a copy of the planning applications for all the public and social housing developments for which the Minister for Planning is or was the responsible authority;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
 - (3) notes the Government's statement to the Council on 1 February 2010 indicating that they were seeking to comply and further notes that it is now 15 weeks and the Government has still failed to comply;

- (4) accordingly censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 9 December 2009; and
 - (5) demands that the Leader of the Government urgently comply fully with the Resolution of the Council of 9 December 2009 and lodge all documents with the Clerk by 12 noon on Tuesday, 13 April 2010.
2. That this House —
- (1) notes that the documents relating to the register of the exercise of powers delegated by the Minister for Planning ordered by the resolution of the Council on 24 February 2010 to be tabled in the Council by 12 noon on 9 March 2010, have not been received by the Council;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour; and
 - (3) requires the Minister for Planning to comply fully with the resolution of the Council of 24 February 2010 and table by 12 noon on Tuesday, 13 April 2010 a copy of the register of the exercise of delegated powers, discretions and functions between the Minister for Planning and departmental staff within the Department of Planning and Community Development as described at point 5, page 52, of the Instrument of Delegation of Minister's Powers, Discretions and Functions, previously provided to the Legislative Council, for each of the years 2006, 2007, 2008 and 2009.
3. That this House —
- (1) notes the failure of the Government to comply fully with the Resolution of the Council of 9 December 2009 to table a copy of the health services monthly and quarterly integrated performance reports for the 2008-09 financial year and the first quarter of 2009-10;
 - (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
 - (3) notes the Government's statement to the Council on 1 February 2010 indicating that they were seeking to comply and further notes that it is now 15 weeks and the Government has still failed to comply;
 - (4) accordingly censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 9 December 2009; and
 - (5) demands that the Leader of the Government urgently comply fully with the Resolution of the Council of 9 December 2009 and lodge all documents with the Clerk by 12 noon on Tuesday, 13 April 2010.

Question — That this House —

- (1) notes the failure of the Government to comply fully with the Resolution of the Council of 9 December 2009 to table a copy of the planning applications for all the public and social housing developments for which the Minister for Planning is or was the responsible authority;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
- (3) notes the Government's statement to the Council on 1 February 2010 indicating that they were seeking to comply and further notes that it is now 15 weeks and the Government has still failed to comply;
- (4) accordingly censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 9 December 2009;
- (5) demands that the Leader of the Government urgently comply fully with the Resolution of the Council of 9 December 2009 and lodge all documents with the Clerk by 12 noon on Tuesday, 13 April 2010.

— put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis (<i>Teller</i>)	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland	Mr Murphy
Mr Kavanagh	Mr Pakula
Mr Koch	Ms Pulford
Mrs Kronberg (<i>Teller</i>)	Mr Scheffer
Ms Lovell	Mr Smith
Mr O'Donohue	Mr Somyurek
Ms Pennicuik	Mr Tee (<i>Teller</i>)
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney (<i>Teller</i>)
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

Question — That this House —

- (1) notes that the documents relating to the register of the exercise of powers delegated by the Minister for Planning ordered by the resolution of the Council on 24 February 2010 to be tabled in the Council by 12 noon on 9 March 2010, have not been received by the Council;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour; and
- (3) requires the Minister for Planning to comply fully with the resolution of the Council of 24 February 2010 and table by 12 noon on Tuesday, 13 April 2010 a copy of the register of the exercise of delegated powers, discretions and functions between the Minister for Planning and departmental staff within the Department of Planning and Community Development as described at point 5, page 52, of the Instrument of Delegation of Minister's Powers, Discretions and Functions, previously provided to the Legislative Council, for each of the years 2006, 2007, 2008 and 2009.

— put and agreed to.

Question — That this House —

- (1) notes the failure of the Government to comply fully with the Resolution of the Council of 9 December 2009 to table a copy of the health services monthly and quarterly integrated performance reports for the 2008-09 financial year and the first quarter of 2009-10;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Executive and demands accountability for all aspects of Executive behaviour;
- (3) notes the Government's statement to the Council on 1 February 2010 indicating that they were seeking to comply and further notes that it is now 15 weeks and the Government has still failed to comply;
- (4) accordingly censures the Leader of the Government as the representative of the Government in the Council for the Government's failure to fully comply with the Council's Resolution of 9 December 2009;
- (5) demands that the Leader of the Government urgently comply fully with the Resolution of the Council of 9 December 2009 and lodge all documents with the Clerk by 12 noon on Tuesday, 13 April 2010.

— put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Ms Broad (<i>Teller</i>)
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland	Mr Murphy
Mr Kavanagh	Mr Pakula
Mr Koch	Ms Pulford
Mrs Kronberg	Mr Scheffer
Ms Lovell (<i>Teller</i>)	Mr Smith
Mr O'Donohue	Mr Somyurek (<i>Teller</i>)
Ms Pennicuik	Mr Tee
Mrs Petrovich	Ms Tierney
Mrs Peulich (<i>Teller</i>)	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

- 11 PRODUCTION OF DOCUMENTS** — Mr D.M. Davis moved, That the Council take note of the letters from the Attorney-General dated 9 March 2010 concerning the production of documents.

Debate ensued.

Question — put and agreed to.

- 12 LAW REFORM COMMITTEE** — Mr O'Donohue moved, That this House requires the Law Reform Committee to inquire into, consider and report no later than 30 September 2010 on the arrangements for security and security information gathering at the State Government's desalination plant under construction at Wonthaggi/Kilcunda and other similar construction projects and whether —

- (1) the rights of Victorians, including those engaged in peaceful and legitimate democratic expression, are being respected by these new arrangements, with particular reference to:
 - (a) contractual conditions relating to security information collection and sharing; and
 - (b) Memorandums of Understanding signed by the AquaSure consortium and firms with similar arrangements at other projects with government agencies and instrumentalities; and
- (2) any breaches of privacy have occurred or are likely to occur under these or associated arrangements and whether these arrangements are in the public interest.

Debate ensued.

On the motion of Ms Pennicuik, the debate was adjourned until later this day.

- 13 LOCAL COMMUNITY PROBLEMS** — Debate resumed on the question, That this House believes the Brumby Labor Government is not listening to Victorian communities and has failed to respond to key local community problems.

On the motion of Ms Pulford, the debate was adjourned until later this day.

- 14 LAW REFORM COMMITTEE** — Debate resumed on the question, That this House requires the Law Reform Committee to inquire into, consider and report no later than 30 September 2010 on the arrangements for security and security information gathering at the State

Government's desalination plant under construction at Wonthaggi/Kilcunda and other similar construction projects and whether —

- (1) the rights of Victorians, including those engaged in peaceful and legitimate democratic expression, are being respected by these new arrangements, with particular reference to:
 - (a) contractual conditions relating to security information collection and sharing; and
 - (b) Memorandums of Understanding signed by the AquaSure consortium and firms with similar arrangements at other projects with government agencies and instrumentalities; and
- (2) any breaches of privacy have occurred or are likely to occur under these or associated arrangements and whether these arrangements are in the public interest.

Question — put and agreed to.

- 15 LOCAL COMMUNITY PROBLEMS** — Debate resumed on the question, That this House believes the Brumby Labor Government is not listening to Victorian communities and has failed to respond to key local community problems.

Question — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva (<i>Teller</i>)	Mr Elasmarr (<i>Teller</i>)
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Mr Murphy (<i>Teller</i>)
Ms Hartland	Mr Pakula
Mr Kavanagh	Ms Pulford
Mr Koch	Mr Scheffer
Mrs Kronberg	Mr Smith
Mr O'Donohue	Mr Somyurek
Ms Pennicuik	Mr Tee
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips (<i>Teller</i>)	
Mr Vogels	

Question agreed to.

- 16 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

- 17 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Sessional Orders.

And then the Council, at 7.01 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 163 — Thursday, 25 March 2010

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — ROMSEY SECONDARY COLLEGE** — Mrs Petrovich presented a Petition bearing 492 signatures from certain citizens of Victoria requesting that the State Government build a secondary school in Romsey to meet the current and future demands of the Romsey/Lancefield community.
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:
Parliamentary Committees Act 2003 — Government Response to the Environment and Natural Resources Committee's Report on Melbourne's Future Water Supply.
Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria, 2008-09.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 6 **BUSINESS POSTPONED** —
Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.
Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.
- 7 **SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009** — Debate resumed on the question, That the Bill be now read a second time.
Business having been interrupted at 12 noon pursuant to Sessional Orders —
- 8 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
ALDI SUPERMARKET DEVELOPMENT — Mr Madden having given an answer to a question without notice relating to an Aldi Supermarket development —
On the motion of Mr Atkinson, the Minister's answer was ordered to be taken into consideration on the next day of meeting.
QUESTIONS — Questions without notice continued.
- 9 **SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009** — Debate continued on the question, That the Bill be now read a second time.
Question — put and agreed to.
On the motion of Mr Jennings, the Bill was ordered to be committed to a Committee of the whole later this day.
- 10 **CREDIT (COMMONWEALTH POWERS) BILL 2010** — Bill committed to a Committee of the whole.
House in Committee.
Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.
- 11 **SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009** — Bill committed to a Committee of the whole.
House in Committee.
The Deputy President reported progress and asked leave to sit again.
Bill to be again considered in Committee of the whole later this day.

- 12 STATUTE LAW AMENDMENT (NATIONAL HEALTH PRACTITIONER REGULATION) BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.
Mr Kavanagh moved, That the debate be adjourned for one week.
Debate ensued.
Question — put and negatived.
Debate continued.
Question — That the Bill be now read a second time — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 13 ANNUAL STATEMENT OF GOVERNMENT INTENTIONS FOR 2010** — Debate resumed on the question, That the Council take note of the Annual Statement of Government Intentions for 2010.
On the motion of Ms Tierney, the debate was adjourned until the next day of meeting.
- 14 EQUAL OPPORTUNITY BILL 2010** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to re-enact and extend the law relating to equal opportunity and protection against discrimination, sexual harassment and victimisation, to repeal the Equal Opportunity Act 1995, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Pakula (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.
Mr Pakula moved, That the Bill be now read a second time.
On the motion of Mr Koch (for Mr Rich-Phillips), the debate was adjourned for one week.
- 15 JUSTICE LEGISLATION AMENDMENT BILL 2010** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Sentencing Act 1991, the Children, Youth and Families Act 2005, the Corrections Act 1986, the County Court Act 1958, the Criminal Procedure Act 2009, the Magistrates' Court Act 1989, the Marine Act 1988, the Road Safety Act 1986, the Supreme Court Act 1986, the Gambling Regulation Act 2003 and other Acts and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Pakula (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.
Mr Pakula moved, That the Bill be now read a second time.
On the motion of Mr Koch (for Mr Rich-Phillips), the debate was adjourned for one week.
- 16 LEGISLATION REFORM (REPEALS NO. 6) BILL 2009** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to repeal certain spent Acts* and requesting the agreement of the Council.
On the motion of Mr Pakula (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.
Mr Pakula moved, That the Bill be now read a second time.
On the motion of Mr Koch (for Mr O'Donohue), the debate was adjourned for one week.

17 RADIATION AMENDMENT BILL 2010 — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Radiation Act 2005 to allow the Secretary to impose further conditions on management licences relating to the management or control of the use of radiation sources, to clarify the scope of certain offences, to empower the Secretary to impose conditions on licence exemptions that require compliance with certain incorporated documents, to provide for the publication on the Internet of parts of the register relating to use licences and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Pakula (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr D.M. Davis), the debate was adjourned for one week.

18 TRANSPORT LEGISLATION AMENDMENT (COMPLIANCE, ENFORCEMENT AND REGULATION) BILL 2010 — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Transport Act 1983, the Bus Safety Act 2009, the Rail Safety Act 2006, the Marine Act 1988, the Rail Corporations Act 1996, the Road Safety Act 1986, the Working with Children Act 2005, the Public Transport Competition Act 1995, the Road Management Act 2004, the Transport Legislation Amendment Act 2007 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Pakula, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Koch, the debate was adjourned for one week.

19 SITTING OF THE COUNCIL — Mr Pakula moved, That the Council, at its rising, adjourn until Tuesday, 13 April 2010.

Question — put and agreed to.

20 ADJOURNMENT — Mr Pakula moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.17 p.m., adjourned until Tuesday, 13 April 2010.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 161, 162 and 163

Tuesday, 23 March 2010

1 LIVESTOCK MANAGEMENT BILL 2009

Clauses 1 to 62 — put and agreed to.

Clause 63 — Ms Lovell moved —

1. Clause 63, page 39, after line 22 insert—

"() The regulations are subject to disallowance by a House of the Parliament."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Atkinson
Mr Barber
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Guy
Mr Hall
Ms Hartland
Mr Kavanagh
Mr Koch
Mrs Kronberg (*Teller*)
Ms Lovell
Mr O'Donohue
Ms Pennicuik
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels (*Teller*)

NOES 19

Ms Broad
Ms Darveniza
Mr Eideh (*Teller*)
Mr Elasmar
Ms Huppert
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Mr Murphy
Mr Pakula
Ms Pulford
Mr Scheffer (*Teller*)
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney

Amendment agreed to.

Clause 63, as amended — put and agreed to.

Bill reported with an amendment.

Thursday, 25 March 2010

1 CREDIT (COMMONWEALTH POWERS) BILL 2010

Clause 1 — put and agreed to.

Clause 2 — Mr Madden moved —

1. Clause 2, line 11, for "This Act" substitute "(1) Subject to subsection (2), this Act".
2. Clause 2, line 12, after this line insert—
 "(2) Section 20(2) comes into operation on 1 January 2011."

Question — That the amendments be agreed to — put and agreed to.
 Clause 2, as amended — put and agreed to.

Clauses 3 to 19 — put and agreed to.**Clause 20** — Mr Madden moved —

3. Clause 20, line 23, before "Sections 3," insert "(1)".
4. Clause 20, line 23, omit "Part 4A" and insert "Divisions 2 and 3 of Part 4A".
5. Clause 20, line 25, after this line insert—
 "(2) Divisions 1, 4, 5 and 6 of Part 4A and the heading to Part 4A of the **Consumer Credit (Victoria) Act 1995** are **repealed**."

Question — That the amendments be agreed to — put and agreed to.
 Clause 20, as amended — put and agreed to.

Clause 21 — put and agreed to.**Clause 22** — Mr Madden moved —

6. Clause 22, line 14, after this line insert—
 (1) In section 37A of the **Consumer Credit (Victoria) Act 1995**—
 (a) **insert** the following definition—
 "**National Credit Code** has the same meaning as in Part 5;"
 (b) in paragraph (a) of the definition of **consumer credit**, for "Consumer Credit (Victoria) Code" **substitute** "National Credit Code";
 (c) in paragraph (b) of the definition of **consumer credit**, for "Part 10 of the Consumer Credit (Victoria) Code" **substitute** "Part 11 of the National Credit Code";
 (d) in the definition of **valuation fee**, for "Consumer Credit (Victoria) Code" **substitute** "National Credit Code".
 (2) In section 37J(3) of the **Consumer Credit (Victoria) Act 1995**—
 (a) in paragraph (a), for "Consumer Credit (Victoria) Code" **substitute** "National Credit Code";
 (b) in paragraph (b), for "Consumer Credit (Victoria) Code" **substitute** "National Credit Code".
7. Clause 22, line 15, for "(1)" substitute "(3)".
8. Clause 22, page 17, line 1, for "(2)" substitute "(4)".

Question — That the amendments be agreed to — put and agreed to.
 Clause 22, as amended — put and agreed to.

Clauses 23 to 29 — put and agreed to.**Clause 30** — Mr Madden moved —

9. Clause 30, line 31, after "repeal of" insert "Division 1 of".

Question — That the amendment be agreed to — put and agreed to.
 Clause 30, as amended — put and agreed to.

Clauses 31 to 60 — put and agreed to.**Bill reported with amendments.**

2 SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009

Clauses 1 to 3 — put and agreed to.

Clause 4 — Debate commenced.

Progress reported.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 164, 165 and 166

No. 164 — Tuesday, 13 April 2010

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 30 March 2010, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - Credit (Commonwealth Powers) Act 2010*
 - Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010*
 - Statute Law Amendment (National Health Practitioner Regulation) Act 2010*
 - Victoria University Act 2010.*
- 3 **CREDIT (COMMONWEALTH POWERS) BILL 2010** — The President read a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.
- 4 **STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION** — The President announced that he had been advised by the Leader of the Government that Mr Brian Tee will replace Ms Candy Broad as the second nominee of the Leader of the Government on the Standing Committee on Finance and Public Administration.
- 5 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 6 **PETITIONS** —
 - FAIR GO FOR LIVE MUSIC** — Ms Pennicuik presented a Petition bearing 8,837 signatures from certain citizens of Victoria requesting that (1) the Victorian Government institute a proper investigation into the causes of violence and drunkenness; (2) until such investigation is undertaken and concluded, the Government remove all references to 'live and amplified music' from the licence amenity clause on liquor licences; and (3) the Government formulate a cultural policy that promotes and maintains Melbourne as Australia's capital for live music.Ordered to lie on the Table.
On the motion of Ms Pennicuik, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

MELTON YOUTH HOUSING — Mr Vogels presented a Petition bearing 616 signatures from certain citizens of Victoria requesting that the Government immediately halt development of the unsupervised housing units for youths proposed for Coburns Road, Melton, and enter

into genuine consultation with nearby residents, business owners and the Melton community on a more appropriate use for the site.

Ordered to lie on the Table.

* * * * *

ELECTRICITY SMART METERS — Ms Lovell and Mr O'Donohue each presented Petitions bearing 16 and 6 signatures, respectively, from certain citizens of Victoria requesting that the Government immediately freeze the roll out of smart meters across Victoria until it can be independently demonstrated that consumers will not be forced to pay for the Brumby Government's mismanagement of the smart meter project.

Ordered to lie on the Table.

* * * * *

NEIGHBOURHOOD WATCH CRIME STATISTICS — Mr Drum presented a Petition bearing 13 signatures from certain citizens of Victoria requesting that the Government reverse its changes to Neighbourhood Watch crime statistics, so that statistics continue to be available on a street-by-street basis and not only by postcode.

Ordered to lie on the Table.

7 PAPERS —

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION — VICTORIAN GOVERNMENT DECISION MAKING, CONSULTATION AND APPROVAL PROCESSES

— Mr Rich-Phillips presented the First Interim Report from the Standing Committee on Finance and Public Administration on the Victorian Government Decision Making, Consultation and Approval Processes (including Appendices).

Ordered to lie on the Table and to be printed.

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 5 of 2010 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

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

Crown Land (Reserves) Act 1978 — Minister's Order of 4 March 2010 giving approval to the granting of a lease at Albert Park Reserve.

Charter of Human Rights and Responsibilities Act 2006 — Report on the Operation of the Act, 2009.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 180/2009.

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns, March 2010 and Summary of Variations notified between 16 September 2009 and 12 April 2010.

National Environment Protection Council — Report, 2008-09.

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

Alpine Planning Scheme — Amendment C24.

Boroondara Planning Scheme — Amendment C97.

Brimbank Planning Scheme — Amendment C132.

Colac Otway Planning Scheme — Amendment C60.

Darebin Planning Scheme — Amendment C79.

Glenelg Planning Scheme — Amendment C48.

Glen Eira Planning Scheme — Amendment C67.

- Greater Bendigo Planning Scheme — Amendment C101.
- Greater Geelong Planning Scheme — Amendment C185.
- Hobsons Bay Planning Scheme — Amendment C75.
- Hume Planning Scheme — Amendment C117.
- Latrobe Planning Scheme — Amendment C21.
- Melbourne Planning Scheme — Amendments C133 and C151.
- Melton Planning Scheme — Amendment C96.
- Moreland Planning Scheme — Amendment C97.
- Mornington Peninsula Planning Scheme — Amendment C139.
- Moyne Planning Scheme — Amendment C5.
- Pyrenees Planning Scheme — Amendments C23 and C28.
- Stonnington Planning Scheme — Amendment C123.
- Surf Coast Planning Scheme — Amendment C46.
- Warrnambool Planning Scheme — Amendments C17 and C61 Part 1.
- Whitehorse Planning Scheme — Amendment C125.
- Whittlesea Planning Scheme — Amendment C134.
- Wodonga Planning Scheme — Amendment C68.
- Yarra Ranges Planning Scheme — Amendments C87 and C96.
- Professional Standards Act 2003 —
 - Australian Computer Society (ACS) Limited Liability (NSW) Scheme, 11 March 2010.
 - Law Institute of Victoria Limited Scheme, 11 March 2010.
 - Professional Surveyors' Occupational Association Scheme, 11 March 2010.
 - Victorian Bar Incorporated Scheme, 11 March 2010.
- Special Investigations Monitor's Office — Report for the period 1 July 2009 to 31 December 2009, pursuant to section 30Q of the Surveillance Devices Act 1999.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Credit (Commonwealth Powers) Act 2010 — Parts 1 and 2 and sections 11, 19, 29, 33, 39 and 48 — 1 April 2010 (*Gazette No. S114, 31 March 2010*).
- Liquor Control Reform Amendment (ANZAC Day) Act 2010 — 25 March 2010 (*Gazette No. G12, 25 March 2010*).
- Liquor Control Reform Amendment (Party Buses) Act 2009 — Remaining provisions except section 9 — 1 April 2010 (*Gazette No. G13, 1 April 2010*).
- Transport Legislation Amendment (Hoon Boating and Other Amendments) Act 2009 — Section 11 — 31 March 2010; remaining provisions of Part 9 — 30 April 2010 (*Gazette No. S110, 30 March 2010*).

8 PRODUCTION OF DOCUMENTS — The Clerk laid on the Table a letter from the Attorney-General dated 12 April 2010 in response to the resolutions of the Council seeking the production of documents —

- advising that the Government is still in the process of identifying and assessing the documents relevant to the Register of the Exercise of Powers Delegated by the Minister for Planning, Review of the Victorian Funds Management Corporation's Compensation Framework and Health Services Integrated Performance Reports Orders;
- indicating that the Government would respond to those resolutions shortly;
- advising that responding to the Order requesting documents relating to the Your Hospitals Report would require over two million documents to be assessed and would take a year to complete; and
- advising that the Your Hospitals report would be released shortly, and as the report is derived from the documents and data requested, and given the significant diversion of resources required, the documents would not be provided.

9 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

- 10 VICTORIAN STATE BUDGET 2010-2011** — The Acting President read a Message from the Assembly informing the Council that under section 52 of the *Constitution Act 1975*, approval has been given for Mr Lenders, Treasurer, to attend the Legislative Assembly on Tuesday, 4 May 2010 for the purpose of giving a speech in relation to the Victorian State Budget 2010-2011.
- 11 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.
- 12 EDUCATION AND TRAINING REFORM AMENDMENT BILL 2009** — Bill committed to a Committee of the whole.
House in Committee.
The Deputy President reported progress and asked leave to sit again.
Bill to be again considered in Committee of the whole on the next day of meeting.
- 13 LIVESTOCK MANAGEMENT BILL 2009** — The Acting President read a Message from the Assembly acquainting the Council that they had agreed to the amendment made by the Council in this Bill.
- 14 TRUSTEE COMPANIES LEGISLATION AMENDMENT BILL 2010** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Trustee Companies Act 1984, to consequentially amend the Administration and Probate Act 1958, the Guardianship and Administration Act 1986 and the State Trustees (State Owned Company) Act 1994 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Lenders, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 15 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.
- 16 EQUAL OPPORTUNITY BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.
Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.
Debate continued.
Business having been interrupted at 9.58 p.m. pursuant to Standing Orders —
- 17 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.
And then the Council, at 10.36 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 165 — Wednesday, 14 April 2010

- 1 The President took the Chair and read the Prayer.
- 2 **PETITIONS** —
- COMPUTER GAME CLASSIFICATION SYSTEM** — Mr Atkinson presented a Petition bearing 50 signatures from certain citizens of Victoria requesting that the Government introduce a classification system that would prevent minors from seeing or playing games that are offensive or that include content that is dangerous or objectionable.
Ordered to lie on the Table.
- PLANNING HEIGHT CONTROLS** — Mr Atkinson presented a Petition bearing 291 signatures from certain citizens of Victoria requesting that the Government immediately re-establish height controls to provide planning certainty to the community.
Ordered to lie on the Table.

ROMSEY SECONDARY SCHOOL — Mrs Petrovich presented a Petition bearing 148 signatures from certain citizens of Victoria requesting that the State Government build a secondary school in Romsey to meet the current and future demands of the Romsey/Lancefield community.

Ordered to lie on the Table.

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

Auditor-General — Report on Fees and Charges — cost recovery by local government, April 2010.

Parliamentary Committees Act 2003 —

Government Response to the Law Reform Committee's Report on the *Members of Parliament (Register of Interests) Act 1978*.

Government Response to the Public Accounts and Estimates Committee's Report on the 2009-10 Budget Estimates (Part Two).

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 7 of 2009 and Nos. 4 to 11, 17, 24, 26 to 29, 31, 33, 36, 39, 40 and 42 to 52 of 2010 be postponed until later this day.

6 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION ON DISPLAY AND SALE OF BONGS) BILL 2010 — Mr Kavanagh, pursuant to notice, introduced *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for a prohibition on the display and sale of bonges and for other purposes*.

On the motion of Mr Kavanagh, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

7 BUSINESS OF THE COUNCIL — Ms Lovell moved, That the consideration of Notices of Motion, General Business, Nos. 54 to 64 of 2010 inclusive, be postponed until later this day.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Guy
Mr Hall
Mr Kavanagh (*Teller*)
Mr Koch
Ms Lovell (*Teller*)
Mr O'Donohue
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

NOES, 21

Mr Barber
Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmarr
Ms Hartland
Ms Huppert
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Mr Murphy
Mr Pakula
Ms Pennicuik (*Teller*)
Ms Pulford (*Teller*)
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney

Question negatived.

8 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, General Business, Nos. 54 to 65 inclusive, be postponed until later this day.

9 PRODUCTION OF DOCUMENTS — Mr Barber moved, That this House —

- (1) notes the failure of the Government to comply with the Resolution of the Council of 24 February 2010 to table in the Council documents relating to the register of the exercise of powers delegated by the Minister for Planning;
- (2) is of the firm opinion that the Council is fully entitled to scrutinize the activities of the Executive and demand accountability for all aspects of Executive behaviour;
- (3) accordingly censures the Minister for Planning for his failure to fully comply with the Council's Resolution of 24 February 2010; and
- (4) demands that the Minister for Planning fully comply with the Resolution of the Council of 24 February 2010 and lodge with the Clerk by 12 noon on Tuesday, 25 May 2010 a copy of the register of the exercise of delegated powers, discretions and functions between the Minister for Planning and departmental staff within the Department of Planning and Community Development as described at point 5, page 52, of the Instrument of Delegation of Minister's Powers, Discretions and Functions, previously provided to the Legislative Council, for each of the years 2006, 2007, 2008 and 2009.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 19
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza (<i>Teller</i>)
Mrs Coote	Mr Eideh
Mr Dalla-Riva (<i>Teller</i>)	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings
Mr Drum (<i>Teller</i>)	Mr Kavanagh
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Hall	Mr Madden
Ms Hartland	Mr Murphy
Mr Koch	Mr Pakula
Ms Lovell	Ms Pulford
Mr O'Donohue	Mr Scheffer (<i>Teller</i>)
Ms Pennicuik	Mr Smith
Mrs Petrovich	Mr Somyurek
Mrs Peulich	Mr Tee
Mr Rich-Phillips	Ms Tierney
Mr Vogels	Mr Viney

The Ayes and Noes being equal, the question was negatived.

10 HOBSONS BAY PLANNING SCHEME AMENDMENT C75 — Ms Hartland moved, That Amendment C75 to the Hobsons Bay Planning Scheme be revoked.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

11 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

12 HOBSONS BAY PLANNING SCHEME AMENDMENT C75 — Debate continued on the question, That Amendment C75 to the Hobsons Bay Planning Scheme be revoked.

The Council divided — The President in the Chair.

AYES, 4	NOES, 34
Mr Barber	Mr Atkinson
Ms Hartland (<i>Teller</i>)	Ms Broad

Mr Kavanagh (*Teller*)
Ms Pennicuik

Mrs Coote (*Teller*)
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Ms Huppert
Mr Jennings
Mr Koch
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Mr Murphy
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee (*Teller*)
Ms Tierney
Mr Viney
Mr Vogels

Question negatived.

13 PRODUCTION OF DOCUMENTS — PUBLIC AND SOCIAL HOUSING DEVELOPMENTS —

The Clerk laid on the Table the following documents received in accordance with the Resolution of the Council of 9 December 2009:

- (1) Application for Planning Permit for land at 63 Bourke Street Wangaratta, dated 15/6/2009;
- (2) Application for Planning Permit for land at 8 Napier Street Fitzroy, dated 1/7/2009;
- (3) Application for Planning Permit for land at 357-359 Church Street Richmond, dated 1/7/2009;
- (4) Application for Planning Permit for land at 4-10 Larissa Avenue Ringwood, dated 3/7/2009;
- (5) Application for Planning Permit for land at 110 Drage Road West Wodonga, dated 6/7/2009;
- (6) Application for Planning Permit for land at 64-68 Napier Street Fitzroy, dated 31/7/2009;
- (7) Application for Planning Permit for land at 35 Hensley Court Wodonga, dated 3/8/2009;
- (8) Application for Planning Permit for land at 118 Drage Road West Wodonga, dated 25/8/2009;
- (9) Application for Planning Permit for land at 973 Nepean Highway & Corbie Street Bentleigh, dated 26/8/2009;

- (10) Application for Planning Permit for land at 10A Burwood Highway Ferntree Gully, dated 28/8/2009;
- (11) Application for Planning Permit for land at 38-42 Gertrude Street Fitzroy, dated 1/9/2009;
- (12) Application for Planning Permit for land at 77-79 Grey Street St Kilda, dated 1/9/2009;
- (13) Application for Planning Permit for land at 239 Brunswick Street Fitzroy, dated 8/9/2009;
- (14) Application for Planning Permit for land at 42-50 Terama Crescent Bayswater, dated 8/9/2009;
- (15) Application for Planning Permit for land at 10 Kingsley Court Thomastown, dated 9/9/2009;
- (16) Application for Planning Permit for land at 231-237 Mason Street Altona North, dated 11/9/2009;
- (17) Application for Planning Permit for land at 8 Albert Avenue Springvale, dated 11/9/2009;
- (18) Application for Planning Permit for land at 26-32 McDowall Street Mitcham, dated 11/9/2009;
- (19) Application for Planning Permit for land at 312-328 Moorabool Street Geelong, dated 18/9/2009;
- (20) Application for Planning Permit for land at 5-9 Pearcedale Parade Broadmeadows, dated 21/9/2009;
- (21) Application for Planning Permit for land at 12-18 Strathmerton Street Reservoir, dated 22/9/2009;
- (22) Application for Planning Permit for land at 51 Alma Road St Kilda, dated 24/9/2009;
- (23) Application for Planning Permit for land at 12 Railway Street Wodonga, dated 28/9/2009;
- (24) Application for Planning Permit for land at 95-105 Wellington Street Collingwood, dated 28/9/2009;
- (25) Application for Planning Permit for land at 55 Latrobe Street Warragul, dated 29/9/2009;
- (26) Application for Planning Permit for land at 8-14 Gwalia Street Traralgon, dated 29/9/2009;
- (27) Application for Planning Permit for land at 69-75 Cox Road Norlane, dated 29/9/2009;
- (28) Application for Planning Permit for land at 12 Quinlivan Place Wodonga, dated 1/10/2009;
- (29) Application for Planning Permit for land at 71-73 and 2A Blessington Street & Irymple Ave St Kilda, dated 1/10/2009;
- (30) Application for Planning Permit for land at 491-495 Gillies Street Wendouree, dated 6/10/2009;
- (31) Application for Planning Permit for land at 613 Morres Street Ballarat, dated 8/10/2009;
- (32) Application for Planning Permit for land at 28 Brunei Crescent Heidelberg West, dated 8/10/2009;
- (33) Application for Planning Permit for land at 69A Alma Road St Kilda, dated 9/10/2009;
- (34) Application for Planning Permit for land at 2-6 Flockhart Street Abbotsford, dated 12/10/2009;
- (35) Application for Planning Permit for land at 52 Penola Street Preston, dated 12/10/2009;
- (36) Application for Planning Permit for land at 34 Keam Crescent Mildura, dated 12/10/2009;
- (37) Application for Planning Permit for land at 9 Ambrosia Rise Epsom, dated 12/10/2009;

- (38) Application for Planning Permit for land at 31 Croxton Street Golden Square, dated 12/10/2009;
- (39) Application for Planning Permit for land at 387 Etiwanda Avenue Mildura, dated 12/10/2009;
- (40) Application for Planning Permit for land at 3 Winter Crescent Reservoir, dated 12/10/2009;
- (41) Application for Planning Permit for land at 1-8 Service Street Sale, dated 14/10/2009;
- (42) Application for Planning Permit for land at 54-56 Winbirra Parade Ashwood, dated 14/10/2009;
- (43) Application for Planning Permit for land at 64-86 Winbirra Parade Ashwood, dated 14/10/2009;
- (44) Application for Planning Permit for land at 48-50 Latrobe Street Warragul, dated 15/10/2009;
- (45) Application for Planning Permit for land at 16 and 18 Frances Crescent Ballarat East, dated 16/10/2009;
- (46) Application for Planning Permit for land at 12-20 Nicholson Street Coburg, dated 19/10/2009;
- (47) Application for Planning Permit for land at 210-232 Chetwynd Street North Melbourne, dated 19/10/2009;
- (48) Application for Planning Permit for land at 14 Oak Avenue Benalla, dated 20/10/2009;
- (49) Application for Planning Permit for land at 46 Chapel Street Bendigo, dated 20/10/2009;
- (50) Application for Planning Permit for land at 429 Etiwanda Avenue Mildura, dated 21/10/2009;
- (51) Application for Planning Permit for land at 3 Hazeldene Street Mildura, dated 21/10/2009;
- (52) Application for Planning Permit for land at 52 McLeod Street Yarrawonga, dated 21/10/2009;
- (53) Application for Planning Permit for land at 2/48 Hindmarsh Drive Wyndham Vale, dated 21/10/2009;
- (54) Application for Planning Permit for land at 54 Hammond Street Dandenong, dated 22/10/2009;
- (55) Application for Planning Permit for land at 31 Oxford Street Oakleigh, dated 22/10/2009;
- (56) Application for Planning Permit for land at 26 Charlesworth Street Laverton, dated 22/10/2009;
- (57) Application for Planning Permit for land at 11 Well Street Morwell, dated 23/10/2009
- (58) Application for Planning Permit for land at 49-55 Thomas Wedge Drive Wangaratta, dated 26/10/2009;
- (59) Application for Planning Permit for land at 42, 44 and 46 Bamfield Street Heidelberg Heights, dated 26/10/2009;
- (60) Application for Planning Permit for land at 109 Service Road Moe, dated 26/10/2009;
- (61) Application for Planning Permit for land at 43 Irving Street Wangaratta, dated 28/10/2009;
- (62) Application for Planning Permit for land at 81 and 99A Dickson Street Sunshine, dated 4/11/2009;
- (63) Application for Planning Permit for land at 1, 3, 5 and 7 Purcell Street Wodonga, dated 4/11/2009;
- (64) Application for Planning Permit for land at 52 Elm Street Wodonga, dated 5/11/2009;
- (65) Application for Planning Permit for land at 14 Gilbert Street Wodonga, dated 5/11/2009;

- (66) Application for Planning Permit for land at 43 Marshall Street Newtown, dated 6/11/2009;
- (67) Application for Planning Permit for land at 10 Ghazeepore Road Waurin Ponds, dated 10/11/2009;
- (68) Application for Planning Permit for land at 7 Fleet Street Mornington, dated 11/11/2009;
- (69) Application for Planning Permit for land at 1-5 Beardmore Street Wodonga, dated 12/11/2009;
- (70) Application for Planning Permit for land at 14-16 Albert Street Benalla, dated 12/11/2009;
- (71) Application for Planning Permit for land at 18 White Street Wangaratta, dated 13/11/2009;
- (72) Application for Planning Permit for land at 2-4 Elizabeth Street Horsham, dated 13/11/2009;
- (73) Application for Planning Permit for land at 20-22 Newton Street Shepparton, dated 20/11/2009;
- (74) Application for Planning Permit for land at 32 Sanglen Terrace Belmont, dated 20/11/2009;
- (75) Application for Planning Permit for land at 45-53 Wyndham Street Shepparton, dated 20/11/2009;
- (76) Application for Planning Permit for land at 4-10 Malvern Grove Manifold Heights, dated 23/11/2009;
- (77) Application for Planning Permit for land at 9 Ramsay Street Aberfeldie, dated 24/11/2009;
- (78) Application for Planning Permit for land at 12 Grenfell Avenue Eaglehawk, dated 25/11/2009;
- (79) Application for Planning Permit for land at 2 and 4 Dodds Street Maryborough, dated 26/11/2009;
- (80) Application for Planning Permit for land at 124 Victoria Avenue Albert Park, dated 26/11/2009;
- (81) Application for Planning Permit for land at 6 McPherson Street Swan Hill, dated 26/11/2009;
- (82) Application for Planning Permit for land at 3 Lawry Street Wodonga, dated 26/11/2009;
- (83) Application for Planning Permit for land at 67 Chapman Street Swan Hill, dated 26/11/2009;
- (84) Application for Planning Permit for land at 52 Pearce Street Wodonga, dated 27/11/2009;
- (85) Application for Planning Permit for land at 22 Lyndren Street Wodonga, dated 27/11/2009;
- (86) Application for Planning Permit for land at 211 Princes Street Port Melbourne, dated 1/12/2009;
- (87) Application for Planning Permit for land at 95 High Street Road Ashwood, dated 2/12/2009;
- (88) Application for Planning Permit for land at 4 Pollard Street Wodonga, dated 2/12/2009;
- (89) Application for Planning Permit for land at 5 Primrose Street Wendouree, dated 3/12/2009;
- (90) Application for Planning Permit for land at 38 Albion Street Sebastopol, dated 3/12/2009;
- (91) Application for Planning Permit for land at 7 Murphy Street Ararat, dated 03/12/2009;

- (92) Application for Planning Permit for land at 47 Watson Street Wodonga, dated 4/12/2009;
- (93) Application for Planning Permit for land at 3 Lamont Street Wangaratta, dated 4/12/2009;
- (94) Application for Planning Permit for land at 23 Lyndren Street Wodonga, dated 4/12/2009;
- (95) Application for Planning Permit for land at 15 Maxwell Street Wangaratta, dated 4/12/2009;
- (96) Application for Planning Permit for land at 27 Elm Street Wodonga, dated 4/12/2009;
- (97) Application for Planning Permit for land at 71-73 Carr Crescent Mooroopna, dated 7/12/2009;
- (98) Application for Planning Permit for land at 14 Hunter Street Mildura, dated 7/12/2009;
- (99) Application for Planning Permit for land at 7-9 Pollard Street Wodonga, dated 7/12/2009;
- (100) Application for Planning Permit for land at 6 White Street Wangaratta, dated 7/12/2009;
- (101) Application for Planning Permit for land at 3 Mundara Street Swan Hill, dated 7/12/2009;
- (102) Application for Planning Permit for land at 34 Walsh Street Broadmeadows, dated 7/12/2009;
- (103) Application for Planning Permit for land at 289-291 Greensborough Road Watsonia, dated 7/12/2009;
- (104) Application for Planning Permit for land at 27 Greene Street South Kingsville, dated 07/12/2009;
- (105) Application for Planning Permit for land at 25 Tierney Street Wy Yung, dated 07/12/2009;
- (106) Application for Planning Permit for land at 231-241 South Valley Road Highton, dated 8/12/2009;
- (107) Application for Planning Permit for land at 20 Gowrie Street Shepparton, dated 9/12/2009;
- (108) Application for Planning Permit for land at 3 Wilga Avenue Mildura, dated 9/12/2009;
- (109) Application for Planning Permit for land at 24 Fontein Street West Footscray, dated 9/12/2009;
- (110) Application for Planning Permit for land at 4-6 Churchill Avenue Newtown, dated 10/12/2009;
- (111) Application for Planning Permit for land at 3 Ovens Court Cobram, dated 10/12/2009;
- (112) Application for Planning Permit for land at 37 Yuille Street Frankston, dated 10/12/2009;
- (113) Application for Planning Permit for land at 47 Brian Crescent Mildura, dated 10/12/2009;
- (114) Application for Planning Permit for land at 32 Brian Crescent Mildura, dated 10/12/2009;
- (115) Application for Planning Permit for land at 61 Karook Street Cobram, dated 10/12/2009;
- (116) Application for Planning Permit for land at 20 North Street Echuca, dated 10/12/2009;
- (117) Application for Planning Permit for land at 24-30 Lehmann Crescent Frankston North, dated 11/12/2009;
- (118) Application for Planning Permit for land at 197-199 Aberdeen Street & 16-18 Churchill Street Newton, dated 11/12/2009;
- (119) Application for Planning Permit for land at 36 Watt Street South Kingsville, dated 14/12/2009;

- (120) Application for Planning Permit for land at 1 Gwelo Street West Footscray, dated 14/12/2009;
- (121) Application for Planning Permit for land at 1 Orchid Street Norlane, dated 14/12/2009;
- (122) Application for Planning Permit for land at 19 Beardmore Street Wodonga, dated 14/12/2009;
- (123) Application for Planning Permit for land at 2 Robin Avenue Norlane, dated 14/12/2009;
- (124) Application for Planning Permit for land at 18 Warnock Street Broadmeadows, dated 14/12/2009;
- (125) Application for Planning Permit for land at 11 Birralea Avenue Mildura, dated 14/12/2009;
- (126) Application for Planning Permit for land at 56 Jackson Street St Kilda, dated 15/12/2009;
- (127) Application for Planning Permit for land at 45 Churchill Square Colac, dated 15/12/2009;
- (128) Application for Planning Permit for land at 7 Fulton Street Colac, dated 15/12/2009;
- (129) Application for Planning Permit for land at 41 Eagle Parade Norlane, dated 16/12/2009;
- (130) Application for Planning Permit for land at 117-119 Station Street Norlane, dated 17/12/2009;
- (131) Application for Planning Permit for land at 17 Merricks Street Broadmeadows, dated 17/12/2009;
- (132) Application for Planning Permit for land at 10 Southdown Crescent Belmont, dated 18/12/2009;
- (133) Application for Planning Permit for land at 15 Muriel Street Crib Point, dated 18/12/2009;
- (134) Application for Planning Permit for land at 10 Autumn Court Hastings, dated 18/12/2009;
- (135) Application for Planning Permit for land at 9-11 Frome Avenue Frankston, dated 21/12/2009;
- (136) Application for Planning Permit for land at 7 and 9 Oxford Street Frankston, dated 21/12/2009;
- (137) Application for Planning Permit for land at 89 Princes Drive Morwell, dated 21/12/2009;
- (138) Application for Planning Permit for land at 1 Hurlstone Avenue and 24 Railton Grove Preston, dated 21/12/2009;
- (139) Application for Planning Permit for land at 5 Plume Street Norlane, dated 21/12/2009;
- (140) Application for Planning Permit for land at 9 Moore Crescent Reservoir, dated 21/12/2009;
- (141) Application for Planning Permit for land at 22 David Street Dandenong, dated 21/12/2009;
- (142) Application for Planning Permit for land at 67-69 Orrong Avenue Reservoir, dated 22/12/2009;
- (143) Application for Planning Permit for land at 17 Wendover Avenue Norlane, dated 22/12/2009;
- (144) Application for Planning Permit for land at 179 Sparks Road Norlane, dated 22/12/2009;
- (145) Application for Planning Permit for land at 32-34 Stawell Street Cranbourne, dated 22/12/2009;
- (146) Application for Planning Permit for land at 142 Sparks Road Norlane, dated 22/12/2009;

- (147) Application for Planning Permit for land at 25 Menzies Avenue Dandenong North, dated 24/12/2009;
- (148) Application for Planning Permit for land at 9 Higgins Street Wangaratta, dated 24/12/2009;
- (149) Application for Planning Permit for land at 388 Etiwanda Avenue Mildura, dated 24/12/2009;
- (150) Application for Planning Permit for land at 19 Mitchell Street Glenroy, dated 24/12/2009;
- (151) Application for Planning Permit for land at 49 Forest Drive Frankston North, dated 24/12/2009;
- (152) Application for Planning Permit for land at 58 View Street Glenroy, dated 24/12/2009;
- (153) Application for Planning Permit for land at 183-185 Deakin Avenue Mildura, dated 24/12/2009;
- (154) Application for Planning Permit for land at 277 Dorcas Street South Melbourne, dated 24/12/2009;
- (155) Application for Planning Permit for land at 13 Ulmarra Place Mildura, dated 24/12/2009;
- (156) Application for Planning Permit for land at 5 Olivia Street Morwell, dated 24/12/2009;
- (157) Application for Planning Permit for land at 1175 Centre Road Oakleigh South, dated 04/01/2010;
- (158) Application for Planning Permit for land at 11 Duband Street Burwood East, dated 04/01/2010;
- (159) Application for Planning Permit for land at 33 Castley Crescent Braybrook, dated 04/01/2010;
- (160) Application for Planning Permit for land at 29 Moroney Street Bairnsdale, dated 04/01/2010;
- (161) Application for Planning Permit for land at 4-6 Lexton Avenue Dandenong, dated 04/01/2010;
- (162) Application for Planning Permit for land at 8 Rupert Street Doncaster East, dated 05/01/2010;
- (163) Application for Planning Permit for land at 12 White Street Wangarata, dated 05/01/2010;
- (164) Application for Planning Permit for land at 1/47 Diane Crescent Croydon, dated 05/01/2010;
- (165) Application for Planning Permit for land at 14 Woolert Street Ashwood, dated 06/01/2010;
- (166) Application for Planning Permit for land at 75 Simpson Street Yarraville, dated 06/01/2010;
- (167) Application for Planning Permit for land at 22 Sheldon Avenue Mooroolbark, dated 06/01/2010;
- (168) Application for Planning Permit for land at 42 Hawker Street Moe, dated 07/01/2010;
- (169) Application for Planning Permit for land at 23 Belgrove Street Preston, dated 07/01/2010;
- (170) Application for Planning Permit for land at 84 Justin Avenue Glenroy, dated 07/01/2010;
- (171) Application for Planning Permit for land at 5 Leonard Street Hampton East, dated 07/01/2010; and
- (172) Application for Planning Permit for land at 11 Oulton Crescent Reservoir, dated 07/01/2010.

Mr D.M. Davis moved, by leave, That the list of the 172 documents being produced to the Council be incorporated into Hansard.

Question — put and agreed to.

14 BUSINESS POSTPONED — Ordered — That the consideration of the remaining Notices of Motion, General Business and Orders of the Day, General Business, Nos. 1 to 10 inclusive, be postponed until later this day.

15 FLEMINGTON HOUSING ESTATES — PETITION — Mr Barber moved, That the Council take note of the petition requesting that the State Government immediately address the needs of residents of high rise public housing in Flemington during heat waves and days of extreme temperatures, and in particular the elderly and vulnerable, by installing means for adequate air circulation and/or cooling.

Debate ensued.

Question — put and agreed to.

16 BUSINESS POSTPONED — Ordered — That the consideration of Orders of the Day, General Business, Nos. 12 and 13, be postponed until later this day.

17 FAIR GO FOR LIVE MUSIC — PETITION — Ms Pennicuik moved, That the Council take note of the petition requesting that (1) the Victorian Government institute a proper investigation into the causes of violence and drunkenness; (2) until such investigation is undertaken and concluded, the Government remove all references to 'live and amplified music' from the licence amenity clause on liquor licences; and (3) the Government formulate a cultural policy that promotes and maintains Melbourne as Australia's capital for live music.

Debate ensued.

Question — put and agreed to.

18 BUILDING EDUCATION REVOLUTION PROGRAM — Mr Hall moved, That —

- (1) this House requires the Education and Training Committee to inquire into, consider and report on the administration of the Federal Government's Building Education Revolution (BER) program in Victoria, with particular regard to —
 - (a) the levels and appropriateness of any fees and charges imposed by Victorian Government agencies;
 - (b) whether construction costs of BER projects are in line with industry standards;
 - (c) the use of local builders and tradespeople during the construction of BER projects;
 - (d) whether outcomes were of acceptable quality and suitable to the needs of each individual school;
 - (e) the effectiveness of any measures put in place by the Victorian Government to ensure contracts to deliver BER projects are timely, transparent, accountable and represent best value for educational outcomes in Victoria; and
 - (f) any other related matter; and
- (2) the Committee be required to provide an interim report to the Parliament by 31 August 2010 and a final report by 31 December 2010.

Debate ensued.

Question — put and agreed to.

19 POLITICAL DONATIONS — Ms Pennicuik moved, That this House calls on the Australian Labor Party and Liberal/National Party coalition to refrain from accepting political donations from property developers for the remainder of 2010.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 4	NOES, 35
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland (<i>Teller</i>)	Ms Broad
Mr Kavanagh	Mrs Coote
Ms Pennicuik	Mr Dalla-Riva
	Ms Darveniza
	Mr D.M. Davis

Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmar
Mr Finn
Mr Guy
Mr Hall (*Teller*)
Ms Huppert
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Mr Murphy
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips (*Teller*)
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney
Mr Vogels

Question negated.

20 POLICE NUMBERS — Mr Dalla-Riva moved, That this House —

- (1) notes with concern, the Productivity Commission Report on Government Services 2010 showing:
 - (a) that Victoria now has fewer operational police per capita than any other state in Australia, with the number of police per capita in Victoria decreasing every year since 2006-07; and
 - (b) that there has only been a one per cent increase in Government expenditure per capita on Victorian policing in the past five years, compared to the average increase Australia-wide of almost nine per cent;
- (2) notes with concern that state-wide violent crime (crime against the person) has increased from 31,372 in 1999-00 to 43,971 in the year 2008-09, a 40.2% increase under the Labor Government;
- (3) notes that due to the rampant level of crime in metropolitan Melbourne, municipalities such as Frankston are now being forced to hire private police;
- (4) notes that regional cities such as Geelong, Ballarat and Bendigo are not coping with violence on the streets;
- (5) expresses its disappointment at the ongoing and lack of response by the Premier and the Police Minister to Victoria's lack of urgency dealing with the level of police shortage and rising violent crime rates;
- (6) congratulates the Victorian Coalition's policy announcement on 6 April 2010 of its \$344 million plan, Making Our Streets Safe Again by boosting front line police by an additional 1,600 recruits in the first term of government; and
- (7) also congratulates the Victorian Coalition's complementary \$200 million Stopping Crime in its Tracks policy announcement of 8 November 2009 to establish a dedicated unit of 940 uniformed and trained Victoria Police Protective Services Offices that will be

permanently stationed on every train station in Metropolitan Melbourne and the major regional centres from 6.00 p.m. until last train, seven days a week and an additional 100 Victoria Police Officers to be recruited to the Transit Safety Division to patrol train, tram and bus networks.

Debate ensued.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mrs Petrovich.

- 21 EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2010** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006, to repeal the Mildura College Lands Act 1916 and to repeal the Institute of Educational Administration (Repeal) Act 1993 and other spent Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Lenders), the Bill was read a first time.

Bill to be read a second time on the next day of meeting.

- 22 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.42 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 166 — Thursday, 15 April 2010

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

2 **PETITIONS** —

CLARINDA CONCRETE CRUSHER — Mrs Peulich presented a Petition bearing 14 signatures from certain citizens of Victoria requesting that the Government relocate the Clarinda concrete crusher facility to a non-urban, non residential area.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

NEIGHBOURHOOD WATCH CRIME STATISTICS — Mrs Peulich presented a Petition bearing 897 signatures from certain citizens of Victoria requesting that the Government reverse its changes to Neighbourhood Watch crime statistics, so that statistics continue to be available on a street-by-street basis and not only by postcode.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

SOCIAL HOUSING, BENTLEIGH — Mrs Peulich presented a Petition bearing 4 signatures from certain citizens of Victoria requesting that the Minister for Planning reject the proposed social housing development at 973 Nepean Highway and Corbie Street, Bentleigh.

Ordered to lie on the Table.

* * * * *

EQUAL OPPORTUNITY ACT EXEMPTIONS — Mrs Peulich presented a Petition bearing 196 signatures from certain citizens of Victoria requesting that the Government abandon its plan for the removal of the exemptions to the *Equal Opportunity Act 1995* which currently serve to protect the core interests of faith-based schools, single sex clubs and small business.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

- 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:

Ombudsman — Report on an investigation into Local Government Victoria's response to the Inspectors of Municipal Administration's report on the City of Ballarat, April 2010.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 5 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

- 7 TRUSTEE COMPANIES LEGISLATION AMENDMENT BILL 2010** — Mr Jennings (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr D.M. Davis, the debate was adjourned until the next day of meeting.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

- 9 EQUAL OPPORTUNITY BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 11 EQUAL OPPORTUNITY BILL 2010** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Barber
 Ms Broad
 Ms Darveniza (*Teller*)
 Mr Eideh (*Teller*)
 Mr Elasmar
 Ms Hartland
 Ms Huppert
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Mr Murphy
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney

NOES, 17

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Kavanagh (*Teller*)
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich (*Teller*)
 Mr Rich-Phillips

Question agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Madden moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Barber
 Ms Broad
 Ms Darveniza
 Mr Eideh
 Mr Elasmarr (*Teller*)
 Ms Hartland
 Ms Huppert
 Mr Jennings
 Mr Leane
 Mr Lenders (*Teller*)
 Mr Madden
 Mr Murphy
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney

NOES, 17

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum (*Teller*)
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Kavanagh
 Mr Koch (*Teller*)
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Mrs Petrovich
 Mr Rich-Phillips
 Mr Vogels

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 12 EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2010** — Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Hall, the debate was adjourned until the next day of meeting.

- 13 ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2010** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Environment Protection Act 1970 to increase municipal and industrial waste landfill levies and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr D.M. Davis, the debate was adjourned for one week.

- 14 JUSTICE LEGISLATION AMENDMENT (VICTIMS OF CRIME ASSISTANCE AND OTHER MATTERS) BILL 2010** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005, the Family Violence Protection Act 2008, the Infringements Act 2006, the Liquor Control Reform Act 1998, the*

Sentencing Act 1991, the Stalking Intervention Orders Act 2008, the Summary Offences Act 1966 and the Victims of Crime Assistance Act 1996 and for other purposes and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.

- 15 MEMBERS OF PARLIAMENT (STANDARDS) BILL 2010** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for a Statement of Values and Code of Conduct for Members of the Parliament of Victoria, to establish a Register of Interests for those Members and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.

- 16 THERAPEUTIC GOODS (VICTORIA) BILL 2010** — The President read a Message from the Assembly presenting *A Bill for an Act to repeal the Therapeutic Goods (Victoria) Act 1994, to provide for the application of the Therapeutic Goods Act 1989 of the Commonwealth as a law of Victoria, to provide for continued controls over therapeutic goods not covered by the Commonwealth Act and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr D.M. Davis, the debate was adjourned for one week.

- 17 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Wednesday, 5 May 2010.

Question — put and agreed to.

- 18 STANDING ORDERS COMMITTEE** — Mr Dalla-Riva moved, by leave, That the Resolution of the Council of 10 September 2008, as amended on 13 November 2008, 31 March 2009, 30 July 2009, 13 October 2009, 27 November 2009 and 11 March 2010 requiring the Standing Orders Committee to inquire into and report by 15 April 2010 on the establishment of new Standing Committees for the Legislative Council, be further amended so as to now require the Committee to present its report by 5 May 2010.

Question — put and agreed to.

- 19 ADJOURNMENT** — Mr Lenders moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 7.55 p.m., adjourned until Wednesday, 5 May, 2010.

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 164, 165 and 166

Tuesday, 13 April 2010

1 EDUCATION AND TRAINING REFORM AMENDMENT BILL 2009

Clauses 1 to 10 — put and agreed to.

Clause 11 — Ms Pennicuik moved —

1. Clause 11, lines 25 to 32 and page 8, lines 1 to 7, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put and negatived.

Clause 11 — put and agreed to.

Clauses 12 to 15 — put and agreed to.

Clause 16 — Ms Pennicuik moved —

2. Clause 16, after line 24 insert—

() After section 2.6.9(2) of the Principal Act **insert**—

"(2A) In deciding whether to refuse to grant registration to an applicant on the ground that the applicant has been convicted or found guilty of a sexual offence, the Institute must have regard to the following factors—

- (a) the age of the applicant and of the victim at the time the offence was committed;
- (b) the gravity and circumstances of the offence;
- (c) the impact of the offence on the victim;
- (d) the decision of the Court in relation to the offence;
- (e) the period of time that has elapsed since the commission of the offence;
- (f) the conduct and behaviour of the applicant since the commission of the offence;
- (g) the risk of the applicant committing any further offence;
- (h) the likelihood of parents of students, students and the community ceasing to have confidence in the applicant being able to have or to maintain professional student-teacher relationships.".

Question — That the amendment be agreed to — put and negatived.

Clause 16 — put and agreed to.

Clauses 17 to 36 — put and agreed to.

Clause 37 — Ms Pennicuik moved —

9. Clause 37, after line 12 insert—

() In section 2.6.38(d) of the Principal Act—

- (a) for "no right" **substitute** "a right";
- (b) for "but that" **substitute** "and that".'.

Question — That the amendment be agreed to — put and negatived.

Clause 37 — put and agreed to.

Clauses 38 to 40 — put and agreed to.

Clause 41 — Ms Pennicuik moved —

11. Clause 41, page 30, line 26, omit "no" and insert "a".

12. Clause 41, page 30, lines 27 to 30, omit ", but that the teacher may seek leave of the panel before the hearing to have legal representation".
13. Clause 41, page 31, line 15, omit "no" and insert "a".
14. Clause 41, page 31, lines 16 to 19, omit ", but the teacher may seek leave of the panel before the hearing to have legal representation".

Progress reported.

Thursday, 15 April 2010

1 EQUAL OPPORTUNITY BILL 2010

Clauses 1 to 3 — put and agreed to.

Clause 4 — Ms Pennicuik moved —

2. Clause 4, page 9, after line 2 insert—

"**homelessness**, in relation to a person, means—

 - (a) living in—
 - (i) crisis accommodation; or
 - (ii) transitional accommodation; or
 - (iii) any other accommodation provided under the Supported Accommodation Assistance Act 1994 of the Commonwealth; or
 - (b) having inadequate access to safe and secure housing within the meaning of section 4 of the Supported Accommodation Assistance Act 1994 of the Commonwealth;".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)

Ms Hartland (*Teller*)

Ms Pennicuik

NOES, 36

Mr Atkinson

Ms Broad

Mrs Coote

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Finn

Mr Guy

Mr Hall

Ms Huppert (*Teller*)

Mr Jennings

Mr Kavanagh

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Mr Madden

Mr Murphy

Mr O'Donohue

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels (*Teller*)

Amendment negatived.

Ms Pennicuik moved —

3. Clause 4, page 10, after line 36 insert—

"**irrelevant criminal record**, in relation to a person, means a record relating to arrest, questioning or criminal proceedings where—

- (a) further action was not taken in relation to the arrest, questioning or charge of the person; or
- (b) a charge has not been laid; or
- (c) the charge was dismissed; or
- (d) the prosecution was withdrawn; or
- (e) the person was discharged, whether or not on conviction; or
- (f) the person was found not guilty; or
- (g) the person's conviction was quashed or set aside; or
- (h) the person was granted a pardon; or
- (i) the circumstances relating to the offence for which the person was convicted are not directly relevant to the situation in which the discrimination arises;"

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3
 Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

NOES, 35
 Mr Atkinson
 Ms Broad (*Teller*)
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch (*Teller*)
 Mrs Kronberg
 Mr Leane
 Ms Lovell
 Mr Madden
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer

Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negatived.
 Clause 4 — put and agreed to.

Clause 5 — put and agreed to.

Clause 6 — Ms Pennicuik moved —

6. Clause 6, after line 21 insert—
 "() any other status;".

Question — That the amendment be agreed to — put.
 The Committee divided — The Deputy President in the Chair.

AYES, 3
 Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

NOES, 35
 Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum (*Teller*)
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane (*Teller*)
 Ms Lovell
 Mr Madden
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negatived.
 Clause 6 — put and agreed to.

Clauses 7 and 8 — put and agreed to.

Clause 9 — Ms Pennicuik moved —

7. Clause 9, after line 19 insert—

"() whether the requirement, condition or practice is legitimate, necessary and proportionate in the circumstances;".

Question — That the amendment be agreed to — put and negatived.

Clause 9 — put and agreed to.

Clauses 10 and 11 — put and agreed to.

Clause 12 — Ms Pennicuik moved —

8. Clause 12, line 33, omit "members of a group" and insert "persons, or members of a group,".

Question — That the amendment be agreed to — put and negatived.

Clause 12 — put and agreed to.

Clauses 13 to 25 — put and agreed to.

Heading to Clause 26 — Ms Pennicuik moved —

13. Heading to clause 26, omit "**genuine occupational requirements**" and insert "**inherent requirements**".

Question — That the amendment be agreed to — put and negatived.

Clauses 26 to 71 — put and agreed to.

Clause 72 — Ms Pennicuik moved —

16. Clause 72, lines 2 and 3, omit "or with a gender identity".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3	NOES, 35
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland (<i>Teller</i>)	Ms Broad
Ms Pennicuik	Mrs Coote
	Mr Dalla-Riva
	Ms Darveniza
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh
	Mr Elasmar
	Mr Finn
	Mr Guy
	Mr Hall (<i>Teller</i>)
	Ms Huppert
	Mr Jennings
	Mr Kavanagh
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Ms Lovell
	Mr Madden
	Mr Murphy
	Mr O'Donohue
	Mr Pakula

Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney (*Teller*)
 Mr Viney
 Mr Vogels

Amendment negatived.

Clause 72 — put and agreed to.

Clauses 73 and 74 — put and agreed to.

Clause 75 — Ms Pennicuik moved —

17. Clause 75, line 5, omit "a provision" and insert "a prescribed provision".
18. Clause 75, line 10, after "purpose of" insert "prescribing a provision for the purpose of".
19. Clause 75, after line 14 insert—
 - (3) A prescribed provision expires—
 - (a) if it was enacted or made before the commencement of this section, at the end of 12 months after the commencement of this section;
 - (b) if it is enacted or made after the commencement of this section, at the end of 12 months after it is enacted or made.
 - (4) In this section, **prescribed provision** means—
 - (a) section 220DA(3) of the **Transport Act 1983**; or
 - (b) a provision of an Act or an enactment that is prescribed for the purpose of this section."

Question — That the amendments be agreed to — put and negatived.

Clause 75 — put and agreed to.

Clauses 76 to 80 — put and agreed to.

Clause 81 — Ms Pennicuik moved —

20. Clause 81, lines 2 to 9, omit all words and expressions on these lines and insert—

"For the purposes of sections 82 and 83, **religious body** means a body established for a religious purpose."

Question — That the amendment be agreed to — put and negatived.

Clause 81 — put and agreed to.

Clause 82 — Ms Pennicuik moved —

21. Clause 82, lines 23 to 33, omit all words and expressions on these lines.
22. Clause 82, page 71, lines 1 to 16, omit all words and expressions on these lines and insert—

"() Nothing in Part 4 applies to anything done in good faith in relation to the employment of a person by a religious body where conformity with the doctrines, beliefs or principles of the religion is an inherent requirement of the particular position."

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3
 Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

NOES, 35
 Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza

Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmar
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Ms Lovell
 Mr Madden
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich (*Teller*)
 Mrs Peulich
 Ms Pulford (*Teller*)
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendments negatived.

Clause 82 — put and agreed to.

Clause 83 — Ms Pennicuik moved —

23. Clause 83, lines 23 to 35, omit all words and expressions on these lines.

24. Clause 83, page 72, lines 1 to 18, omit all words and expressions on these lines and insert—

"() Nothing in Part 4 applies to anything done in good faith in relation to the employment of a person by a person or body to which this section applies where conformity with the doctrines, beliefs or principles of the religion is an inherent requirement of the particular position."

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3
 Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

NOES, 35
 Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva (*Teller*)
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmar (*Teller*)
 Mr Finn
 Mr Guy
 Mr Hall

Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendments negatived.

Clause 83 — put and agreed to.

Clause 84 — Question — That Clause 84 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell (*Teller*)
 Mr Madden
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Ms Pulford

NOES, 3

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney (*Teller*)
Mr Vogels
Question agreed to.

Clauses 85 to 88 — put and agreed to.

Clause 89 — Ms Pennicuik moved —

26. Clause 89, line 34, omit "5" and insert "3".
27. Clause 89, page 75, line 4, omit "5" and insert "3".

Question — That the amendments be agreed to — put and negatived.
Clause 89 — put and agreed to.

Clauses 90 to 216 — put and agreed to.

New Clause — Ms Pennicuik moved —

28. Insert the following New Clause to follow clause 83—

"A Application of reasonable limitation test to sections 82 and 83

Sections 82 and 83 do not apply unless the thing done on the basis of a person's attribute is a reasonable limitation on the person's right to freedom from discrimination on the basis of that attribute, taking into account all relevant factors including—

- (a) the nature of the right; and
- (b) the importance of the purpose of the limitation; and
- (c) the nature and extent of the limitation; and
- (d) the relationship between the limitation and its purpose; and
- (e) any less restrictive means reasonable available to achieve the purpose that the limitation seeks to achieve."

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES 3	NOES, 35
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland (<i>Teller</i>)	Ms Broad
Ms Pennicuik	Mrs Coote
	Mr Dalla-Riva
	Ms Darveniza
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh
	Mr Elasmarr
	Mr Finn
	Mr Guy
	Mr Hall
	Ms Huppert
	Mr Jennings
	Mr Kavanagh (<i>Teller</i>)
	Mr Koch
	Mrs Kronberg
	Mr Leane

Mr Lenders
Ms Lovell
Mr Madden
Mr Murphy
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney (*Teller*)
Mr Viney
Mr Vogels

Question negatived.

Schedules 1 to 11 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 167 and 168

No. 167 — Wednesday, 5 May 2010

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had —
 - On 20 April 2010 given the Royal Assent to the following Act presented to him by the Deputy Clerk of the Legislative Council:
Livestock Management Act 2010.
 - On 27 April 2010 given the Royal Assent to the following Act presented to him by the Clerk of the Parliaments:
Equal Opportunity Act 2010.
- 2 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — The President read a Message from the Assembly informing the Council that the Assembly had agreed to a Bill '*for an Act to amend the Planning and Environment Act 1987 to provide for growth areas infrastructure contributions and to make related amendments to the Building Act 1993, the Project Development and Construction Management Act 1994, the Sale of Land Act 1962, the Subdivision Act 1988, the Taxation Administration Act 1997 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes*' with the amendments recommended by the Dispute Resolution Committee in its Resolution of 22 April 2010 and requesting confirmation that the Council have agreed to the Bill with such amendments.

The President said —

I wish to remind the House that a Bill of this nature was introduced, debated and the second reading negatived in this Chamber in February this year.

A Standing Order of this House effectively states that we cannot within 6 months of the same Session debate 2 Bills of similar content.

Standing Order 7.06 states—

No question will be proposed in the Council which is the same in substance as any question which has been resolved during the previous 6 months in the same Session.

I note that the Message from the Assembly contains both the Bill and a Schedule of amendments which have now been made by the Assembly, but in substance, in my view it is still the same.

I therefore indicate that I cannot accept a motion for the first reading of this Bill at this stage.

3 PETITIONS —

ELECTRICITY SMART METERS — Ms Lovell presented a Petition bearing 30 signatures from certain citizens of Victoria requesting that the Government immediately freeze the roll out of smart meters across Victoria until it can be independently demonstrated that consumers will not be forced to pay for the Brumby Government's mismanagement of the smart meter project.

Ordered to lie on the Table.

* * * * *

MONASH FREEWAY NOISE BARRIERS — Mr D.M. Davis presented a Petition bearing 30 signatures from certain citizens of Victoria requesting that the Victorian Government takes action to reduce the increased noise impact on local residents of the Monash Freeway expansion by the installation of state-of-the-art noise abatement barriers to a standard equivalent to that required of CityLink and EastLink.

Ordered to lie on the Table.

* * * * *

COMPUTER GAME CLASSIFICATION SYSTEM — Mr Atkinson presented a Petition bearing 461 signatures from certain citizens of Victoria requesting that the Government introduce a classification system that would prevent minors from seeing or playing games that are offensive or that include content that is dangerous or objectionable.

Ordered to lie on the Table.

* * * * *

PLANNING HEIGHT CONTROLS — Mr Atkinson presented a Petition bearing 215 signatures from certain citizens of Victoria requesting that the Government immediately re-establish height controls to provide planning certainty to the community.

Ordered to lie on the Table.

4 PAPERS —

BUDGET PAPERS, 2010-11 — Mr Lenders moved, by leave, That there be laid before this House a copy of the following 2010-11 Budget Papers:

- (a) Treasurer's Speech (Budget Paper No. 1);
- (b) Strategy and Outlook (Budget Paper No. 2);
- (c) Service Delivery (Budget Paper No. 3);
- (d) Statement of Finances (incorporating Quarterly Financial Report No. 3) (Budget Paper No. 4);
- (e) Public Sector Asset Investment Program (Budget Information Paper No. 1); and
- (f) Putting Patients First (Budget Information Paper No. 2).

Question — put and agreed to.

The papers were presented by Mr Lenders and ordered to lie on the Table.

Mr Lenders moved, That the papers tabled pursuant to the foregoing Order be taken into consideration on the next day of meeting.

Question — put and agreed to.

* * * * *

PARTNERSHIPS VICTORIA PROJECT SUMMARY — PENINSULA LINK PROJECT — Mr Pakula moved, by leave, That there be laid before this House a copy of the Partnerships Victoria Project Summary for the Peninsula Link Project, May 2010.

Question — put and agreed to.

The paper was presented by Mr Pakula and ordered to lie on the Table.

* * * * *

AUSTRALIAN CATHOLIC UNIVERSITY REPORT, 2009 AND MELBOURNE COLLEGE OF DIVINITY REPORT, 2009 — Mr Pakula moved, by leave, That there be laid before this House a copy of the Australian Catholic University Report, 2009 and the Melbourne College of Divinity Report, 2009.

Question — put and agreed to.

The reports were presented by Mr Pakula and ordered to lie on the Table.

* * * * *

STANDING ORDERS COMMITTEE — NEW COUNCIL STANDING COMMITTEES —

Mr Dalla-Riva, on behalf of the President (Chair), presented the Final Report from the Standing Orders Committee on the Establishment of new Standing Committees for the Legislative Council (including Appendices).

Ordered to lie on the Table and to be printed.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — REVIEW OF THE AUDITOR-GENERAL'S REPORTS 2008 —

Mr Rich-Phillips presented a Report from the Public Accounts and Estimates Committee on the Review of the Findings and Recommendations of the Auditor-General's Reports 2008 (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and to be printed.

Mr Rich-Phillips moved, That the Council take note of the report.

Debate ensued

Question — put and agreed to.

* * * * *

EDUCATION AND TRAINING COMMITTEE — SKILLS SHORTAGES IN THE RAIL INDUSTRY —

Mr Elasmr presented a Report from the Education and Training Committee on Skills Shortages in the Rail Industry (including Appendices), together with Transcripts of Evidence.

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

Mr Elasmr moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 6 of 2010 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

DISPUTE RESOLUTION COMMITTEE — Pursuant to section 65C(2) of the *Constitution Act 1975*, the Clerk laid on the Table a copy of the Dispute Resolution agreed to on 22 April 2010 by the Dispute Resolution Committee on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009.

* * * * *

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

Adult Multicultural Education Services — Report, 2009 (two papers).

Auditor-General's Office — Annual Plan, 2010-11.

Auditor-General — Report on Performance Reporting by Departments, May 2010.

Bendigo Regional Institute of TAFE — Report, 2009 (two papers).

Box Hill Institute of TAFE — Report, 2009.

Central Gippsland Institute of TAFE — Report, 2009.

Centre for Adult Education — Report, 2009.

- Chisholm Institute of TAFE — Report, 2009.
- Crown Land (Reserves) Act 1978 —
 Minister's Order of 6 March 2010 giving approval to the granting of a lease at Torquay Foreshore Reserve.
 Minister's Order of 16 April 2010 giving approval to the granting of licences at Seville Public Park Reserve.
- Deakin University — Report, 2009.
- Driver Education Centre of Australia Ltd — Report, 2009.
- East Gippsland Institute of TAFE — Report, 2009.
- EastLink Project Act 2004 —
 Order under section 7 varying the project area, 23 March 2010.
 Order under section 7 varying the extended project area, 23 March 2010.
- Fisheries Act 1995 — Review of the operation of Section 151 of the Act, December 2009.
- Gordon Institute of TAFE — Report, 2009.
- Goulburn Ovens Institute of TAFE — Report, 2009 (two papers).
- Holmesglen Institute of TAFE — Report, 2009.
- Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 21.
- Kangan Batman Institute of TAFE — Report, 2009.
- La Trobe University — Report, 2009.
- Monash University — Report, 2009.
- Northern Melbourne Institute of TAFE — Report, 2009.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
 Greater Geelong Planning Scheme — Amendment C150.
 Hepburn Planning Scheme — Amendment C50.
 Hume Planning Scheme — Amendment C139.
 Indigo Planning Scheme — Amendments C36 and C49.
 Knox Planning Scheme — Amendment C88.
 Maribyrnong Planning Scheme — Amendment C88.
 Melbourne Planning Scheme — Amendments C155 and C159.
 Murrindindi Planning Scheme — Amendment C26.
 Northern Grampians Planning Scheme — Amendment C34.
 Port Phillip Planning Scheme — Amendments C83 and C101.
 South Gippsland Planning Scheme — Amendments C49 and C51.
 Stonnington Planning Scheme — Amendment C119.
 Warrnambool Planning Scheme — Amendment C48.
 Whitehorse Planning Scheme — Amendments C119 and C120.
 Whittlesea Planning Scheme — Amendment C121.
 Yarra Ranges Planning Scheme — Amendment C92.
- Royal Melbourne Institute of Technology — Report, 2009.
- South West Institute of TAFE — Report, 2009.
- Statutory Rules under the following Acts of Parliament:
 Electricity Safety Act 1998 — No. 21.
 Occupational Health and Safety Act 2004 — No. 18.
 Subordinate Legislation Act 1994 — Nos. 19 and 20.
- Subordinate Legislation Act 1994 —
 Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule No. 21.
 Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 19 and 20.
- Sunraysia Institute of TAFE — Report, 2009.
- Swinburne University of Technology — Report, 2009.
- University of Ballarat — Report, 2009 (two papers).
- University of Melbourne — Report, 2009.
- Victoria University — Report, 2009 (two papers).

William Angliss Institute of TAFE — Report, 2009.

Wodonga Institute of TAFE — Report, 2009.

* * * * *

PROCLAMATION — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk:

Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010 — except for section 8 — 21 April 2010 (*Gazette No. S135, 20 April 2010*).

5 PRODUCTION OF DOCUMENTS — YOUR HOSPITALS REPORT — The Clerk laid on the Table a copy of the Report on Victoria's public hospitals July to December 2009, received in accordance with the Resolution of the Council of 24 March 2010.

6 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business this day:

- (1) Notice of Motion No. 69 of 2010, standing in the name of Mr D.M. Davis, relating to the production of documents from the Department of Human Services;
- (2) Notice of Motion No. 70 of 2010, standing in the name of Mr D.M. Davis, relating to the production of documents from the Department of Health;
- (3) Notice of Motion No. 65 of 2010, standing in the name of Mr D.M. Davis, relating to the production of documents and the appointment of a legal arbiter;
- (4) Order of the Day No. 13, resumption of debate on the motion relating to police numbers;
- (5) Order of the Day No. 12, second reading of the Drugs, Poisons and Controlled Substances Amendment (Prohibition on the Display and Sale of Bongs) Bill 2010;
- (6) Notice of Motion No. 72 of 2010, standing in the name of Mr D.M. Davis, relating to Government services; and
- (7) Notice of Motion No. 64 of 2010, standing in the name of Mr Vogels, relating to the smart meters project.

Question — put and agreed to.

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

8 PRODUCTION OF DOCUMENTS — DEPARTMENT OF HUMAN SERVICES DOCUMENTS — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 25 May 2010 a copy of the following reports commissioned by the Department of Human Services:

- (1) Economic and Social Costs of Out of Home Care in Victoria (Deloitte);
- (2) Evaluation of the implementation of the Disability Act 2006 (Plexus Consulting);
- (3) Evaluation: Quality of Life Outcomes following Kew Residential Services Redevelopment (La Trobe University);
- (4) Respite Provision for People with Disability in Southern Metropolitan Region (Nucleus Consulting Group);
- (5) Respite Provision for People with Disability in Gippsland Region (Nucleus Consulting Group); and
- (6) Phase 1 of the Statewide project to develop a strategic plan for Respite Services (Nucleus Consulting Group).

Debate ensued.

Question — put and agreed to.

9 PRODUCTION OF DOCUMENTS — ALCOHOL RELATED RESEARCH BY THE SOCIAL RESEARCH CENTRE — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 25 May 2010 a copy of the following reports commissioned by the Department of Health (formerly the Department of Human Services):

- (1) Formative Research for the development of a Victorian Alcohol Social Marketing Initiative (The Social Research Centre); and

- (2) Victorian Youth Alcohol and Drug Survey 2009 (The Social Research Centre).

Debate ensued.

Question — put and agreed to.

- 10 SELECT COMMITTEE ON TRAIN SERVICES** — Mr D.M. Davis moved, by leave, That the Resolution adopted by the Council on 11 March 2009, as amended on 4 February 2010, establishing the Select Committee on Train Services be now amended as follows:

- (1) In paragraph 1, after “services” insert “, including the impact on those services as a result of the purchase, operation and implementation and oversight by Government of the ‘Myki’ ticketing system in Victoria, including an examination of performance, costs and integration of the ‘Myki’ ticketing system.”; and
- (2) In paragraph 10, delete “its final report to the Council no later than May 2010” and insert “regular progress reports to the Council up to 30 September 2010”.

Debate ensued.

Mr Tee moved, as an amendment, That the words “regular progress reports to the Council up to 30 September 2010” be omitted with a view to inserting in their place “a final report to the Council by 30 September 2010”.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 12 SELECT COMMITTEE ON TRAIN SERVICES** — Debate continued on the question, That the Resolution adopted by the Council on 11 March 2009, as amended on 4 February 2010, establishing the Select Committee on Train Services be now amended as follows:

- (1) In paragraph 1, after “services” insert “, including the impact on those services as a result of the purchase, operation and implementation and oversight by Government of the ‘Myki’ ticketing system in Victoria, including an examination of performance, costs and integration of the ‘Myki’ ticketing system.”; and
- (2) In paragraph 10, delete “its final report to the Council no later than May 2010” and insert “regular progress reports to the Council up to 30 September 2010”.

and on the amendment moved by Mr Tee, That the words “regular progress reports to the Council up to 30 September 2010” be omitted with a view to inserting in their place “a final report to the Council by 30 September 2010”.

Question — That the amendment be agreed to — put and agreed to.

Question — That the Resolution adopted by the Council on 11 March 2009, as amended on 4 February 2010, establishing the Select Committee on Train Services be now amended as follows:

- (1) In paragraph 1, after “services” insert “, including the impact on those services as a result of the purchase, operation and implementation and oversight by Government of the ‘Myki’ ticketing system in Victoria, including an examination of performance, costs and integration of the ‘Myki’ ticketing system.”; and
- (2) In paragraph 10, delete “its final report to the Council no later than May 2010” and insert “a final report to the Council by 30 September 2010”.

— put and agreed to.

- 13 PRODUCTION OF DOCUMENTS — FURTHER DEMAND TO LODGE VARIOUS DOCUMENTS AND APPOINTMENT OF INDEPENDENT LEGAL ARBITER** — Mr D.M. Davis moved, That this House —

- (1) notes the continued failure of the Leader of the Government to provide documents sought by the Legislative Council under Sessional Order 21;
- (2) notes in particular the failure of the Government to fully comply with:
- (a) the Council’s resolution of 28 May 2008 seeking access to the document used by the Auditor-General in his report on Planning for Water Infrastructure in Victoria;

- (b) the Council's resolution of 11 March 2009 seeking a copy of information relating to renewable energy feed in tariffs and subsequent resolutions on 16 September 2009 and 24 February 2010;
- (c) the Council's resolution of 29 October 2008 seeking a copy of ministerial briefings on transport and subsequent resolutions on 11 March 2009 and 24 February 2010;
- (d) the Council's resolution of 1 April 2009 seeking a copy of documents relating to the impact of the Carbon Pollution Reduction Scheme on the Victorian Economy held by the Department of Premier and Cabinet, the Department of Sustainability and Environment and the Department of Primary Industries and subsequent resolutions on 11 November 2009 and 24 February 2010;
- (e) the Council's resolution of 1 April 2009 seeking a copy of documents relating to the Victorian State Government's policy of extending clearway times and the subsequent resolution on 16 September 2009;
- (f) the Council's resolution of 6 May 2009 seeking a copy of documents relating to the impact of the Carbon Pollution Reduction Scheme on the Victorian Economy held by the Department of Treasury and Finance and subsequent resolutions on 11 November 2009 and 24 February 2010;
- (g) the Council's resolution of 6 May 2009 seeking a copy of documents relating to the company Better Place and subsequent resolutions on 16 September 2009 and 24 October 2009;
- (h) the Council's resolution of 7 May 2009 seeking a copy of all submissions made to the review of Alpine resorts and subsequent resolutions on 16 October 2009 and 24 February 2010;
- (i) the Council's resolution of 24 June 2009 seeking copies of all gateway review documents related to the desalination plant project and subsequent resolution on 24 February 2010 and notes the dispute over the number of documents relevant to the request;
- (j) the Council's resolution of 24 June 2009 seeking copies of all documents and communications held by the Government in relation to the extension of licence for the number of gaming tables at Crown Casino and subsequent resolutions on 16 September 2009 and 24 February 2010;
- (k) the Council's resolution of 29 July 2009 seeking copies of all documents relating to the placement of carbon trading institutes or institutions in Victoria and subsequent resolutions on 16 September 2009 and 24 February 2010;
- (l) the Council's resolution of 12 August 2009 seeking a copy of all meeting notes, minutes of meetings and diary notes of Government ministers and senior bureaucrats in the departments of Treasury and Finance, Sustainability and Environment (including the Office of Water) and Innovation, Industry and Regional Development (including Major Projects Victoria) concerning tenders for the desalination project and lobbyists including staff of Hawker Britton, including Mr David White, and InsideOut Strategic, including Mr Philip Staindl, and including briefings on water projects and desalination (including speech notes for ministers appearing at or visiting the Progressive Business organisation) and subsequent resolutions of 16 September 2009 and 24 February 2010;
- (m) the Council's resolution of 14 October 2009 seeking copies of all documents relating to the Working Victoria and Shine advertising campaigns and subsequent resolutions on 16 September 2009 and 24 February 2010;
- (n) the Council's resolution of 11 November 2009 seeking copies of all documents relating to Government consideration of proposals for the export of brown coal and subsequent resolution on 24 February 2010;
- (o) the Council's resolution of 25 November 2009 seeking copies of minutes and agendas of financial/audit and/or investment committees of 132 Victorian health services and subsequent resolution on 24 February 2010; and

- (p) the Council's resolution of 9 December 2009 seeking a copy of the monthly and quarterly integrated performance reports for the 2008-09 financial year and the first quarter of 2010 and subsequent resolution on 24 February 2010 which the Government claims it is not in possession of despite these being the official financial data of State owned and operated health services;
- (3) demands that the Leader of the Government, as the representative of the Government in the Legislative Council, lodge with the Clerk by 25 May 2010 all the outstanding documents referred to in this resolution for examination by an independent legal arbiter;
- (4) requests the President to appoint an independent legal arbiter as required by Sessional Order 21 to examine each individual document and assess each document on the evidence available to him or her to determine whether the Government's refusal to produce the documents is valid or not, and report to the Council by 7 July 2010; and
- (5) insists that the Leader of the Government, as the representative of the Government in the Legislative Council, provide the documents referred to in this resolution to enable the arbiter to undertake his role without impediment.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad (<i>Teller</i>)
Mr Barber (<i>Teller</i>)	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland	Ms Murphy
Mr Kavanagh	Mr Pakula (<i>Teller</i>)
Mr Koch	Ms Pulford
Mrs Kronberg	Mr Scheffer
Ms Lovell	Mr Smith
Mr O'Donohue	Mr Somyurek
Ms Pennicuik	Mr Tee
Mrs Petrovich (<i>Teller</i>)	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

14 POLICE NUMBERS — Debate resumed on the question, That this House —

- (1) notes with concern, the Productivity Commission Report on Government Services 2010 showing:
- (a) that Victoria now has fewer operational police per capita than any other state in Australia, with the number of police per capita in Victoria decreasing every year since 2006-07; and
- (b) that there has only been a one per cent increase in Government expenditure per capita on Victorian policing in the past five years, compared to the average increase Australia-wide of almost nine per cent;
- (2) notes with concern that state-wide violent crime (crime against the person) has increased from 31,372 in 1999-00 to 43,971 in the year 2008-09, a 40.2% increase under the Labor Government;

- (3) notes that due to the rampant level of crime in metropolitan Melbourne, municipalities such as Frankston are now being forced to hire private police;
- (4) notes that regional cities such as Geelong, Ballarat and Bendigo are not coping with violence on the streets;
- (5) expresses its disappointment at the ongoing and lack of response by the Premier and the Police Minister to Victoria's lack of urgency dealing with the level of police shortage and rising violent crime rates;
- (6) congratulates the Victorian Coalition's policy announcement on 6 April 2010 of its \$344 million plan, Making Our Streets Safe Again by boosting front line police by an additional 1,600 recruits in the first term of government; and
- (7) also congratulates the Victorian Coalition's complementary \$200 million Stopping Crime in its Tracks policy announcement of 8 November 2009 to establish a dedicated unit of 940 uniformed and trained Victoria Police Protective Services Offices that will be permanently stationed on every train station in Metropolitan Melbourne and the major regional centres from 6.00 p.m. until last train, seven days a week and an additional 100 Victoria Police Officers to be recruited to the Transit Safety Division to patrol train, tram and bus networks.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

NOES, 22

Mr Atkinson

Mr Barber

Mrs Coote

Ms Broad

Mr Dalla-Riva (*Teller*)

Ms Darveniza

Mr D.M. Davis

Mr Eideh

Mr P.R. Davis

Mr Elasmarr

Mr Drum (*Teller*)

Ms Hartland

Mr Finn

Ms Huppert

Mr Guy

Mr Jennings

Mr Hall

Mr Leane

Mr Kavanagh

Mr Lenders

Mr Koch

Mr Madden

Mrs Kronberg

Ms Mikakos

Ms Lovell

Mr Murphy

Mr O'Donohue

Mr Pakula

Mrs Petrovich

Ms Pennicuik

Mrs Peulich

Ms Pulford (*Teller*)

Mr Rich-Phillips

Mr Scheffer (*Teller*)

Mr Vogels

Mr Smith

Mr Somyurek

Mr Tee

Ms Tierney

Mr Viney

Question negatived.

- 15 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION ON DISPLAY AND SALE OF BONGS) BILL 2010** — Mr Kavanagh laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Kavanagh moved, That the Bill be now read a second time.

On the motion of Mr Scheffer, the debate was adjourned for one week.

- 16 GOVERNMENT SERVICES** — Mr O'Donohue moved, That with the Victorian Labor Government, now in its 11th year, this House expresses its concern —

- (1) at the deterioration of critical services provided to the Victorian community, including health, policing and community safety, transport, education and community services;

- (2) that Victoria's taxpayers are not receiving value for money from the Brumby Government; and
- (3) at the serious decline in transparency and reporting under this current Victorian Labor Government and believes the Victorian people deserve better.

Debate ensued.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Ms Mikakos.

- 17 PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL 2010** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Prahran Mechanics' Institute Act 1899* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time.

Bill to be read a second time on the next day of meeting.

- 18 FAIR TRADING AMENDMENT (UNFAIR CONTRACT TERMS) BILL 2010** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Fair Trading Act 1999 in relation to unfair contract terms and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time.

Bill to be read a second time on the next day of meeting.

- 19 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.41 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 168 — Thursday, 6 May 2010

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

2 **PETITIONS** —

ROMSEY SECONDARY SCHOOL — Mrs Petrovich presented a Petition bearing 98 signatures from certain citizens of Victoria requesting that the State Government build a secondary school in Romsey to meet the current and future demands of the Romsey/Lancefield community.

Ordered to lie on the Table.

* * * * *

NEIGHBOURHOOD WATCH CRIME STATISTICS — Mr Drum presented a Petition bearing 9 signatures from certain citizens of Victoria requesting that the Government reverse its changes to Neighbourhood Watch crime statistics, so that statistics continue to be available on a street-by-street basis and not only by postcode.

Ordered to lie on the Table.

3 **PAPERS** —

INQUIRY INTO CONVICTION OF MR FARAH ABDULKADIR JAMA — Mr Tee moved, by leave, That there be laid before this House a copy of the Report on the Inquiry into the circumstances that led to the conviction of Mr Farah Abdulkadir Jama, May 2010.

Question — put and agreed to.

The Report was presented by Mr Tee and ordered to lie on the Table.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — FINANCIAL AUDIT OF VICTORIAN AUDITOR-GENERAL'S OFFICE AND PERFORMANCE AUDIT OF THE AUDITOR-GENERAL — Ms Huppert presented a Report from the Public Accounts and Estimates Committee on the Appointment of Persons to Conduct the Financial Audit of the Victorian Auditor-General's Office and the Performance Audit of the Victorian Auditor-General and the Victorian Auditor-General's Office (including Appendices).

Ordered to lie on the Table and to be printed.

Ms Huppert moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2008-09 FINANCIAL AND PERFORMANCE OUTCOMES — Ms Pennicuik presented a Report from the Public Accounts and Estimates Committee on the 2008-09 Financial and Performance Outcomes, (including Appendices).

Ordered to lie on the Table and to be printed.

Ms Pennicuik moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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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:

Melbourne City Link Act 1995 — Notice pursuant to clause 2.4(d) varying the agreement for the Melbourne City Link.

National Parks Act 1975 — Advice of National Parks Advisory Council to Minister on several proposed excisions from existing parks.

- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 1 to 5 inclusive, be postponed until the next day of meeting.
- 7 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009 — SUSPENSION OF STANDING ORDER 7.06** — Mr Jennings moved, That Standing Order 7.06 be suspended so as to enable the consideration of the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009, as amended by the Assembly on the recommendation of the Dispute Resolution Committee, which Bill contains provisions the same in substance to those originally rejected by the Council during this current Session.

Debate ensued.

Ms Pennicuik moved, That the debate be adjourned for one week.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 4	NOES, 36
Mr Barber	Mr Atkinson
Ms Hartland	Ms Broad
Mr Kavanagh (<i>Teller</i>)	Mrs Coote
Ms Pennicuik (<i>Teller</i>)	Mr Dalla-Riva (<i>Teller</i>)
	Ms Darveniza
	Mr D.M. Davis

Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich (*Teller*)
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Question negatived.

Debate continued on the question, That Standing Order 7.06 be suspended so as to enable the consideration of the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009, as amended by the Assembly on the recommendation of the Dispute Resolution Committee, which Bill contains provisions the same in substance to those originally rejected by the Council during this current Session.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

8 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

9 PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009 — SUSPENSION OF STANDING ORDER 7.06 — Debate continued on the question, That Standing Order 7.06 be suspended so as to enable the consideration of the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009, as amended by the Assembly on the recommendation of the Dispute Resolution Committee, which Bill contains provisions the same in substance to those originally rejected by the Council during this current Session.

Question — put.

The Council divided — The President in the Chair.

AYES, 34

Ms Broad
 Mrs Coote (*Teller*)
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis

NOES, 4

Mr Barber (*Teller*)
 Ms Hartland
 Mr Kavanagh
 Ms Pennicuik (*Teller*)

Mr Drum
Mr Eideh
Mr Elasmar
Mr Guy
Mr Hall
Ms Huppert
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden (*Teller*)
Ms Mikakos
Mr Murphy
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney
Mr Vogels

Question agreed to.

10 AUDITOR-GENERAL'S OFFICE FINANCIAL AUDIT — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the following Resolution:

That pursuant to section 17 of the *Audit Act 1994* —

- (1) Mr Peter Sexton of WHK Howarth Melbourne be appointed to conduct the financial audit of the Victorian Auditor-General's Office for the financial years ended 30 June 2010, 30 June 2011 and 30 June 2012;
- (2) The level of remuneration for the financial audit be:
 - (a) \$29,750 plus GST for audit services for the year ended 30 June 2010;
 - (b) \$30,600 plus GST for audit services for the year ended 30 June 2011; and
 - (c) \$32,200 plus GST for audit services for the year ended 30 June 2012; and
- (3) The terms and conditions of appointment and payment of remuneration will be in accordance with the Terms and Conditions and Remuneration of a Person Appointed by the Parliament of Victoria pursuant to Section 17 of the Audit Act 1994, as appended to the relevant Tender Brief in Appendix One of the Report of the Public Accounts and Estimates Committee on the Appointment of Persons to Conduct the Financial Audit of the Victorian Auditor-General's Office and the Performance Audit of the Victorian Auditor-General and the Victorian Auditor-General's Office (Parliamentary Paper No. 299, Session 2006–10).

and requesting the agreement of the Council.

Ordered — That the Message be taken into consideration forthwith.

Mr Madden moved, by leave, That the Council concurs with the Assembly and resolves, That pursuant to section 17 of the *Audit Act 1994* —

- (1) Mr Peter Sexton of WHK Howarth Melbourne be appointed to conduct the financial audit of the Victorian Auditor-General's Office for the financial years ended 30 June 2010, 30 June 2011 and 30 June 2012;
- (2) The level of remuneration for the financial audit be:
 - (a) \$29,750 plus GST for audit services for the year ended 30 June 2010;
 - (b) \$30,600 plus GST for audit services for the year ended 30 June 2011; and
 - (c) \$32,200 plus GST for audit services for the year ended 30 June 2012; and
- (3) The terms and conditions of appointment and payment of remuneration will be in accordance with the Terms and Conditions and Remuneration of a Person Appointed by the Parliament of Victoria pursuant to Section 17 of the Audit Act 1994, as appended to the relevant Tender Brief in Appendix One of the Report of the Public Accounts and Estimates Committee on the Appointment of Persons to Conduct the Financial Audit of the Victorian Auditor-General's Office and the Performance Audit of the Victorian Auditor-General and the Victorian Auditor-General's Office (Parliamentary Paper No. 299, Session 2006–10).

Question — put and agreed to.

Message sent to the Assembly acquainting them accordingly.

- 11 AUDITOR-GENERAL'S OFFICE PERFORMANCE AUDIT** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the following Resolution:

That under section 19 of the *Audit Act 1994* —

- (1) Mr Tom Fazio of PKF, Chartered Accountants be appointed to conduct the performance audit of the Auditor-General and the Victorian Auditor-General's Office;
- (2) The level of remuneration for the performance audit be \$200,420 plus GST, plus \$1,000 plus GST in capped costs for expenses; and
- (3) The terms and conditions of the appointment and payment of remuneration will be in accordance with the Terms and Conditions and Remuneration of a Person Appointed by the Parliament of Victoria pursuant to Section 19 of the Audit Act 1994, as appended to the relevant Tender Brief in Appendix Two of the Report of the Public Accounts and Estimates Committee on the Appointment of Persons to Conduct the Financial Audit of the Victorian Auditor-General's Office and the Performance Audit of the Victorian Auditor-General and the Victorian Auditor-General's Office (Parliamentary Paper No. 299, Session 2006–10).

and requesting the agreement of the Council.

Ordered — That the Message be taken into consideration forthwith.

Mr Madden moved, by leave, That the Council concur with the Assembly and resolves, That under section 19 of the Audit Act 1994 —

- (1) Mr Tom Fazio of PKF, Chartered Accountants be appointed to conduct the performance audit of the Auditor-General and the Victorian Auditor-General's Office;
- (2) The level of remuneration for the performance audit be \$200,420 plus GST, plus \$1,000 plus GST in capped costs for expenses; and
- (3) The terms and conditions of the appointment and payment of remuneration will be in accordance with the Terms and Conditions and Remuneration of a Person Appointed by the Parliament of Victoria pursuant to Section 19 of the Audit Act 1994, as appended to the relevant Tender Brief in Appendix Two of the Report of the Public Accounts and Estimates Committee on the Appointment of Persons to Conduct the Financial Audit of the Victorian Auditor-General's Office and the Performance Audit of the Victorian Auditor-General and the Victorian Auditor-General's Office (Parliamentary Paper No. 299, Session 2006–10).

Question — put and agreed to.

Message sent to the Assembly acquainting them accordingly.

- 12 TRUSTEE COMPANIES LEGISLATION AMENDMENT BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 13 JUSTICE LEGISLATION AMENDMENT BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.
Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.
Debate continued.
Question — put and agreed to.
Bill read a second time and committed to a Committee of the whole.
House in Committee.
Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.
- 14 TRANSPORT LEGISLATION AMENDMENT (COMPLIANCE, ENFORCEMENT AND REGULATION) BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 15 PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — On the motion of Mr Madden, the Bill was read a first time.
Bill to be read a second time on the next day of meeting.
- 16 FAIR TRADING AMENDMENT (UNFAIR CONTRACT TERMS) BILL 2010** — Mr Jennings (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
Mr Jennings moved, That the Bill be now read a second time.
On the motion of Ms Lovell (for Mr Guy), the debate was adjourned for one week.
- 17 PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL 2010** — Mr Jennings (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
Mr Jennings moved, That the Bill be now read a second time.
On the motion of Mr Hall, the debate was adjourned until the next day of meeting.
- 18 COURTS LEGISLATION MISCELLANEOUS AMENDMENT BILL 2010** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the County Court Act 1958 in relation to certain pension entitlements, to amend the Constitution Act 1975, the Supreme Court Act 1986, the County Court Act 1958, the Children, Youth and Families Act 2005 and the Coroners Act 2008 in relation to the office of judicial registrar, to amend the Coroners Act 2008 in relation to acting coroners, to make consequential amendments to various Acts and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.

- 19 HEALTH AND HUMAN SERVICES LEGISLATION AMENDMENT BILL 2010** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Public Health and Wellbeing Act 2008, the Disability Act 2006, the Children, Youth and Families Act 2005 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr D.M. Davis), the debate was adjourned for one week.

- 20 CHILD EMPLOYMENT AMENDMENT BILL 2010** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Child Employment Act 2003, to apply provisions of the Working with Children Act 2005 to the supervision of children in employment, to make amendments to the Working with Children Act 2005, to make consequential amendments to the Transport Accident Act 1986 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.

- 21 EDUCATION AND TRAINING REFORM AMENDMENT BILL 2009** — Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

- 22 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 8, be postponed until the next day of meeting.

- 23 JUSTICE LEGISLATION AMENDMENT (VICTIMS OF CRIME ASSISTANCE AND OTHER MATTERS) BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 24 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 25 May 2010.

Question — put and agreed to.

- 25 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 7.20 p.m., adjourned until Tuesday, 25 May 2010.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 167 and 168

Thursday, 6 May 2010

1 JUSTICE LEGISLATION AMENDMENT BILL 2010

Clause 1 — Mr Rich-Phillips moved —

1. Clause 1, page 4, lines 26 to 31, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put and agreed to.

Clause 1, as amended — put and agreed to.

Clause 2 — Mr Rich-Phillips moved —

2. Clause 2, line 6, omit "97(2)" and insert "84(2)".

Question — That the amendment be agreed to — put and agreed to.

Clause 2, as amended — put and agreed to.

Clauses 3 to 77 — put and agreed to.

Part Heading preceding Clause 78 — Mr Rich-Phillips moved —

3. Part heading preceding clause 78, omit "**GAMING ACTS AMENDMENTS**" and insert "**AMENDMENT OF GAMBLING REGULATION ACT 2003**".

Question — That the amendment be agreed to — put and agreed to.

Question — That the Part Heading preceding Clause 78, as amended, stand part of the Bill — put and agreed to.

Division Heading preceding Clause 78 — Question — That the Division Heading preceding Clause 78 stand part of the Bill — put and negated.

Subdivision Heading preceding Clause 78 — Question — That the Subdivision Heading preceding Clause 78 stand part of the Bill — put and negated.

Clauses 78 and 79 — put and agreed to.

Subdivision Heading preceding Clause 80 — Question — That the Subdivision Heading preceding Clause 80 stand part of the Bill — put and negated.

Clauses 80 to 84 — put and negated.

Clauses omitted.

Subdivision Heading preceding Clause 85 — Question — That the Subdivision Heading preceding Clause 85 stand part of the Bill — put and negated.

Clauses 85 to 90 — put and negated.

Clauses omitted.

Division Heading preceding Clause 91 — Question — That the Division Heading preceding Clause 91 stand part of the Bill — put and negated.

Clauses 91 and 92 — put and negated.
Clauses omitted.

Clauses 93 to 101 — put and agreed to.

Clause 102 — Mr Rich-Phillips moved —

12. Clause 102, line 14, omit "101" and insert "88".
13. Clause 102, line 18, omit "101" and insert "88".

Question — That the amendments be agreed to — put and agreed to.
Clause 102, as amended — put and agreed to.

Clauses 103 and 104 — put and agreed to.

Clause 105 — Mr Rich-Phillips moved —

14. Clause 105, line 32, omit "104" and insert "91".
15. Clause 105, page 127, line 2, omit "104" and insert "91".

Question — That the amendments be agreed to — put and agreed to.
Clause 105, as amended — put and agreed to.

Clauses 106 to 108 — put and agreed to.

Bill reported with amendments.

2 EDUCATION AND TRAINING REFORM AMENDMENT BILL 2009

Progress having been reported on 13 April 2010 —

Clause 41 — Debate resumed on the amendments moved by Ms Pennicuik —

11. Clause 41, page 30, line 26, omit "no" and insert "a".
12. Clause 41, page 30, lines 27 to 30, omit ", but that the teacher may seek leave of the panel before the hearing to have legal representation".
13. Clause 41, page 31, line 15, omit "no" and insert "a".
14. Clause 41, page 31, lines 16 to 19, omit ", but the teacher may seek leave of the panel before the hearing to have legal representation".

Question — That the amendments be agreed to — put and agreed to.
Clause 41, as amended — put and agreed to.

Clauses 42 to 51 — put and agreed to.

Clause 52 — Ms Pennicuik moved —

18. Clause 52, page 37, after line 5 insert—
"() Section 2.6.55(3) of the Principal Act is **repealed**".

Question — That the amendment be agreed to — put.
The Committee divided — The Deputy President in the Chair

AYES, 4	NOES 36
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland (<i>Teller</i>)	Ms Broad
Mr Kavanagh	Mrs Coote
Ms Pennicuik	Mr Dalla-Riva
	Ms Darveniza (<i>Teller</i>)
	Mr D.M. Davis

Mr P.R. Davis (*Teller*)
Mr Drum
Mr Eideh
Mr Elasmar
Mr Finn
Mr Guy
Mr Hall
Ms Huppert
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr Murphy
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney
Mr Vogels

Amendment negatived.

Clause 52 — put and agreed to.

Clauses 53 to 63 — put and agreed to.

Bill reported with amendments.

3 JUSTICE LEGISLATION (VICTIMS OF CRIME ASSISTANCE AND OTHER MATTERS) BILL 2010

Clauses 1 to 48 — put and agreed to.

Clause 49 — Question — That Clause 49 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 36

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmar

NOES, 4

Mr Barber (*Teller*)
Ms Hartland
Mr Kavanagh (*Teller*)
Ms Pennicuik

Mr Finn
 Mr Guy
 Mr Hall (*Teller*)
 Ms Huppert
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Question agreed to.

Clauses 50 to 53 — Question — That Clauses 50 to 53 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr (*Teller*)
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue

NOES, 4

Mr Barber
 Ms Hartland (*Teller*)
 Mr Kavanagh (*Teller*)
 Ms Pennicuik

Mr Pakula
Mrs Petrovich (*Teller*)
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Vogels

Question agreed to.

Clause 54 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 169, 170 and 171

No. 169 — Tuesday, 25 May 2010

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - On 11 May 2010 —
Trustee Companies Legislation Amendment Act 2010.
 - On 18 May 2010 —
Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Act 2010
Transport Legislation Amendment (Compliance, Enforcement and Regulation) Act 2010.
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
FREIGHT TERMINAL LAND PURCHASE, BEVERIDGE — Mr Madden having given an answer to a supplementary question without notice relating to the purchase of land for a major freight terminal at Beveridge —
On the motion of Mr D.M. Davis, the Minister's answer was ordered to be taken into consideration on the next day of meeting.
QUESTIONS — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITIONS** —
GRAFFITI IN BENTLEIGH — Mrs Coote presented a Petition bearing 11 signatures from certain citizens of Victoria requesting that the Government provide funding to introduce a holistic program to address the issue of graffiti in the electorate of Bentleigh.
Ordered to lie on the Table.

* * * * *

THOMSON RIVER — Mr Hall presented a Petition bearing 9 signatures from certain citizens of Victoria requesting that the State Government abandon its plan to take a further ten billion litres of water from the Thomson River to top up Melbourne's water supplies.
Ordered to lie on the Table.
- 5 **PAPERS** —
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 7 of 2010 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

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

Parliamentary Committees Act 2003 — Government Response to the Rural and Regional Committee's Report on Regional Centres of the Future.

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

Boroondara Planning Scheme — Amendments C93, C105 and C111.

Cardinia Planning Scheme — Amendments C77 and C113.

Casey Planning Scheme — Amendment C119.

Darebin Planning Scheme — Amendment C114.

Greater Shepparton Planning Scheme — Amendment C94.

Knox Planning Scheme — Amendment C71.

Latrobe Planning Scheme — Amendment C24 Part 1.

Maribyrnong Planning Scheme — Amendment C91.

Monash Planning Scheme — Amendment C91.

Mount Alexander Planning Scheme — Amendment C48.

Nillumbik Planning Scheme — Amendment C59.

South Gippsland Planning Scheme — Amendment C53.

Stonnington Planning Scheme — Amendments C121 and C124.

Surf Coast Planning Scheme — Amendments C54 and C64.

Whittlesea Planning Scheme — Amendment C125.

Wodonga Planning Scheme — Amendment C79.

Victorian Planning Provisions — Amendment VC70.

Statutory Rules under the following Acts of Parliament:

Magistrates' Court Act 1989 — No. 25.

Road Safety Act 1986 — No. 26.

Supreme Court Act 1986 — Nos. 22, 23 and 24.

Subordinate Legislation Act 1994 —

Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 22, 23, 24 and 25.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 26.

Victorian Electoral Commission — Report on the Altona District by-election held on 13 February 2010.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

Transport Legislation Amendment (Compliance, Regulation and Enforcement) Act 2010 — Part 1, sections 18, 37, 38, 40, 41, 42, 43, Division 4 of Part 5, sections 77, 78, 79 and 81, and Divisions 2, 3, 4 and 5 of Part 6 — 22 May 2010; Division 1 of Part 5 — 1 June 2010 (*Gazette No. G20, 20 May 2010*).

Trustee Companies Legislation Amendment Act 2010 — 11 May 2010 (*Gazette No. S171, 11 May 2010*).

- 6 RIGHT OF REPLY — MIGRANT RESOURCE CENTRE, NORTH-WEST REGION** — Pursuant to the Standing Orders of the Legislative Council, the President presented a Right of Reply from the Migrant Resource Centre, North-West Region to statements made in the Council by Mr Finn on 9 March 2010.

Ordered to lie on the Table and to be printed.

7 PRODUCTION OF DOCUMENTS —

DEPARTMENT OF HUMAN SERVICES DOCUMENTS AND ALCOHOL RELATED RESEARCH BY THE SOCIAL RESEARCH CENTRE — The Clerk laid on the Table a letter from the Attorney-General dated 14 May 2010 stating that the Government would respond to these orders as soon as possible.

FURTHER DEMAND TO LODGE VARIOUS DOCUMENTS AND APPOINTMENT OF INDEPENDENT LEGAL ARBITER — The Clerk laid on the Table a letter from the Attorney-General dated 14 May 2010 stating that the Government is considering its response to the Council's Order and anticipates being able to respond to the issues raised by it by the end of May 2010.

* * * * *

PLANNING MINISTER AND DEPARTMENTAL STAFF DELEGATED POWERS, DISCRETIONS AND FUNCTIONS — The Clerk laid on the Table the following documents received in accordance with the Resolution of the Council of 24 February 2010:

- (1) Minister for Planning Permit Register, Decisions under Delegation 2006;
- (2) Delegated Decisions Register, Authorisation to prepare amendments signed by the Delegate 2006;
- (3) Planning Permit Tracking System, Register of Applications 2006;
- (4) Delegated Decisions Register, Amendments signed by the Delegate 2006;
- (5) Minister for Planning Permit Register 2007;
- (6) Delegated Decisions Register, Authorisation to prepare amendments signed by the Delegate 2007;
- (7) Planning Permit Tracking System, Register of Applications 2007;
- (8) Delegated Decisions Register, Amendments signed by the Delegate 2007;
- (9) Minister for Planning Permit Register, Decisions under Delegation 2008;
- (10) Delegated Decisions Register, Authorisations signed by the Delegate 2008;
- (11) Planning Permit Tracking System, Register of Applications 2008;
- (12) Delegated Decisions Register, Amendments signed by the Delegate 2008;
- (13) Minister for Planning Permit Register, Decisions Under Delegation 2009;
- (14) Delegated Decisions Register, Authorisations signed by the Delegate 2009;
- (15) Planning Permit Tracking System, Register of Applications 2009; and
- (16) Delegated Decisions Register, Amendments signed by the Delegate 2009.

On the motion of Mr Barber, the documents were ordered to be taken into consideration on the next day of meeting.

8 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 26 May 2010:

- (1) the Notice of Motion given this day by Mr Hall relating to the allocation of gaming machine licences by the Victorian Government;
- (2) Order of the Day No. 16, resumption of debate on the second reading of the Drugs, Poisons and Controlled Substances Amendment (Prohibition of the Display and Sale of Bongs) Bill 2010;
- (3) the Notice of Motion given this day by Mr D.M. Davis, relating to the operation of Ambulance Victoria;
- (4) the Notice of Motion given this day by Mr Atkinson, relating to funding support to the Victorian College of the Arts;
- (5) Order of the Day No. 15, resumption of debate on the motion moved by Mr O'Donohue relating to Government services; and
- (6) Order of the Day for the consideration of the Register of the Exercise of Delegated Powers, Discretions and Functions between the Minister for Planning and Departmental staff.

Question — put and agreed to.

9 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

10 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

11 PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009 — Mr Pakula (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

Mr Pakula 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.

The Council divided — The President in the Chair.

AYES, 34

NOES, 4

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Hartland

Mrs Coote

Mr Kavanagh (*Teller*)

Mr Dalla-Riva

Ms Pennicuik

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh (*Teller*)

Mr Elasmarr

Mr Guy

Mr Hall

Ms Huppert

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Mr Madden

Ms Mikakos

Mr Murphy

Mr O'Donohue

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Rich-Phillips

Mr Scheffer (*Teller*)

Mr Smith

Mr Somyurek

Mr Tee

Ms Tierney

Mr Viney

Question agreed to.

Bill read a second time.

By leave, the Bill, as amended by the Legislative Assembly on the recommendation of the Dispute Resolution Committee, 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.

Bill returned to the Assembly with a Message 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. 2, be postponed until the next day of meeting.

13 SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009 — Bill further considered in Committee of the whole.

The Committee reported that it had agreed to the Bill with amendments and had agreed to the following resolution:

That it be a suggestion to the Assembly that they make the following amendments in the Bill:

AMENDMENT NO 1

Clause 4, page 4, line 25, omit "order." and insert "order;".

AMENDMENT NO 2

Clause 4, page 4, after line 25 insert—

"**Victoria Legal Aid** means Victoria Legal Aid established under section 3 of the **Legal Aid Act 1978**".

AMENDMENT NO 3

Clause 18, after line 25 insert—

"(4) If the court is satisfied that the person who is subject of the application is incapable or otherwise unable to obtain legal representation at the hearing, the court may order Victoria Legal Aid to provide legal representation to the person, on any conditions specified by the court, and may adjourn the hearing of the application until that legal representation has been provided.

(5) Despite anything in the **Legal Aid Act 1978**, Victoria Legal Aid must provide legal representation in accordance with an order under subsection (4)."

On the motion of Mr Jennings, the Council adopted the report and resolution from the Committee of the whole.

Bill returned to the Assembly with a Message requesting their agreement with the amendments and suggesting that the Assembly amend the Bill as listed in the resolution.

Bill to be again considered in Committee of the whole on the next day of meeting.

14 LEGISLATION REFORM (REPEALS NO. 6) BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

15 RADIATION AMENDMENT BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

16 ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

17 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and certain responses to Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.32 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 170 — Wednesday, 26 May 2010

1 The President took the Chair and read the Prayer.

2 **PETITIONS —**

CALTEX SITE, BLACKBURN — Mr Atkinson presented a Petition bearing 208 signatures from certain citizens of Victoria requesting that the Government take immediate action to have the contaminated Caltex site at 22-24 Blackburn Road, Blackburn, cleaned up and remediated.

Ordered to lie on the Table.

* * * * *

PLANNING HEIGHT CONTROLS — Mr Atkinson presented a Petition bearing 46 signatures from certain citizens of Victoria requesting that the Government immediately re-establish height controls to provide planning certainty to the community.

Ordered to lie on the Table.

* * * * *

COMPUTER GAME CLASSIFICATION SYSTEM — Mr Atkinson presented a Petition bearing 436 signatures from certain citizens of Victoria requesting that the Government introduce a classification system that would prevent minors from seeing or playing games that are offensive or that include content that is dangerous or objectionable.

Ordered to lie on the Table.

* * * * *

NEIGHBOURHOOD WATCH CRIME STATISTICS — Mr Drum presented a Petition bearing 16 signatures from certain citizens of Victoria requesting that the Government reverse its changes to Neighbourhood Watch crime statistics, so that statistics continue to be available on a street-by-street basis and not only by postcode.

Ordered to lie on the Table.

* * * * *

ELTHAM TRAIN STABLING — Mrs Kronberg presented a Petition bearing 71 signatures from certain citizens of Victoria requesting that the Government immediately consult with the residents and members of the business community in Eltham to seek their views on the proposed expansion of train stabling at Eltham station.

Ordered to lie on the Table.

3 **PAPERS —**

ROAD SAFETY COMMITTEE — PEDESTRIAN SAFETY IN CAR PARKS — Mr Koch presented a Report from the Road Safety Committee on Pedestrian Safety in Car Parks (including Appendices and a Minority Report), together with Transcripts of Evidence.

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

Mr Koch moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2010-11 BUDGET ESTIMATES — PART ONE — Mr Dalla-Riva presented a Report from the Public Accounts and Estimates Committee on the 2010-11 Budget Estimates — Part One (including Appendices).

Ordered to lie on the Table and to be printed.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — SUSTAINABLE DEVELOPMENT OF AGRIBUSINESS — Ms Hartland presented a Report from the Outer Suburban/Interface Services and Development Committee on Sustainable Development of Agribusiness in Outer Suburban Melbourne (including Appendices), together with Transcripts of Evidence.

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

Ms Hartland moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION —

HEATWAVE JANUARY 2009: ASSESSMENT OF HEALTH IMPACTS — Mr Rich-Phillips presented a Report from the Standing Committee on Finance and Public Administration on the Department of Health's January 2009 Heatwave in Victoria: An Assessment of Health Impacts (including Appendices).

Ordered to lie on the Table and to be printed.

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

OMBUDSMAN'S REPORT ON BROOKLAND GREENS ESTATE — Mr Rich-Phillips presented a Report from the Standing Committee on Finance and Public Administration on the Ombudsman Victoria's October 2009 Report into Brookland Greens Estate — Investigations into Methane Leaks (including Appendices).

Ordered to lie on the Table and to be printed.

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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 Victoria — Report, 2009 (two papers).

Auditor-General's Reports on —

Community Building Initiative, May 2010.

Control of Invasive Plants and Animals in Victoria's Parks, May 2010.

Managing Teacher Performance in Government Schools, May 2010.

Partnering with the Community Sector in Human Services and Health, May 2010.

Tertiary Education and Other Entities: Results of the 2009 Audits, May 2010.

EastLink Project Act 2004 — EastLink Concession Deed, Second Amending Deed, 29 April 2010.

Ombudsman — Report on own motion investigation into Child Protection — out of home care, May 2010.

Statutory Rules under the following Acts of Parliament:

Marine Act 1988 — No. 27.

Road Safety Act 1986 — No. 28.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 28.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 GAMING MACHINE LICENCES ALLOCATION — Mr Hall moved, That this House requests the Auditor-General to inquire into the process employed by the Victorian Government to allocate gaming machine licences for the period 2012-2022 with particular regard to —

- (1) whether the auction process achieved the best financial outcome for Victorian taxpayers;
- (2) whether the auction process was well understood by participants and potential participants so as to maximise participation;
- (3) whether the training given to potential participants was adequate;
- (4) whether the auction system functioned in the way in which it was intended to;
- (5) whether matters relating to the auction process were made in a timely manner so as not to influence the level of participation, nor the outcome of the auction;
- (6) whether the costs of conducting the auction process, including the costs of software, consultancies and intellectual property, were appropriate and represented value for money for Victorian taxpayers;
- (7) whether the auction system disadvantaged any group or groups of participants; and
- (8) other matters that may be deemed relevant.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

6 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

7 GAMING MACHINE LICENCES ALLOCATION — Debate continued on the question, That this House requests the Auditor-General to inquire into the process employed by the Victorian Government to allocate gaming machine licences for the period 2012-2022 with particular regard to —

- (1) whether the auction process achieved the best financial outcome for Victorian taxpayers;
- (2) whether the auction process was well understood by participants and potential participants so as to maximise participation;
- (3) whether the training given to potential participants was adequate;
- (4) whether the auction system functioned in the way in which it was intended to;
- (5) whether matters relating to the auction process were made in a timely manner so as not to influence the level of participation, nor the outcome of the auction;
- (6) whether the costs of conducting the auction process, including the costs of software, consultancies and intellectual property, were appropriate and represented value for money for Victorian taxpayers;
- (7) whether the auction system disadvantaged any group or groups of participants; and
- (8) other matters that may be deemed relevant.

Question — put and agreed to.

8 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION OF DISPLAY AND SALE OF BONGS) BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 16	NOES, 20
Mr Atkinson	Mr Barber
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum	Ms Hartland (<i>Teller</i>)
Mr Finn (<i>Teller</i>)	Ms Huppert
Mr Guy	Mr Jennings
Mr Hall	Mr Leane
Mr Kavanagh (<i>Teller</i>)	Mr Madden
Mr Koch	Ms Mikakos
Mrs Kronberg	Mr Murphy
Ms Lovell	Mr Pakula
Mr O'Donohue	Ms Pennicuik

Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips

Ms Pulford
Mr Scheffer (*Teller*)
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney

Question negatived.

9 AMBULANCE SERVICES — Mr D.M. Davis moved, That this House expresses its serious concern at the operation of Ambulance Victoria and the failure of ambulance services to maintain an acceptable standard and response time and notes the worrying number of cases where lives have been put at risk by the mismanagement of both metropolitan and country ambulance services, and therefore —

- (1) calls on the Premier to fix the problems with Victorian ambulance services; and
- (2) requests the Auditor-General to examine the operation and management of Ambulance Victoria.

Debate ensued.

On the motion of Mrs Petrovich, the debate was adjourned until the next day of meeting.

10 VICTORIAN COLLEGE OF THE ARTS FUNDING — Mr Atkinson moved, That this House —

- (1) notes the Minister for the Arts confirmed to the Public Accounts and Estimates Committee at a public hearing on 18 May 2010 that the Victorian Government would not offer funding support to the Victorian College of the Arts (VCA) to ensure its long term future as one of Victoria's pre-eminent arts institutions;
- (2) notes that the Minister and the Victorian Government have ignored the concerns of this House expressed in a resolution on 16 September 2009, supported by all Members, in regard to the continuation of the VCA's specialist performing arts degree courses and practical training educational model;
- (3) recognises that additional funding support is required to support the VCA to maintain its educational model for performing arts students and that the Minister's view that any additional funding should exclusively be provided by the Federal Government ignores the significant contribution the VCA has made and continues to make to the Victorian economy and the performing arts; and
- (4) is dismayed that the Minister and the Victorian Government have effectively abandoned the VCA and therefore calls on the Minister to change his position in regard to further funding support and to match a commitment by the Leader of the Opposition to provide up to \$6 million in funding for the VCA to ensure it continues to offer the highest possible quality education and training for the performing arts.

Debate ensued.

Question — put and agreed to.

Business having been interrupted at 9.59 p.m. pursuant to Standing Orders —

11 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Sessional Orders.

And then the Council, at 10.32 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 171 — Thursday, 27 May 2010

- 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:
 - National Parks Act 1975 — Minister's notice of 20 May 2010 of consent to explore for petroleum in the Bay of Islands Coastal Park.
 - Parliamentary Committees Act 2003 — Government Response to the Road Safety Committee's Report on the Process of Development, Adoption and Implementation of Australian Design Rules.
- 3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 4 **STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.
- 6 **ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.
 - Question — put and agreed to.
 - Bill read a second time and, by leave, read a third time and passed.
 - Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
 - Business having been interrupted at 12 noon pursuant to Sessional Orders —*
- 7 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 8 **THERAPEUTIC GOODS (VICTORIA) BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.
 - Question — put and agreed to.
 - Bill read a second time and, by leave, read a third time and passed.
 - Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 9 **FAIR TRADING AMENDMENT (UNFAIR CONTRACT TERMS) BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.
 - Question — put and agreed to.
 - Bill read a second time and, by leave, read a third time and passed.
 - Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 10 **CHILD EMPLOYMENT AMENDMENT BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.
 - Question — put and agreed to.
 - Bill read a second time and committed to a Committee of the whole.
 - House in Committee.
 - Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.
 - Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 11 **HEALTH AND HUMAN SERVICES LEGISLATION AMENDMENT BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.
 - Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 12 EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 13 PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL 2010** — The President ruled the Bill to be a Private Bill.

On the motion of Mr Lenders, this Bill was ordered to be dealt with as a Public Bill.

Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 14 BUILDING AMENDMENT BILL 2010** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Building Act 1993 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Guy), the debate was adjourned for one week.

- 15 PARKS AND CROWN LAND LEGISLATION (MOUNT BUFFALO) BILL 2010** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Crown Land (Reserves) Act 1978 and the National Parks Act 1975, to revoke certain permanent reservations, to make minor amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr D.M. Davis), the debate was adjourned for one week.

- 16 STATE TAXATION ACTS AMENDMENT BILL 2010** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 2005, the Payroll Tax Act 2007 and the Taxation Administration Act 1997 and to repeal the Business Franchise (Tobacco) Act 1974, the Debts Tax Act 1990 and the Financial Institutions Duty Act 1982 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Rich-Phillips), the debate was adjourned for one week.

- 17 TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — The President read a Message from the Assembly presenting *A Bill for an Act to continue the establishment of an integrated and sustainable transport system in Victoria by amending the Transport Integration Act 2010 and the Port Services Act 1995 to provide for the Port of Melbourne Corporation and the Victorian Regional Channels Authority to continue under the Transport Integration Act 2010 and for the abolition of the Port of Hastings Corporation and for the Port of Melbourne Corporation to be the successor in law of the Port of Hastings Corporation and to make other amendments to the Transport Integration Act 2010 and to amend certain other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.

- 18 EDUCATION AND TRAINING REFORM AMENDMENT BILL 2009** — The President read a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.

- 19 WATER AMENDMENT (ENTITLEMENTS) BILL 2009** — The President read a Message from the Assembly acquainting the Council that they had agreed to the amendment made by the Council in this Bill.

- 20 JUSTICE LEGISLATION AMENDMENT BILL 2010** — The President read a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.

- 21 SITTING OF THE COUNCIL** — Mr Madden moved, That the Council, at its rising, adjourn until Tuesday, 8 June 2010.

Question — put and agreed to.

- 22 ADJOURNMENT** — Mr Madden moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 6.16 p.m., adjourned until Tuesday, 8 June 2010.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 169, 170 and 171

Tuesday, 25 May 2010

1 SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009

Progress having been reported on 25 March 2010 —

Clause 4 — Debate resumed.

Ms Hartland circulated amendments in substitution for amendments previously circulated.

Ms Hartland moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

1. Clause 4, page 4, line 25, omit "order." and insert "order;".

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh (<i>Teller</i>)
Mr Dalla-Riva (<i>Teller</i>)	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings
Mr Drum (<i>Teller</i>)	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland	Mr Murphy
Mr Kavanagh	Ms Pulford
Mr Koch	Mr Scheffer (<i>Teller</i>)
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue	Mr Tee
Ms Pennicuik	Ms Tierney
Mrs Petrovich	Mr Viney
Mrs Peulich	
Mr Rich-Phillips	

Question agreed to.

Ms Hartland moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

2. Clause 4, page 4, after line 25 insert—

"Victoria Legal Aid means Victoria Legal Aid established under section 3 of the **Legal Aid Act 1978**."

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put and agreed to.

Consideration of clause postponed.

Clauses 5 to 11 — put and agreed to.

Clause 12 — Ms Hartland moved —

1. Clause 12, page 11, line 3, after "person" insert "and must record in the clinical notes of the examination what steps were taken to give that explanation to the person".

Question — That the amendment be agreed to — put and agreed to.

Clause 12, as amended — put and agreed to.

Clauses 13 to 17 — put and agreed to.

Clause 18 — Ms Hartland moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill —

3. Clause 18, after line 25 insert—

"(4) If the court is satisfied that the person who is subject of the application is incapable or otherwise unable to obtain legal representation at the hearing, the court may order Victoria Legal Aid to provide legal representation to the person, on any conditions specified by the court, and may adjourn the hearing of the application until that legal representation has been provided.

- (5) Despite anything in the **Legal Aid Act 1978**, Victoria Legal Aid must provide legal representation in accordance with an order under subsection (4)."

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put and agreed to.

Consideration of clause postponed.

Clauses 19 to 21 — put and agreed to.

Clause 22 — Ms Hartland moved —

2. Clause 22, page 20, lines 1 to 4, omit subclause (4) and insert—

"(4) An application for the revocation of the order must be on the ground that—

- (a) one or more of the criteria for detention and treatment no longer applies to the person; or
- (b) the order for the detention and treatment order is no longer necessary having regard to all other relevant matters."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)

Ms Hartland

Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson

Ms Broad

Mrs Coote

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Finn

Mr Guy

Mr Hall

Ms Huppert

Mr Jennings

Mr Kavanagh

Mr Koch (*Teller*)

Mrs Kronberg

Mr Leane

Mr Lenders (*Teller*)

Ms Lovell

Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney

Amendment negated.

Ms Hartland moved —

3. Clause 22, page 20, lines 30 to 35, omit subclause (8).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)
 Ms Hartland
 Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum (*Teller*)
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane (*Teller*)
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek

Mr Tee
Ms Tierney
Mr Viney

Amendment negated.
Clause 22 — put and agreed to.

Clauses 23 to 49 — put and agreed to.

New Clause — Ms Hartland moved —

4. Insert the following New Clause to follow clause 40—

"41 Review

- (1) The Minister must ensure that a review of this Act is completed by 1 March 2015.
(2) The purpose of the review is to determine—
(a) whether the objectives of this Act are being achieved and are still appropriate; and
(b) whether the Act is effective or needs to be amended.
(3) The Minister must make a report of the review, including the response of the Government to the review, available to the public within 3 months after the expiry of the period specified in subsection (1)."

Question — That the New clause stand part of the Bill — put and agreed to.

Progress reported.

Thursday, 27 May 2010

1 CHILD EMPLOYMENT AMENDMENT BILL 2010

Clauses 1 to 38 — put and agreed to.

Bill reported without amendment.

2 EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2010

Clauses 1 to 4 — put and agreed to.

Clause 5 — Question — That Clause 5 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 34	NOES, 4
Mr Atkinson	Mr Barber
Ms Broad (<i>Teller</i>)	Ms Hartland (<i>Teller</i>)
Mr Dalla-Riva	Mr Kavanagh (<i>Teller</i>)
Ms Darveniza	Ms Pennicuik
Mr D.M. Davis	
Mr P.R. Davis	
Mr Drum	
Mr Eideh	
Mr Elasmr	
Mr Finn	
Mr Guy	
Mr Hall (<i>Teller</i>)	
Ms Huppert	
Mr Jennings	
Mr Koch	
Mrs Kronberg	
Mr Leane	

Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney

Question agreed to.

Clauses 6 to 15 — put and agreed to.

Clause 16 — Question — That Clause 16 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35

Mr Atkinson
 Ms Broad
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall (*Teller*)
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos (*Teller*)
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek

NOES, 3

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

Mr Tee
Ms Tierney
Mr Viney

Question agreed to.

Clauses 17 to 27 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 172, 173 and 174

No. 172 — Tuesday, 8 June 2010

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had —

On 1 June 2010 given the Royal Assent to the following Acts presented to him by the Clerk of the Legislative Council:

Environment Protection Amendment (Landfill Levies) Act 2010

Fair Trading Amendment (Unfair Contract Terms) Act 2010

Legislation Reform (Repeals No. 6) Act 2010

Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Act 2010

Radiation Amendment Act 2010

Therapeutic Goods (Victoria) Act 2010.

On 8 June 2010 given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

Child Employment Amendment Act 2010

Education and Training Reform Amendment Act 2010

Education and Training Reform Further Amendment Act 2010

Health and Human Services Legislation Amendment Act 2010

Justice Legislation Amendment Act 2010

Prahran Mechanics' Institute Amendment Act 2010

Water Amendment (Entitlements) Act 2010.

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 4 **PETITIONS** —

COMPUTER GAME CLASSIFICATION SYSTEM — Mr Atkinson presented a Petition bearing 43 signatures from certain citizens of Victoria requesting that the Government introduce a classification system that would prevent minors from seeing or playing games that are offensive or that include content that is dangerous or objectionable.

Ordered to lie on the Table.

* * * * *

CALTEX SITE, BLACKBURN — Mr Atkinson presented a Petition bearing 830 signatures from certain citizens of Victoria requesting that the Government take immediate action to have the contaminated Caltex site at 22-24 Blackburn Road, Blackburn, cleaned up and remediated.

Ordered to lie on the Table.

5 PAPERS —

SELECT COMMITTEE ON TRAIN SERVICES — Mr Atkinson presented an Interim Report from the Select Committee on Train Services (including Appendices, Extracts from the Proceedings of the Committee and Minority Reports), together with Transcripts of Evidence.

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

Mr Atkinson moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

DRUGS AND CRIME PREVENTION COMMITTEE — PEOPLE TRAFFICKING FOR SEX WORK — Ms Mikakos presented a Report from the Drugs and Crime Prevention Committee on People Trafficking for Sex Work (including Appendices), together with Transcripts of Evidence.

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

Ms Mikakos moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 8 of 2010 (including Appendices), from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

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

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 18.

Melbourne City Link Act 1995 —

M1 Corridor Redevelopment Deed Third Amending Deed, 24 May 2010, pursuant to section 15(2) of the Act.

Melbourne City Link Twenty-eighth Amending Deed, 24 May 2010, pursuant to section 15(2) of the Act.

Parliamentary Committees Act 2003 — Government Response to the Outer Suburban/Interface Services and Development Committee's Report on the Impact of the State Government's Decision to Change the Urban Growth Boundary.

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

Bayside Planning Scheme — Amendment C104.

Boroondara Planning Scheme — Amendment C106.

Brimbank Planning Scheme — Amendment C86.

Campaspe Planning Scheme — Amendment C74.

East Gippsland Planning Scheme — Amendment C76.

Golden Plains Planning Scheme — Amendment C54.

Greater Bendigo Planning Scheme — Amendments C125, C140 and C142.

Greater Geelong Planning Scheme — Amendments C206, C207 and C211.

Indigo Planning Scheme — Amendment C21.

Knox Planning Scheme — Amendment C83.

Manningham Planning Scheme — Amendment C87.

Maroondah Planning Scheme — Amendment C68.

Mitchell Planning Scheme — Amendment C66.

Moorabool Planning Scheme — Amendment C55.

Stonnington Planning Scheme — Amendment C137.

West Wimmera Planning Scheme — Amendment C20.

Yarra Planning Scheme — Amendment C135.

Statutory Rules under the following Acts of Parliament:

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — No. 29.

Building Act 1993 — No. 32.

Forests Act 1958 — No. 30.

Road Safety Act 1986 — No. 33.

Transport Accident Act 1986 — No. 31.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 27, 29, 32 and 33.

6 PRODUCTION OF DOCUMENTS — VARIOUS DOCUMENTS AND APPOINTMENT OF INDEPENDENT LEGAL ARBITER — The Clerk laid on the Table a letter from the Attorney-General dated 31 May 2010 in response to resolutions of the Council seeking the production of documents and the appointment of a independent legal arbiter —

- referring to the Government's process for assessing documents for potential Executive privilege and advising that the Council has no power to order the production of privileged documents to any Council appointed official or anyone else;
- confirming the Government's claim of Executive privilege previously made in relation to various documents;
- advising that the Government is continuing to prepare its response to the Crown Casino, Water Projects and Desalination Plant, Government Advertising, Brown Coal and Health Services Integrated Performance Reports orders; and
- confirming that the Government does not hold any documents that are relevant to the Health Bodies Financial and Audit Committees order.

On the motion of Mr D.M. Davis, the letter was ordered to be taken into consideration on the next day of meeting.

7 STANDING ORDERS COMMITTEE — Mr Viney moved, by leave, That the Standing Orders Committee be required to review the Standing Orders and make recommendations for new and/or amended Standing Orders.

Debate ensued.

Question — put and agreed to.

8 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 9 June 2010:

- (1) the Notice of Motion given this day by Mr D.M. Davis, seeking the production of certain documents relating to a review of Ambulance Victoria;
- (2) Notice of Motion No. 77, standing in the name of Ms Pennicuik, relating to a civilian-managed body to investigate police shootings and complaints against police;
- (3) the Order of the Day No. 16, resumption of debate on the motion moved by Mr D.M. Davis relating to ambulance services; and
- (4) Notice of Motion No. 64, standing in the name of Mr Vogels, relating to the smart meters project.

Question — put and agreed to.

9 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

10 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

11 BUDGET PAPERS, 2010-11 — Mr Lenders moved, That the Council take note of the Budget Papers, 2010-11.

Debate ensued.

On the motion of Ms Pulford, the debate was adjourned until later this day.

12 COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Tee.

13 ADJOURNMENT — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and certain responses to Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.30 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 173 — Wednesday, 9 June 2010

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

ELTHAM TRAIN STABLING — Mrs Kronberg presented a Petition bearing 32 signatures from certain citizens of Victoria requesting that the Government immediately consult with the residents and members of the business community in Eltham to seek their views on the proposed expansion of train stabling at Eltham station.

Ordered to lie on the Table.

* * * * *

SMART METERS — Mrs Kronberg presented a Petition bearing 26 signatures from certain citizens of Victoria requesting that the Government immediately freeze the roll out of smart meters across Victoria until it can be independently demonstrated that consumers will not be forced to pay for the Brumby Government's mismanagement of the smart meter project.

Ordered to lie on the Table.

3 **PAPERS** —

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2010-11 BUDGET ESTIMATES (PART TWO) — Ms Huppert presented a Report from the Public Accounts and Estimates Committee on the 2010-11 Budget Estimates (Part Two) (including Appendices).

Ordered to lie on the Table and to be printed.

Ms Huppert moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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 Administration of the Victorian Certificate of Education, June 2010.

Report on Hazardous Waste Management, June 2010.

Report on Irrigation Efficiency Programs, June 2010.

Report on Personal Safety and Security on the Metropolitan Train System, June 2010.

Planning and Environment Act 1987 — Amendment VC67 to the Victoria Planning Provisions.

Statutory Rules under the following Acts of Parliament:

Chattel Securities Act 1987 — No. 36.

Road Safety Act 1986 — No. 35.

Transfer of Land Act 1958 — No. 34.

Subordinate Legislation Act 1994 — Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 34, 35 and 36.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 PRODUCTION OF DOCUMENTS — AMBULANCE VICTORIA FINANCES — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 4.00 pm on Tuesday, 22 June 2010 a copy of all documents, including the final Report, relating to the review commissioned by the Department of Health or other Government agencies into the finances of Ambulance Victoria twelve months after the merger of Metropolitan Ambulance Victoria and Rural Ambulance Victoria.

Debate ensued.

Question — put and agreed to.

6 BUSINESS POSTPONED — Ordered — That the consideration of Notice of Motion, General Business, No. 77, be postponed for one week.

7 AMBULANCE SERVICES — Debate resumed on the question, That this House expresses its serious concern at the operation of Ambulance Victoria and the failure of ambulance services to maintain an acceptable standard and response time and notes the worrying number of cases where lives have been put at risk by the mismanagement of both metropolitan and country ambulance services, and therefore —

- (1) calls on the Premier to fix the problems with Victorian ambulance services; and
- (2) requests the Auditor-General to examine the operation and management of Ambulance Victoria.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

8 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

9 AMBULANCE SERVICES — Debate continued on the question, That this House expresses its serious concern at the operation of Ambulance Victoria and the failure of ambulance services to maintain an acceptable standard and response time and notes the worrying number of cases where lives have been put at risk by the mismanagement of both metropolitan and country ambulance services, and therefore —

- (1) calls on the Premier to fix the problems with Victorian ambulance services; and
- (2) requests the Auditor-General to examine the operation and management of Ambulance Victoria.

Mr Tee moved, as an amendment, That all the words and expressions “expresses its serious concern at the operation of Ambulance Victoria and the failure of ambulance services to maintain an acceptable standard and response time and notes the worrying number of cases where lives have been put at risk by the mismanagement of both metropolitan and country ambulance services, and therefore —

- (1) calls on the Premier to fix the problems with Victorian ambulance services; and
- (2)” be omitted.

Debate ensued.

Question — That the amendment moved by Mr Tee be agreed to — put and agreed to.

Question — That this House requests the Auditor-General to examine the operation and management of Ambulance Victoria — put and agreed to.

10 ELECTRICITY SMART METERS — Mr Vogels moved, That this House —

- (1) notes the Brumby Government's gross mismanagement of the smart meters project, and in particular —
 - (a) the Auditor-General's finding that the project cost has blown out from \$800 million to around \$2.25 billion, all of which will be paid for by electricity consumers in higher bills;

- (b) the Auditor-General's finding that, as a result of the Government's poor judgment, the electricity industry may benefit from smart meters at the expense of the consumers who pay for them;
 - (c) the harsh impact on farmers and others who are forced to pay multiple smart meter charges where a property has more than one meter, even where a meter may be used for only a few days a year;
 - (d) the unfairness felt by many consumers and small businesses at having to pay for smart meters before they are installed and functional; and
 - (e) the impact of the Government's smart meter cost blow out falling disproportionately on lower income households, families with young children, pensioners and others with limited discretion over energy use;
- (2) condemns the Brumby Government for its failure to safeguard the interests of consumers in the design and implementation of the smart meter program;
 - (3) condemns the Brumby Government for misleading Victorians over the true cost and functionality of its smart meters; and
 - (4) calls on the Brumby Government to immediately freeze the roll out of the smart meter program until a full and independent cost-benefit analysis can be undertaken to ensure that consumers will not be worse off as a result.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Hartland
 Mr Kavanagh (*Teller*)
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels (*Teller*)

NOES, 19

Ms Broad (*Teller*)
 Ms Darveniza
 Mr Eideh
 Mr Elasmarr
 Ms Huppert
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Murphy (*Teller*)
 Mr Pakula
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney

Question agreed to.

11 BUSINESS POSTPONED —

Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until later this day.

Ordered — That the consideration of the Notices of Motion, Government Business, and Order of the Day, Government Business, No.1, be postponed until later this day.

12 COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 13 BUDGET PAPERS, 2010-11** — Debate resumed on the question, That the Council take note of the Budget Papers, 2010-11.

Business having been interrupted at 9.59 p.m. pursuant to Standing Orders —

- 14 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.31 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 174 — Thursday, 10 June 2010

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

- 2 PETITIONS** —

SMART METERS — Ms Lovell presented a Petition bearing 8 signatures from certain citizens of Victoria requesting that the Government immediately freeze the roll out of smart meters across Victoria until it can be independently demonstrated that consumers will not be forced to pay for the Brumby Government's mismanagement of the smart meter project.

Ordered to lie on the Table.

* * * * *

WALLAN-KILMORE BYPASS — Mrs Petrovich presented a Petition bearing 405 signatures from certain citizens of Victoria requesting that the Minister for Roads and Ports immediately abolishes the 'Link' road planned in the Kilmore township and the Northern Highway duplication and commences planning for a bypass of Wallan and Kilmore to remove traffic from these towns.

Ordered to lie on the Table.

- 3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 4 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 5 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Order of the Day, Government Business, No.1, be postponed until later this day.

- 6 BUILDING AMENDMENT BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 7 PARKS AND CROWN LAND LEGISLATION (MOUNT BUFFALO) BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 9 PARKS AND CROWN LAND LEGISLATION (MOUNT BUFFALO) BILL 2010** — Debate continued on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 10 STATE TAXATION ACTS AMENDMENT BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 11 TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.
On the motion of Ms Pennicuik, the debate was adjourned until the next day of meeting.
- 12 APPROPRIATION (2010/2011) BILL 2010** — The Acting President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2010/2011 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Lenders, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.
Mr Lenders moved, That the Bill be now read a second time.
On the motion of Mr Scheffer, the debate was adjourned until later this day.
- 13 COGNATE DEBATE** — Mr Lenders moved, by leave, That this House authorises the President to permit the second reading debate on the Appropriation (2010/2011) Bill 2010 to be taken concurrently with further debate on the motion to take note of the Budget Papers, 2010-11.
Question — put and agreed to.
- 14 APPROPRIATION (2010/2011) BILL 2010** — Debate resumed on the question, That the Bill be now read a second time [the **Budget Papers, 2010-11** having been authorised to be debated concurrently pursuant to an Order of the Council on 10 June 2010].
On the motion of Ms Lovell, the debate was adjourned for one week.
- 15 APPROPRIATION (PARLIAMENT 2010/2011) BILL 2010** — The President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2010/2011 and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Madden (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Mr Madden, the second reading speech was incorporated into Hansard.
Mr Madden moved, That the Bill be now read a second time.
On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

16 PHARMACY REGULATION BILL 2010 — The President read a Message from the Assembly presenting *A Bill for an Act to regulate the ownership and operation of pharmacy businesses, pharmacy departments and pharmacy depots, to establish the Victorian Pharmacy Authority, and to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr D.M. Davis), the debate was adjourned for one week.

17 SUPERANNUATION LEGISLATION AMENDMENT BILL 2010 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Attorney-General and Solicitor-General Act 1972, the Constitution Act 1975, the County Court Act 1958, the Emergency Services Superannuation Act 1986, the Magistrates' Court Act 1989, the Parliamentary Salaries and Superannuation Act 1968, the Police Regulation Act 1958, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988, the Superannuation (Portability) Act 1989, the Supreme Court Act 1986 and the Transport Superannuation Act 1988 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Madden laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

18 SITTING OF THE COUNCIL — Mr Madden moved, That the Council, at its rising, adjourn until Tuesday, 22 June 2010.

Question — put and agreed to.

19 ADJOURNMENT — Mr Madden moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 6.29 p.m., adjourned until Tuesday, 22 June 2010.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 172, 173 and 174

Wednesday, 9 June 2010

1 COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010

Clauses 1 to 23 — put and agreed to.

Clause 24 — Mr Rich-Phillips moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

1. Clause 24, page 16, lines 28 to 30, omit "for the period, not exceeding 5 years, specified in his or her instrument of appointment".

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn
Mr Guy
Mr Kavanagh
Mr Koch
Mrs Kronberg
Ms Lovell
Mr O'Donohue
Mrs Petrovich (*Teller*)
Mrs Peulich
Mr Rich-Phillips
Mr Vogels (*Teller*)

NOES 21

Mr Barber
Ms Broad
Ms Darveniza (*Teller*)
Mr Eideh
Mr Elasmarr
Ms Hartland
Ms Huppert
Mr Jennings
Mr Leane (*Teller*)
Mr Madden
Ms Mikakos
Mr Murphy
Mr Pakula
Ms Pennicuik
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney

Question negatived.

Mr Rich-Phillips moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

6. Clause 24, page 19, lines 1 to 35, and page 20, lines 1 to 29, omit all words and expressions on these lines and insert—

"113I Cessation of office

A judicial registrar ceases to hold office only—

- (a) if he or she resigns in accordance with section 113H; or
- (b) if he or she is removed from office by the Governor in Council in accordance with Part IIIAA of the **Constitution Act 1975**; or
- (c) if his or her office is abolished by or under an Act; or
- (d) if he or she is not capable of continuing in office because of section 113F(3)."

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn (*Teller*)
Mr Guy
Mr Kavanagh
Mr Koch
Mrs Kronberg (*Teller*)
Ms Lovell
Mr O'Donohue
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

NOES 21

Mr Barber
Ms Broad
Ms Darveniza
Mr Eideh (*Teller*)
Mr Elasmar
Ms Hartland
Ms Huppert (*Teller*)
Mr Jennings
Mr Leane
Mr Madden
Ms Mikakos
Mr Murphy
Mr Pakula
Ms Pennicuik
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney

Question negatived.

Clause 24 — put and agreed to.

Clauses 25 to 52 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 175, 176 and 177

No. 175 — Tuesday, 22 June 2010

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor informing the Council that she had on 15 June 2010 given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

Building Amendment Act 2010

Courts Legislation Miscellaneous Amendments Act 2010

Parks and Crown Land Legislation (Mount Buffalo) Act 2010

State Taxation Acts Amendment Act 2010.

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 4 **PETITIONS** —

COMMUNITY SECTOR IMPROVED CONDITIONS — Ms Broad presented a Petition bearing 1,937 signatures from certain citizens of Victoria requesting that the State Government immediately invest in improved conditions for community sector workers including better wages, portability of long service leave, paid parental leave and safer workplaces.

Ordered to lie on the Table.

* * * * *

COMMUNITY SECTOR PAY INCREASE — Ms Broad presented a Petition bearing 514 signatures from certain citizens of Victoria requesting that the State Government support the community sector by committing to properly fund a pay increase for community sector workers.

Ordered to lie on the Table.

* * * * *

NEIGHBOURHOOD WATCH CRIME STATISTICS — Mr O'Donohue presented a Petition bearing 123 signatures from certain citizens of Victoria requesting that the Government reverse its changes to Neighbourhood Watch crime statistics, so that statistics continue to be available on a street-by-street basis and not only by postcode.

Ordered to lie on the Table.

* * * * *

ELTHAM TRAIN STABLING — Mrs Kronberg presented a Petition bearing 227 signatures from certain citizens of Victoria requesting that the Government immediately consult with the residents and members of the business community in Eltham to seek their views on the proposed expansion of train stabling at Eltham station.

Ordered to lie on the Table.

5 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 9 of 2010 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

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

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 26.

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

Baw Baw Planning Scheme — Amendment C75.

Greater Geelong Planning Scheme — Amendment C226.

Melbourne Planning Scheme — Amendment C122.

Murrindindi Planning Scheme — Amendment C23.

Surf Coast Planning Scheme — Amendment C37.

Statutory Rules under the following Acts of Parliament:

Conservation, Forests and Lands Act 1987 — No. 37.

Subordinate Legislation Act 1994 — No. 38.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 38.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 37.

Water Act 1989 —

Campaspe Deep Lead Water Supply Protection Area Abolition Order 2010.

Lower Campaspe Valley Water Supply Protection Area Declaration Order 2010.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

Livestock Disease Control Act 1994 — Section 92(2) — 1 July 2010 (*Gazette No. G24, 17 June 2010*).

Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Act 2010 — Part 1 and sections 3, 4 and 5 — 8 June 2010 (*Gazette No. S212, 8 June 2010*).

State Taxation Acts Further Amendment Act 2008 — Section 11(3) and Division 3 of Part 4 — 1 July 2010 (*Gazette No. G24, 17 June 2010*).

Transport Legislation Amendment (Compliance, Enforcement and Regulation) Act 2010 — Sections 39, 72, 73 and 74 — 11 June 2010; Sections 4 to 13, Division 2 of Part 2, the remaining provisions of Division 1 of Part 3 and sections 75, 76 and 80 — 30 June 2010; remaining provisions of Part 4 — 1 July 2010; Division 3 of Part 5 and Part 7 — 31 December 2010 (*Gazette No. G23, 10 June 2010*).

6 PRODUCTION OF DOCUMENTS — AMBULANCE VICTORIA — The Clerk laid on the Table a letter from the Attorney-General dated 15 June 2010 in response to the resolution of the Council of 9 June 2010 seeking the production of documents —

- referring to the Government's process for assessing documents for potential Executive privilege;
- advising that the Government is still in the process of compiling and reviewing the documents; and
- indicating that the Government would respond to the Council's resolution as soon as possible.

7 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 23 June 2010:

- (1) Notice of Motion No. 87, standing in the name of Mr D.M. Davis, relating to Department of Human Services documents;

- (2) the Notice of Motion given this day by Mr D.M. Davis, relating to 'Smart Meters' documents;
- (3) Notice of Motion No. 83, standing in the name of Ms Pennicuik, relating to a reference to the Law Reform Committee on donor-conceived people;
- (4) Notice of Motion No. 76, standing in the name of Mr Hall, relating to the disallowance of certain Bulk Water Entitlements;
- (5) the Notice of Motion given this day by Mr Barber, relating to the referral of Planning Scheme Amendment VC67 to a Select Committee;
- (6) Order of the Day No. 7, resumption of debate on the motion moved by Mr Dalla-Riva, relating to Office of Police Integrity documents; and
- (7) Notice of Motion No. 74, standing in the name of Mr Dalla-Riva, relating to Victoria's infrastructure.

Question — put and agreed to.

- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 1 to 5 inclusive and 7 to 9 inclusive, be postponed until the next day of meeting.
- 10 VICTORIA PLANNING PROVISIONS AMENDMENT VC67** — Mr Madden moved, That pursuant to section 46AH of the *Planning and Environment Act 1987*, Amendment VC67 to the Victoria Planning Provisions be ratified.

Debate ensued.

Mr Guy moved, as an amendment, That all the words and expressions after "That" be omitted with the view of inserting in their place "pursuant to section 46AH of the *Planning and Environment Act 1987*, Amendment VC67 to the Victoria Planning Provisions tabled in this House on 10 June 2010 be ratified, excluding Clause 12 dealing with Metropolitan Planning and Schedule 6 to the Public Acquisition Overlay for the Whittlesea Planning Scheme (section 6(2), maps 5, 11, 12 and 17 of the incorporated documents).".

Debate ensued.

On the motion of Mr Guy, the debate was adjourned until the next day of meeting.

- 11 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until the next day of meeting.
- 12 TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — The Order of the Day having been read for the resumption of the debate on the question, That the Bill be now read a second time —

On the motion of Mr Viney, the debate was adjourned until later this day.

[Sitting suspended from 4.17 p.m. until 4.24 p.m.]

- 13 TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 19
Ms Broad	Mr Barber
Ms Darveniza	Mrs Coote
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Ms Huppert (<i>Teller</i>)	Mr P.R. Davis
Mr Jennings	Mr Drum
Mr Kavanagh	Mr Finn
Mr Leane	Mr Guy
Mr Madden	Mr Hall (<i>Teller</i>)
Ms Mikakos	Ms Hartland

Mr Murphy	Mr Koch
Mr Pakula	Mrs Kronberg
Ms Pulford	Ms Lovell (<i>Teller</i>)
Mr Scheffer (<i>Teller</i>)	Mr O'Donohue
Mr Smith	Ms Pennicuik
Mr Somyurek	Mrs Petrovich
Mr Tee	Mrs Peulich
Ms Tierney	Mr Rich-Phillips
Mr Viney	Mr Vogels

The Ayes and Noes being equal, the question was negatived.

Bill returned to the Assembly with a Message acquainting them that the Council have rejected the Bill.

14 BUSINESS POSTPONED — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 to 5 inclusive, be postponed until later this day.

15 PHARMACY REGULATION BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

16 SUPERANNUATION LEGISLATION AMENDMENT BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

17 APPROPRIATION (PARLIAMENT 2010/2011) BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

18 APPROPRIATION (2010/2011) BILL 2010 — Debate resumed on the question, That the Bill be now read a second time [the **Budget Papers, 2010-11** having been authorised to be debated concurrently pursuant to an Order of the Council on 10 June 2010]—

Business having been interrupted at 9.59 p.m. pursuant to Standing Orders —

19 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and certain responses to Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.45 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 176 — Wednesday, 23 June 2010

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — SOCIAL HOUSING, ASHWOOD** — Mr D.M. Davis presented a Petition bearing 1,016 signatures from certain citizens of Victoria requesting that the State Government halt all further works on the proposed seven storey social housing tower in Ashwood until further consultation takes place.
- Ordered to lie on the Table.

- 3 **PAPERS —**
STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION — VICTORIAN BUSHFIRE RECONSTRUCTION AND RECOVERY AUTHORITY — Mr Rich-Phillips presented a Report from the Standing Committee on Finance and Public Administration on the Victorian Bushfire Reconstruction and Recovery Authority's performance (including Appendices).
- Ordered to lie on the Table and the Report to be printed.
- Mr Rich-Phillips moved, That the Council take note of the Report.
- Debate ensued.
- Question — put and agreed to.

* * * * *

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 reports on —

Access to Social Housing, June 2010.

Management of Major Rail Projects, June 2010.

Managing the Requirements for Disclosing Private Sector Contracts, June 2010.

Ombudsman — Report on Investigation into the probity of the Kew Residential Services and St Kilda Triangle developments, June 2010.

- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 **PRODUCTION OF DOCUMENTS — CHILD PROTECTION LEGAL ADVICE** — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 28 July 2010 a copy of the legal advice to the Minister and/or the Department of Human Services regarding fulfilling statutory responsibilities in relation to Best Interest Case Plans for Children in Child Protection which was repeatedly referred to by the Minister for Community Services in the Public Accounts and Estimates Committee hearing on 19 May 2010.
- Debate ensued.
- Question — put and agreed to.

- 6 **PRODUCTION OF DOCUMENTS — SMART METERS PROJECT** — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on Tuesday, 27 July 2010 the following documents relating to the Brumby Labor Government's Advanced Metering Infrastructure project, also known as the 'Smart Meters' project:
- all documents relating to all cost-benefit analyses of the project;
 - all correspondence and instructions, direction, guidelines and similar documents provided to, or received from, the party or parties undertaking any cost-benefit analyses;
 - all correspondence to or from the Minister for Energy and Resources, his department or agencies, and Victoria's electricity distribution businesses concerning smart meters;
 - all documents relating to the operation of time of use pricing and smart meters, including the Government's decision to impose a moratorium on the operation of time of use pricing and the Government's subsequent decision to determine that time of use processing will not be mandatory; and

- (e) all documents relating to any proposed communications, education or public awareness campaigns concerning smart meters, including financial documents and invoices.

Debate ensued.

Question — put and agreed to.

7 LAW REFORM COMMITTEE — DONOR-CONCEIVED PERSONS — Ms Pennicuik moved, That this House requires the Law Reform Committee to inquire into, consider, and provide an interim report by September 2010 and a final report by 2011 on —

- (a) the legal, practical and other issues that would arise if all donor-conceived people were given access to identifying information about their donors and their donor-conceived siblings, regardless of the date that the donation was made;
- (b) the relevance of a donor's consent or otherwise to the release of identifying information and the National Health and Medical Research Council's *Ethical guidelines on the use of Assisted Reproductive Technology in clinical practice and research*;
- (c) any practical difficulties in releasing information about donors who provided their gametes before 1 July 1988, because in many cases records are not available either because the procedure was carried out privately or records were not stored centrally;
- (d) the options for implementing any changes to the current arrangements, including non-legislative options;
- (e) the impact that any such changes may have on the donor, the donor-conceived person and future donor programs;
- (f) the impacts of the transfer of the donor registers currently held by the Infertility Treatment Authority to the Registrar of Births, Deaths and Marriages; and
- (g) the possible implications under the Charter of Human Rights and Responsibilities Act 2006.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

8 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

9 LAW REFORM COMMITTEE — DONOR-CONCEIVED PERSONS — Debate continued on the question, That this House requires the Law Reform Committee to inquire into, consider, and provide an interim report by September 2010 and a final report by 2011 on —

- (a) the legal, practical and other issues that would arise if all donor-conceived people were given access to identifying information about their donors and their donor-conceived siblings, regardless of the date that the donation was made;
- (b) the relevance of a donor's consent or otherwise to the release of identifying information and the National Health and Medical Research Council's *Ethical guidelines on the use of Assisted Reproductive Technology in clinical practice and research*;
- (c) any practical difficulties in releasing information about donors who provided their gametes before 1 July 1988, because in many cases records are not available either because the procedure was carried out privately or records were not stored centrally;
- (d) the options for implementing any changes to the current arrangements, including non-legislative options;
- (e) the impact that any such changes may have on the donor, the donor-conceived person and future donor programs;
- (f) the impacts of the transfer of the donor registers currently held by the Infertility Treatment Authority to the Registrar of Births, Deaths and Marriages; and
- (g) the possible implications under the Charter of Human Rights and Responsibilities Act 2006.

Question — put and agreed to.

10 BULK ENTITLEMENT VARIOUS ORDERS 2010 — Mr Hall moved, That pursuant to section 34(3) of the *Water Act 1989*, the following Orders, published in Government Gazette No. S36 on 27 January 2010, be disallowed:

- (1) Bulk Entitlement (River Murray – Goulburn Murray Water) Conversion Further Amending Order 2010;
- (2) Bulk Entitlement (River Murray – Yarra Valley Water Limited) Order 2010;
- (3) Bulk Entitlement (River Murray – South East Water Limited) Order 2010;
- (4) Bulk Entitlement (River Murray – City West Water Limited) Order 2010;
- (5) Bulk Entitlement (Eildon-Goulburn Weir) Conversion Further Amending Order 2010;
- (6) Bulk Entitlement (Goulburn System – Yarra Valley Water Limited) Order 2010;
- (7) Bulk Entitlement (Goulburn System – South East Water Limited) Order 2010; and
- (8) Bulk Entitlement (Goulburn System – City West Water Limited) Order 2010.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

NOES, 18

Mr Barber (*Teller*)

Ms Broad

Mrs Coote

Ms Darveniza

Mr Dalla-Riva

Mr Elasmarr

Mr D.M. Davis

Ms Huppert

Mr P.R. Davis

Mr Jennings

Mr Drum

Mr Leane

Mr Finn

Mr Lenders

Mr Guy

Mr Madden

Mr Hall (*Teller*)

Ms Mikakos

Ms Hartland

Mr Murphy

Mr Kavanagh

Mr Pakula

Mr Koch

Ms Pulford

Mrs Kronberg

Mr Scheffer

Ms Lovell

Mr Smith

Mr O'Donohue

Mr Somyurek

Ms Pennicuik

Mr Tee (*Teller*)

Mrs Petrovich

Ms Tierney (*Teller*)

Mrs Peulich

Mr Viney

Mr Rich-Phillips

Mr Vogels

Question agreed to.

11 SELECT COMMITTEE ON VICTORIA PLANNING PROVISIONS AMENDMENT VC67 —

Mr Barber moved, That —

- (1) A Select Committee of 7 Members be appointed to inquire into Amendment VC67 to the Victoria Planning Provisions.
- (2) The Committee will consist of 3 Members from the Government Party nominated by the Leader of the Government, 3 Members from the Liberal/National Coalition nominated by the Leader of the Opposition and 1 Member from the Australian Greens nominated by the Australian Greens Whip.
- (3) The Members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on Friday, 25 June 2010.
- (4) The first meeting of the Committee must be held no later than 4.00 p.m. on Monday, 5 July 2010.
- (5) The Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.
- (6) 4 Members of the Committee will constitute a quorum of the Committee.
- (7) The Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member.

- (8) The Committee will advertise its terms of reference and call for submissions and all such submissions received by the Committee will be treated as public documents unless the Committee otherwise orders.
- (9) The Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry.
- (10) The Committee will present its final report to the Council no later than 30 September 2010.
- (11) The presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions.
- (12) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

Debate ensued.

Mr D.M. Davis moved, as an amendment, That in paragraph (10), after "The Committee will present" insert "an interim report by 10 August 2010 and".

Debate ensued.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

12 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Sessional Orders.

And then the Council, at 10.44 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 177 — Thursday, 24 June 2010

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

CORRUPTION ROYAL COMMISSION — Ms Pennicuik (for Mr Barber) presented a Petition bearing 1,577 signatures from certain citizens of Victoria requesting that the Government establish a Royal Commission to investigate corruption, with broad terms of reference.

Ordered to lie on the Table.

* * * * *

SECONDARY EDUCATION IN TORQUAY — Mr Koch presented a Petition bearing 574 signatures from certain citizens of Victoria requesting that the Government provide full secondary education in Torquay.

Ordered to lie on the Table.

* * * * *

NEIGHBOURHOOD WATCH CRIME STATISTICS — Mrs Coote presented a Petition bearing 3 signatures from certain citizens of Victoria requesting that the Government reverse its changes to Neighbourhood Watch crime statistics, so that statistics continue to be available on a street-by-street basis and not only by postcode.

Ordered to lie on the Table.

* * * * *

WOODEND INTERSECTION SAFETY — Mrs Petrovich presented a Petition bearing 122 signatures from certain citizens of Victoria requesting that the Government provide support and funding for VicRoads to undertake a safety study of the intersection at High Street and Anslow Street, Woodend.

Ordered to lie on the Table.

3 PAPERS —

HEALTH PRACTITIONER REGULATION NATIONAL LAW REGULATION — Mr Jennings moved, by leave, That there be laid before this House a copy of the Health Practitioner Regulation National Law Regulation.

Question — put and agreed to.

The paper was presented by Mr Jennings and ordered to lie on the Table.

ELECTORAL MATTERS COMMITTEE — FUNCTIONS AND ADMINISTRATION OF VOTING CENTRES — Mr P.R. Davis presented a Report from the Electoral Matters Committee on Functions and Administration of Voting Centres (including Appendices), together with Transcripts of Evidence.

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

Mr P.R. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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 — Statement of reasons for seeking leave to appeal pursuant to section 65AB(2) of the Act.

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 13 April 2010 and 23 June 2010.

Multicultural Affairs — Whole of Government Report, 2008-09.

Office of Police Integrity — Report on Update on conditions in Victoria Police cells, June 2010.

Parliamentary Committees Act 2003 — Government Response to the Electoral Matters Committee's Report on Voter Participation and Informal Voting.

Planning and Environment Act 1987 — Notice of Approval of the following amendment to a planning scheme:

Victoria Planning Provisions — Amendment VC62.

Statutory Rules under the following Acts of Parliament:

Livestock Disease Control Act 1994 — No. 39.

Motor Car Traders Act 1986 — No. 40.

Transport Act 1983 — No. 41.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 39 and 40.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

6 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 1 to 5 inclusive and 7 to 9 inclusive, be postponed until the next day of meeting.

7 SUBORDINATE LEGISLATION AMENDMENT BILL 2010 — Mr Jennings (for Mr Lenders), pursuant to notice, introduced *A Bill for an Act to amend the Subordinate Legislation Act 1994 to extend the application of certain provisions of that Act to legislative instruments, to make other amendments to that Act, to consequentially amend other Acts and for other purposes.*

On the motion of Mr Jennings, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

8 TOURIST AND HERITAGE RAILWAYS BILL 2010 — Mr Jennings (for Mr Pakula), pursuant to notice, introduced *A Bill for an Act to enact a legislative scheme relating to tourist and heritage railway operators and for other purposes.*

On the motion of Mr Jennings, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 9 APPROPRIATION (2010/2011) BILL 2010** — Debate resumed on the question, That the Bill be now read a second time [the **Budget Papers, 2010-11** having been authorised to be debated concurrently pursuant to an Order of the Council on 10 June 2010].

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 11 APPROPRIATION (2010/2011) BILL 2010** — Debate continued on the question, That the Bill be now read a second time [the **Budget Papers, 2010-11** having been authorised to be debated concurrently pursuant to an Order of the Council on 10 June 2010].

Interruption —

- 12 PAPER — LEGAL ADVICE ON VICTORIA PLANNING PROVISIONS AMENDMENT VC67** — The Deputy President laid on the Table a copy of an advice from Ms Rowena Armstrong, QC, regarding the capacity of the Council to part ratify Amendment VC67 to the Victoria Planning Provisions.

- 13 APPROPRIATION (2010/2011) BILL 2010** — Debate continued on the question, That the Bill be now read a second time [the **Budget Papers, 2010-11** having been authorised to be debated concurrently pursuant to an Order of the Council on 10 June 2010].

Question — put and agreed to.

Bill read a second time.

On the motion of Mr Lenders, the Bill was ordered to be committed to a Committee of the whole later this day.

- 14 BUDGET PAPERS, 2010-11** — The concurrent debate having concluded —

Question — That the Council take note of the Budget Papers, 2010-11 — put and agreed to.

- 15 PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to create a framework for public finance and financial management, to repeal the Public Authorities (Dividends) Act 1983, the Borrowing and Investment Powers Act 1987, the Financial Management Act 1994 and the Monetary Units Act 2004, to amend the Constitution Act 1975 and the Administrative Arrangements Act 1983 and certain other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 16 DOMESTIC ANIMALS AMENDMENT (DANGEROUS DOGS) BILL 2010** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Domestic Animals Act 1994 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Ms Lovell, the debate was adjourned for one week.

- 17 CONTROL OF WEAPONS AMENDMENT BILL 2010** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Control of Weapons Act 1990 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.
- Mr Lenders moved, That the Bill be now read a second time.
- On the motion of Mr Dalla-Riva, the debate was adjourned for one week.
- 18 SUPPORTED RESIDENTIAL SERVICES (PRIVATE PROPRIETORS) BILL 2010** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to regulate private supported residential services, to make consequential amendments to the Health Services Act 1988 and several other Acts and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Lenders (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.
- Mr Lenders moved, That the Bill be now read a second time.
- On the motion of Ms Lovell (for Mr D.M. Davis), the debate was adjourned for one week.
- 19 GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2010** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Gambling Regulation Act 2003, the Gambling Regulation Further Amendment Act 2009, the Casino Control Act 1991, the Confiscation Act 1997 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.
- Mr Lenders moved, That the Bill be now read a second time.
- On the motion of Ms Lovell (for Mr Guy), the debate was adjourned for one week.
- 20 ELECTORAL AMENDMENT (ELECTORAL PARTICIPATION) BILL 2010** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Electoral Act 2002 to increase electoral participation and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Lenders, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.
- Mr Lenders moved, That the Bill be now read a second time.
- On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 21 WORKING WITH CHILDREN AMENDMENT BILL 2010** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Working with Children Act 2005 and the Child Employment Act 2003 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

22 WATER AMENDMENT (VICTORIAN ENVIRONMENTAL WATER HOLDER) BILL 2010 —

The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Water Act 1989 to establish the Victorian Environmental Water Holder as a body corporate responsible for managing the environmental water holdings of the State and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Ms Lovell, the debate was adjourned for one week.

23 SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009 — The Deputy President read a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to the amendments made in the Bill by the Council and have not made the amendments suggested by the Council.

On the motion of Mr Lenders, the Message was referred to the Committee of the whole on the Bill on the next day of meeting.

24 DISPUTE RESOLUTION COMMITTEE — TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010 — The Deputy President read a Message from the Assembly informing the Council that they had agreed to the following Resolution:

That the Transport Legislation Amendment (Ports Integration) Bill 2010 be referred to the Dispute Resolution Committee for consideration under section 65C of the *Constitution Act 1975*.

25 APPROPRIATION (2010/2011) BILL 2010 — Bill committed to a Committee of the whole.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

26 SITTING OF THE COUNCIL — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 27 July 2010.

Question — put and agreed to.

27 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.22 p.m., adjourned until Tuesday, 27 July 2010.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 175, 176 and 177

Thursday, 24 June 2010

1 APPROPRIATION (2010/2011) BILL 2010

Clauses 1 to 8 — put and agreed to.

Schedules 1 to 3 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 178, 179 and 180

No. 178 — Tuesday, 27 July 2010

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had —
On 30 June 2010, given the Royal Assent to the following Acts presented to him by the Speaker of the Legislative Assembly:
Appropriation (2010/2011) Act 2010
Appropriation (Parliament 2010/2011) Act 2010.
On 30 June 2010, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
Pharmacy Regulation Act 2010
Superannuation Legislation Amendment Act 2010.
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITIONS** —
LADY FORSTER KINDERGARTEN — Mrs Coote presented a Petition bearing 1,077 signatures from certain citizens of Victoria requesting that the Lady Forster Kindergarten Committee of Management be reinstated as Manager of Crown Allotments 1 and 2b, section 13a in the Parish of Melbourne South, City of Port Melbourne, by reversing the transfer of this land to the City of Port Phillip which took effect in 2009.
Ordered to lie on the Table.

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SURF COAST HIGHWAY CONNECTION — Mr Kavanagh presented a Petition bearing 894 signatures from certain citizens of Victoria requesting that the proposed six-lane Surf Coast Highway Connection be built south of its presently planned route through as much vacant land as possible, adversely affecting as few residents as possible.
Ordered to lie on the Table.
- 5 **PAPERS** —
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 10 of 2010 (including Appendices) from the Scrutiny of Acts and Regulations Committee.
Ordered to lie on the Table and to be printed.

DISPUTE RESOLUTION COMMITTEE — Pursuant to section 65C(2) of the *Constitution Act 1975*, the Clerk laid on the Table a copy of the Dispute Resolution agreed to by the Dispute Resolution Committee on the Transport Legislation Amendment (Ports Integration) Bill 2010.

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FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — SUPPORTED ACCOMMODATION FOR VICTORIANS WITH A DISABILITY AND/OR MENTAL ILLNESS — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Family and Community Development Committee's Report on Supported Accommodation for Victorians with a Disability and/or Mental Illness.

* * * * *

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

Fundraising Act 1998 — Exemption Order, 7 June 2010, pursuant to section 16A of the Act.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 47.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 23 June 2010 pursuant to section 7(4) of the Act.

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

Bass Coast Planning Scheme — Amendment C90.

Baw Baw Planning Scheme — Amendment C76.

Boroondara Planning Scheme — Amendment C102.

Brimbank Planning Scheme — Amendments C106 Part 2, C106 Part 3 and C135.

Cardinia Planning Scheme — Amendments C114 and C121.

Casey Planning Scheme — Amendment C137.

Corangamite Planning Scheme — Amendments C18 and C27.

Darebin Planning Scheme — Amendments C68, C110 and C116.

Glenelg Planning Scheme — Amendment C53.

Greater Dandenong Planning Scheme — Amendments C111 and C123.

Greater Geelong Planning Scheme — Amendments C213 and C234.

Greater Shepparton Planning Scheme — Amendment C75.

Hindmarsh Planning Scheme — Amendments C8 and C10.

Kingston Planning Scheme — Amendment C112.

Knox Planning Scheme — Amendments C70, C89 and C91.

Manningham Planning Scheme — Amendment C63.

Maribyrnong Planning Scheme — Amendment C73 Part 2.

Mildura Planning Scheme — Amendment C44.

Mitchell Planning Scheme — Amendments C50 and C65.

Monash Planning Scheme — Amendment C110.

Moreland Planning Scheme — Amendment C107.

Mornington Peninsula Planning Scheme — Amendments C144 and C159.

Nillumbik Planning Scheme — Amendment C70.

Northern Grampians Planning Scheme — Amendment C32.

Pyrenees Planning Scheme — Amendment C25 Part 1.

Surf Coast Planning Scheme — Amendment C50.

Towong Planning Scheme — Amendment C21.

Victorian Planning Provisions — Amendment VC68.

Warrnambool Planning Scheme — Amendments C62, C63, C67 and C74.

Whitehorse Planning Scheme — Amendments C106 and C137.

Wodonga Planning Scheme — Amendment C77.

Yarra Ranges Planning Scheme — Amendment C77.

Statutory Rules under the following Acts of Parliament:

- Accident Compensation Act 1985 — No. 61.
- Accident Towing Services Act 2007 — No. 63.
- Building Act 1993 — Nos. 50 and 51.
- Children, Youth and Families Act 2005 — No. 67.
- Conservation, Forests and Lands Act 1987 — No. 58.
- Conveyancers Act 2006 — No. 46.
- Country Fire Authority Act 1958 — No. 66.
- Electricity Safety Act 1998 — No. 47.
- Fair Trading Act 1999 — No. 45.
- Forests Act 1958 — No. 57.
- Heritage Act 1995 — No. 65.
- Land Acquisition and Compensation Act 1986 — No. 44.
- Magistrates' Court Act 1989 — No. 43.
- Mineral Resources (Sustainable Development) Act 1990 — No. 56.
- National Parks Act 1975 — No. 60.
- Residential Tenancies Act 1997 — No. 49.
- Road Safety Act 1986 — No. 52.
- Subordinate Legislation Act 1994 — Nos. 48 and 64.
- Supreme Court Act 1986 — Nos. 53 and 54.
- Supreme Court Act 1986 — Children, Youth and Families Act 2005 — Criminal Procedure Act 2009 — No. 55.
- Tobacco Act 1987 — No. 62.
- Zoological Parks and Gardens Act 1995 — No. 59.
- Subordinate Legislation Act 1994 —
 - Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule Nos. 47 and 56.
 - Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 43, 48, 50, 51, 53, 54, 55, 59, 64 and 66.
 - Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 41, 45, 52, 57, 58 and 60.
- Surveyor-General — Report on the Administration of the Survey Co-ordination Act 1958, 2009-10.
- Water Act 1989 —
 - Abolition of Spring Hill Groundwater Supply Protection Area and Upper Loddon Water Supply Protection Area Order 2010.
 - Declaration of Loddon Highlands Water Supply Protection Area (Groundwater) Order 2010.

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PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

- Building Amendment Act 2010 — Part 2 (except sections 39 and 40 and sections 47 and 48) — 16 July 2010 (*Gazette No. G28, 15 July 2010*).
- Consumer Affairs Legislation Amendment Act 2010 — Part 2, Part 3 (except sections 4(1), 12, 14 and 15), sections 28 and 29, Part 6, sections 47 and 63, and the remaining provisions of Part 10 (except sections 82, 107 and 108) — 1 August 2010 (*Gazette No. G29, 22 July 2010*).
- Credit (Commonwealth Powers) Act 2010 — Remaining provisions of Part 3 (except section 20(2) and Division 15 of that Part) and Part 4 — 1 July 2010 (*Gazette No. G25, 24 June 2010*).
- Education and Training Reform Amendment Act 2010 — Part 1, sections 4, 10, 44(1), 58, 59, 61 and Part 3 — 15 July 2010 (*Gazette No. G28, 15 July 2010*).
- Education and Training Reform Further Amendment Act 2010 — Part 1, sections 4, 12, 15, 16, 20, 21, 22, 25 and Division 3 of Part 3 — 15 July 2010 (*Gazette No. G28, 15 July 2010*).

Energy and Resources Legislation Amendment Act 2009 — Sections 25 to 27, 29 and 42 — 30 June 2010 (*Gazette No. S255, 30 June 2010*).

Fair Trading Amendment (Unfair Contract Terms) Act 2010 — 1 July 2010 (*Gazette No. G25, 24 June 2010*).

Health and Human Services Legislation Amendment Act 2010 — Part 1, sections 11 and 16 and Part 6 — 23 June 2010; remaining provisions — 1 July 2010 (*Gazette No. S235, 23 June 2010*).

Justice Legislation Amendment Act 2010 — Section 5, Part 3, Part 5, remaining provisions of Part 7 (except Divisions 2 and 7 of that Part) and Part 8 — 26 June 2010; Part 6 — 1 July 2010 (*Gazette No. G25, 24 June 2010*).

Justice Legislation Amendment (Victims of Crime Assistance and other Matters) Act 2010 — Remaining provisions (except Divisions 1 and 2 of Part 2) — 1 July 2010 (*Gazette No. G26, 1 July 2010*).

La Trobe University Act 2009 — 1 July 2010 (*Gazette No. G25, 24 June 2010*).

Monash University Act 2009 — 1 July 2010 (*Gazette No. G25, 24 June 2010*).

Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009 — Remaining provisions of Parts 2 and 3 and sections 42(1) and 42(4) — 29 June 2010 (*Gazette No. G25, 24 June 2010*); remaining provisions of Part 4 — 1 July 2010 (*Gazette No. G26, 1 July 2010*).

Parks and Crown Land Legislation (Mount Buffalo) Act 2010 — except sections 9 to 13 and 16 to 18 — 8 July 2010 (*Gazette No. G27, 8 July 2010*).

Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Act 2010 — Remaining provisions — 1 July 2010 (*Gazette No. S242, 25 June 2010*).

Radiation Amendment Act 2010 — 13 July 2010 (*Gazette No. G27 8 July 2010*).

Royal Melbourne Institute of Technology Act 2010 — 1 September 2010 (*Gazette No. G25, 24 June 2010*).

Superannuation Legislation Amendment Act 2010 — 1 July 2010 (*Gazette No. G26, 1 July 2010*).

Transport Integration Act 2010 — 1 July 2010 (*Gazette No. S256, 30 June 2010*).

University of Ballarat Act 2010 — 1 July 2010 (*Gazette No. G25, 24 June 2010*).

University of Melbourne Act 2009 — 1 July 2010 (*Gazette No. G25, 24 June 2010*).

Victoria University Act 2010 — 1 September 2010 (*Gazette No. G25, 24 June 2010*).

6 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 28 July 2010:

- (1) the Notice of Motion given this day by Mr D.M. Davis relating to the production of certain police roster documents;
- (2) the Notice of Motion given this day by Mr Hall relating to the production of certain water documents;
- (3) Notice of Motion No. 88, standing in the name of Mr Barber, relating to the production of certain documents relating to the Bay of Islands Coastal Park;
- (4) the Notice of Motion given this day by Mr Barber demanding the Government comply with the Council's order for the production of various Yarra Park documents;
- (5) Order of the Day No. 6, resumption of debate on the motion moved by Mr Dalla-Riva relating to Office of Police Integrity documents;
- (6) Order of the Day No. 15, resumption of debate on the motion moved by Mr Barber relating to the referral of Planning Scheme Amendment VC67 to a Select Committee;
- (7) Notice of Motion No. 77, standing in the name of Ms Pennicuik, relating to a civilian-managed body to investigate police shootings and complaints against police;
- (8) Notice of Motion No. 84, standing in the name of Mr Kavanagh, relating to a reference to the Family and Community Development Committee;
- (9) the Notice of Motion given this day by Mr Dalla-Riva relating to violence on public transport; and
- (10) the Notice of Motion given this day by Ms Pennicuik relating to Peninsula Link.

Question — put and agreed to.

7 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

8 PRODUCTION OF DOCUMENTS —

HEALTH SERVICES INTEGRATED PERFORMANCE REPORTS — The Clerk laid on the Table the following documents received in accordance with an order of the Council of 9 December 2009 seeking the production of certain Health Services Integrated Performance Reports —

- (1) Alfred Health Integrated Performance Report (September 2008);
- (2) Austin Health Integrated Performance Report (September 2008);
- (3) Ballarat Health Services Integrated Performance Report (September 2008);
- (4) Barwon Health Integrated Performance Report (September 2008);
- (5) Bendigo Health Care Group Integrated Performance Report (September 2008);
- (6) Calvary Health Care Integrated Performance Report (September 2008);
- (7) Eastern Health Integrated Performance Report (September 2008);
- (8) Goulburn Valley Health Integrated Performance Report (September 2008);
- (9) Latrobe Regional Hospital Integrated Performance Report (September 2008);
- (10) Melbourne Health Integrated Performance Report (September 2008);
- (11) Mercy Public Hospitals Inc Integrated Performance Report (September 2008);
- (12) Northern Health Integrated Performance Report (September 2008);
- (13) Peninsula Health Integrated Performance Report (September 2008);
- (14) Peter MacCallum Cancer Centre Integrated Performance Report (September 2008);
- (15) Public Health Services Integrated Performance Report (September 2008);
- (16) Royal Children's Hospital Integrated Performance Report (September 2008);
- (17) Royal Victorian Eye and Ear Hospital Integrated Performance Report (September 2008);
- (18) Royal Women's Hospital Integrated Performance Report (September 2008);
- (19) Southern Health Integrated Performance Report (September 2008);
- (20) St Vincent's Integrated Performance Report (September 2008);
- (21) Western Health Integrated Performance Report (September 2008);
- (22) Alfred Health Integrated Performance Report (October 2008);
- (23) Austin Health Integrated Performance Report (October 2008);
- (24) Ballarat Health Services Integrated Performance Report (October 2008);
- (25) Barwon Health Integrated Performance Report (October 2008);
- (26) Bendigo Health Care Group Integrated Performance Report (October 2008);
- (27) Calvary Health Care Integrated Performance Report (October 2008);
- (28) Eastern Health Integrated Performance Report (October 2008);
- (29) Goulburn Valley Health Integrated Performance Report (October 2008);
- (30) Latrobe Regional Hospital Integrated Performance Report (October 2008);
- (31) Melbourne Health Integrated Performance Report (October 2008);
- (32) Mercy Public Hospitals Inc Integrated Performance Report (October 2008);
- (33) Northern Health Integrated Performance Report (October 2008);
- (34) Peninsula Health Integrated Performance Report (October 2008);
- (35) Peter MacCallum Cancer Centre Integrated Performance Report (October 2008);
- (36) Public Health Services Integrated Performance Report (October 2008);
- (37) Royal Children's Hospital Integrated Performance Report (October 2008);
- (38) Royal Victorian Eye and Ear Hospital Integrated Performance Report (October 2008);
- (39) Royal Women's Hospital Integrated Performance Report (October 2008);
- (40) Southern Health Integrated Performance Report (October 2008);
- (41) St Vincent's Integrated Performance Report (October 2008);
- (42) Western Health Integrated Performance Report (October 2008);

- (43) Alfred Health Integrated Performance Report (November 2008);
- (44) Austin Health Integrated Performance Report (November 2008);
- (45) Ballarat Health Services Integrated Performance Report (November 2008);
- (46) Barwon Health Integrated Performance Report (November 2008);
- (47) Bendigo Health Care Group Integrated Performance Report (November 2008);
- (48) Calvary Health Care Integrated Performance Report (November 2008);
- (49) Eastern Health Integrated Performance Report (November 2008);
- (50) Goulburn Valley Health Integrated Performance Report (November 2008);
- (51) Latrobe Regional Hospital Integrated Performance Report (November 2008);
- (52) Melbourne Health Integrated Performance Report (November 2008);
- (53) Mercy Public Hospitals Inc Integrated Performance Report (November 2008);
- (54) Northern Health Integrated Performance Report (November 2008);
- (55) Peninsula Health Integrated Performance Report (November 2008);
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- (57) Public Health Services Integrated Performance Report (November 2008);
- (58) Royal Children's Hospital Integrated Performance Report (November 2008);
- (59) Royal Victorian Eye and Ear Hospital Integrated Performance Report (November 2008);
- (60) Royal Women's Hospital Integrated Performance Report (November 2008);
- (61) Southern Health Integrated Performance Report (November 2008);
- (62) St Vincent's Integrated Performance Report (November 2008);
- (63) Western Health Integrated Performance Report (November 2008);
- (64) Alfred Health Integrated Performance Report (December 2008);
- (65) Austin Health Integrated Performance Report (December 2008);
- (66) Ballarat Health Services Integrated Performance Report (December 2008);
- (67) Barwon Health Integrated Performance Report (December 2008);
- (68) Bendigo Health Care Group Integrated Performance Report (December 2008);
- (69) Calvary Health Care Integrated Performance Report (December 2008);
- (70) Eastern Health Integrated Performance Report (December 2008);
- (71) Goulburn Valley Health Integrated Performance Report (December 2008);
- (72) Latrobe Regional Hospital Integrated Performance Report (December 2008);
- (73) Melbourne Health Integrated Performance Report (December 2008);
- (74) Mercy Public Hospitals Inc Integrated Performance Report (December 2008);
- (75) Northern Health Integrated Performance Report (December 2008);
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- (80) Royal Victorian Eye and Ear Hospital Integrated Performance Report (December 2008);
- (81) Royal Women's Hospital Integrated Performance Report (December 2008);
- (82) Southern Health Integrated Performance Report (December 2008);
- (83) St Vincent's Integrated Performance Report (December 2008);
- (84) Western Health Integrated Performance Report (December 2008);
- (85) Alfred Health Integrated Performance Report (January 2009);
- (86) Austin Health Integrated Performance Report (January 2009);
- (87) Ballarat Health Services Integrated Performance Report (January 2009);
- (88) Barwon Health Integrated Performance Report (January 2009);
- (89) Bendigo Health Care Group Integrated Performance Report (January 2009);
- (90) Calvary Health Care Integrated Performance Report (January 2009);

- (91) Eastern Health Integrated Performance Report (January 2009);
- (92) Goulburn Valley Health Integrated Performance Report (January 2009);
- (93) Latrobe Regional Hospital Integrated Performance Report (January 2009);
- (94) Melbourne Health Integrated Performance Report (January 2009);
- (95) Mercy Public Hospitals Inc Integrated Performance Report (January 2009);
- (96) Northern Health Integrated Performance Report (January 2009);
- (97) Peninsula Health Integrated Performance Report (January 2009);
- (98) Peter MacCallum Cancer Centre Integrated Performance Report (January 2009);
- (99) Public Health Services Integrated Performance Report (January 2009);
- (100) Royal Children's Hospital Integrated Performance Report (January 2009);
- (101) Royal Victorian Eye and Ear Hospital Integrated Performance Report (January 2009);
- (102) Royal Women's Hospital Integrated Performance Report (January 2009);
- (103) Southern Health Integrated Performance Report (January 2009);
- (104) St Vincent's Integrated Performance Report (January 2009);
- (105) Western Health Integrated Performance Report (January 2009);
- (106) Alfred Health Integrated Performance Report (February 2009);
- (107) Austin Health Integrated Performance Report (February 2009);
- (108) Ballarat Health Services Integrated Performance Report (February 2009);
- (109) Barwon Health Integrated Performance Report (February 2009);
- (110) Bendigo Health Care Group Integrated Performance Report (February 2009);
- (111) Calvary Health Care Integrated Performance Report (February 2009);
- (112) Eastern Health Integrated Performance Report (February 2009);
- (113) Goulburn Valley Health Integrated Performance Report (February 2009);
- (114) Latrobe Regional Hospital Integrated Performance Report (February 2009);
- (115) Melbourne Health Integrated Performance Report (February 2009);
- (116) Mercy Public Hospitals Inc Integrated Performance Report (February 2009);
- (117) Northern Health Integrated Performance Report (February 2009);
- (118) Peninsula Health Integrated Performance Report (February 2009);
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- (121) Royal Children's Hospital Integrated Performance Report (February 2009);
- (122) Royal Victorian Eye and Ear Hospital Integrated Performance Report (February 2009);
- (123) Royal Women's Hospital Integrated Performance Report (February 2009);
- (124) Southern Health Integrated Performance Report (February 2009);
- (125) St Vincent's Integrated Performance Report (February 2009);
- (126) Western Health Integrated Performance Report (February 2009);
- (127) Alfred Health Integrated Performance Report (March 2009);
- (128) Austin Health Integrated Performance Report (March 2009);
- (129) Ballarat Health Services Integrated Performance Report (March 2009);
- (130) Barwon Health Integrated Performance Report (March 2009);
- (131) Bendigo Health Care Group Integrated Performance Report (March 2009);
- (132) Calvary Health Care Integrated Performance Report (March 2009);
- (133) Eastern Health Integrated Performance Report (March 2009);
- (134) Goulburn Valley Health Integrated Performance Report (March 2009);
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- (136) Melbourne Health Integrated Performance Report (March 2009);
- (137) Mercy Public Hospitals Inc Integrated Performance Report (March 2009);
- (138) Northern Health Integrated Performance Report (March 2009);
- (139) Peninsula Health Integrated Performance Report (March 2009);
- (140) Peter MacCallum Cancer Centre Integrated Performance Report (March 2009);

- (141) Public Health Services Integrated Performance Report (March 2009);
- (142) Royal Children's Hospital Integrated Performance Report (March 2009);
- (143) Royal Victorian Eye and Ear Hospital Integrated Performance Report (March 2009);
- (144) Royal Women's Hospital Integrated Performance Report (March 2009);
- (145) Southern Health Integrated Performance Report (March 2009);
- (146) St Vincent's Integrated Performance Report (March 2009);
- (147) Western Health Integrated Performance Report (March 2009);
- (148) Alfred Health Integrated Performance Report (April 2009);
- (149) Austin Health Integrated Performance Report (April 2009);
- (150) Ballarat Health Services Integrated Performance Report (April 2009);
- (151) Barwon Health Integrated Performance Report (April 2009);
- (152) Bendigo Health Care Group Integrated Performance Report (April 2009);
- (153) Calvary Health Care Integrated Performance Report (April 2009);
- (154) Eastern Health Integrated Performance Report (April 2009);
- (155) Goulburn Valley Health Integrated Performance Report (April 2009);
- (156) Latrobe Regional Hospital Integrated Performance Report (April 2009);
- (157) Melbourne Health Integrated Performance Report (April 2009);
- (158) Mercy Public Hospitals Inc Integrated Performance Report (April 2009);
- (159) Northern Health Integrated Performance Report (April 2009);
- (160) Peninsula Health Integrated Performance Report (April 2009);
- (161) Peter MacCallum Cancer Centre Integrated Performance Report (April 2009);
- (162) Public Health Services Integrated Performance Report (April 2009);
- (163) Royal Children's Hospital Integrated Performance Report (April 2009);
- (164) Royal Victorian Eye and Ear Hospital Integrated Performance Report (April 2009);
- (165) Royal Women's Hospital Integrated Performance Report (April 2009);
- (166) Southern Health Integrated Performance Report (April 2009);
- (167) St Vincent's Integrated Performance Report (April 2009);
- (168) Western Health Integrated Performance Report (April 2009);
- (169) Alfred Health Integrated Performance Report (May 2009);
- (170) Austin Health Integrated Performance Report (May 2009);
- (171) Ballarat Health Services Integrated Performance Report (May 2009);
- (172) Barwon Health Integrated Performance Report (May 2009);
- (173) Bendigo Health Care Group Integrated Performance Report (May 2009);
- (174) Calvary Health Care Integrated Performance Report (May 2009);
- (175) Eastern Health Integrated Performance Report (May 2009);
- (176) Goulburn Valley Health Integrated Performance Report (May 2009);
- (177) Latrobe Regional Hospital Integrated Performance Report (May 2009);
- (178) Melbourne Health Integrated Performance Report (May 2009);
- (179) Mercy Public Hospitals Inc Integrated Performance Report (May 2009);
- (180) Northern Health Integrated Performance Report (May 2009);
- (181) Peninsula Health Integrated Performance Report (May 2009);
- (182) Peter MacCallum Cancer Centre Integrated Performance Report (May 2009);
- (183) Public Health Services Integrated Performance Report (May 2009);
- (184) Royal Children's Hospital Integrated Performance Report (May 2009);
- (185) Royal Victorian Eye and Ear Hospital Integrated Performance Report (May 2009);
- (186) Royal Women's Hospital Integrated Performance Report (May 2009);
- (187) Southern Health Integrated Performance Report (May 2009);
- (188) St Vincent's Integrated Performance Report (May 2009);
- (189) Western Health Integrated Performance Report (May 2009);
- (190) Alfred Health Integrated Performance Report (June 2009);

- (191) Austin Health Integrated Performance Report (June 2009);
- (192) Ballarat Health Services Integrated Performance Report (June 2009);
- (193) Barwon Health Integrated Performance Report (June 2009);
- (194) Bendigo Health Care Group Integrated Performance Report (June 2009);
- (195) Calvary Health Care Integrated Performance Report (June 2009);
- (196) Eastern Health Integrated Performance Report (June 2009);
- (197) Goulburn Valley Health Integrated Performance Report (June 2009);
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- (200) Mercy Public Hospitals Inc Integrated Performance Report (June 2009);
- (201) Northern Health Integrated Performance Report (June 2009);
- (202) Peninsula Health Integrated Performance Report (June 2009);
- (203) Peter MacCallum Cancer Centre Integrated Performance Report (June 2009);
- (204) Public Health Services Integrated Performance Report (June 2009);
- (205) Royal Children's Hospital Integrated Performance Report (June 2009);
- (206) Royal Victorian Eye and Ear Hospital Integrated Performance Report (June 2009);
- (207) Royal Women's Hospital Integrated Performance Report (June 2009);
- (208) Southern Health Integrated Performance Report (June 2009);
- (209) St Vincent's Integrated Performance Report (June 2009);
- (210) Western Health Integrated Performance Report (June 2009);
- (211) Alfred Health Integrated Performance Report (September 2009);
- (212) Austin Health Integrated Performance Report (September 2009);
- (213) Ballarat Health Services Integrated Performance Report (September 2009);
- (214) Barwon Health Integrated Performance Report (September 2009);
- (215) Bendigo Health Care Group Integrated Performance Report (September 2009);
- (216) Calvary Health Care Integrated Performance Report (September 2009);
- (217) Eastern Health Integrated Performance Report (September 2009);
- (218) Goulburn Valley Health Integrated Performance Report (September 2009);
- (219) Latrobe Regional Hospital Integrated Performance Report (September 2009);
- (220) Melbourne Health Integrated Performance Report (September 2009);
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- (222) Northern Health Integrated Performance Report (September 2009);
- (223) Peninsula Health Integrated Performance Report (September 2009);
- (224) Peter MacCallum Cancer Centre Integrated Performance Report (September 2009);
- (225) Public Health Services Integrated Performance Report (September 2009);
- (226) Royal Children's Hospital Integrated Performance Report (September 2009);
- (227) Royal Victorian Eye and Ear Hospital Integrated Performance Report (September 2009);
- (228) Royal Women's Hospital Integrated Performance Report (September 2009);
- (229) Southern Health Integrated Performance Report (September 2009);
- (230) St Vincent's Integrated Performance Report (September 2009); and
- (231) Western Health Integrated Performance Report (September 2009).

Mr Koch moved, by leave, That the list of 231 documents being produced to the Council relating to Health Services Integrated Performance Reports be incorporated into Hansard.

Question — put and agreed to.

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YARRA PARK — The Clerk laid on the Table the following documents received in accordance with an order of the Council of 25 November 2009 seeking the production of documents relating to Yarra Park —

- (1) Facsimile from John Cain to the Minister for Planning, re Yarra Park (22 September 2004);
 - (2) Letter from the Minister for Planning to John Cain, re Yarra Park (22 October 2004);
 - (3) Letter from John Cain to DPC Secretary (31 January 2005) (attachments not within scope of order);
 - (4) Letter from Premier to Executive Officer of the MCG Trust, re Yarra Park Car Parking (9 March 2005);
 - (5) Memo from John Cain to DPC Secretary, re MCG/Yarra Park Car Parking (6 June 2005);
 - (6) Memo from John Cain to DPC Secretary, re MCG/Yarra Park Car Parking (4 July 2005);
 - (7) Letter from MCC CEO to DPC Secretary, re Yarra Park Parking Agreement (19 August 2005);
 - (8) Fax from MCC to DPCD, attaching:
 - Letter from Melbourne and Olympics Park Trust to Manager Crown Land Management (21 September 2005)
 - Letter from John Cain to the Minister for Planning, re Yarra Park (22 September 2004)
 - Letter from MCC CEO to DPC Secretary, re Yarra Park Parking Agreement (19 August 2005)
 - Letter from MCC CEO to Minister for Planning (5 July 2007);
 - (9) Email from MCC to DPCD in response to information provided by DPCD to MCC regarding Federal Government funding for stormwater recycling projects (31 March 2009);
 - (10) Email from DPCD to MCC re City of Melbourne's income and expenditure for management of Yarra Park, attaching documents re same (6 April 2009);
 - (11) Yarra Park Improvement Plan Implementation Strategy workshop agenda and questions, prepared by external contractor (undated);
 - (12) Final fact sheet relating to the AFL agreement and Yarra Park improvements prepared by an external contractor (undated);
 - (13) Internal MCC email, cc'd to DPCD, regarding information provided by the MCC to the Yarra Park Association (4 September 2009);
 - (14) Email from external contractor to DPCD outlining proposed dates and invitees for stakeholder engagement sessions (17 September 2009);
 - (15) Email from MCC to DPCD outlining proposed dates for stakeholder engagement sessions (25 September 2009);
 - (16) Report: Yarra Park Improvement Plan – Stakeholder Engagement Background Paper (October 2009);
 - (17) Email from DPCD to the MCC's lawyers (8 October 2009);
 - (18) Email from DPCD to the MCC regarding a Government media release (12 November 2009);
 - (19) Email from DPCD to the MCC regarding the establishment of project meetings for the Yarra Park project (16 November 2009);
 - (20) Email from the MCC to DPCD regarding a potential question from the Yarra Park Association on the proposed legislation (19 November 2009);
 - (21) Email chain from MCC to DPCD, 'FW: Email resent' (19 November 2009);
 - (22) Document produced by an external contractor on behalf of the MCC in relation to the minutes of a stakeholder engagement workshop session (23 November 2009).
- The Clerk also laid on the Table a letter from the Attorney-General dated 27 July 2010 —
- referring to the Government's process of assessing documents for Executive privilege;
 - advising that Executive privilege was claimed in relation to the following documents and therefore those documents have not been provided —
- (1) Report by Formium Pty Ltd Landscape Architects (May 2008);

- (2) Report prepared by MCC (May 2008);
- (3) Draft report prepared by the MCC and (undated);
- (4) Draft report prepared by the MCC (undated);
- (5) Draft report prepared by the MCC (undated);
- (6) Email from MCC to DPCD (30 May 2008);
- (7) Email from MCC to DPCD (11 September 2008);
- (8) Email chain between MCC and DPCD (17 October 2008);
- (9) Email from MCC to DPCD (23 April 2009);
- (10) Report prepared by MCC (May 2009);
- (11) Letter from MCGT to Treasurer (19 June 2009);
- (12) Email from external contractor to MCGT, (7 August 2009);
- (13) Email from MCC to DPCD (14 August 2009);
- (14) Further draft communications strategy (17 August 2009);
- (15) Draft Question and Answer document (18 August 2009);
- (16) Email from MCC to DPCD (20 August 2009);
- (17) Email from DPCD to MCC (21 August 2009);
- (18) Email chain (24 August 2009);
- (19) Email from MCC to DPCD (28 August 2009);
- (20) Email from MCC to DPCD (28 August 2009);
- (21) Question and answer document (1 September 2009);
- (22) Email from external contractor to DPCD (1 September 2009);
- (23) Agreement between the AFL, MCGT, MCC and the State Government (3 September 2009);
- (24) Variation Agreement No. 3 between the MCC and the AFL (3 September 2009);
- (25) Letter from Treasurer to MCGT;
- (26) Workshop agenda and questions (undated);
- (27) Draft report produced by external contractor (September 2009);
- (28) Draft Master plan (undated);
- (29) Summary of Implementation Strategy (September 2009);
- (30) Draft overview/summary of proposed Bill (undated);
- (31) Proposed additions to draft Bill (undated);
- (32) Draft document regarding proposed Bill (undated);
- (33) Draft document regarding proposed Bill (undated);
- (34) Email from DPCD (1 October 2009);
- (35) Email from DPCD to MCC (1 October 2009);
- (36) Email from DPCD to MCGT and MCC, (2 October 2009);
- (37) Draft Bill (2 October 2009);
- (38) Email from DPCD to MCC (5 October 2009)
- (39) Email from DPCD to the MCC (5 October 2009);
- (40) Email from DPCD to MCC (6 October 2009);
- (41) Copy draft Bill (7 October 2009);
- (42) Email from DPCD to the MCC (13 October 2009);
- (43) Email chain between DPCD and MCC (13 October 2009);
- (44) Email from the MCC to DPCD (13 October 2009);
- (45) Email from DPCD to the MCC (19 October 2009);
- (46) Emails from DPCD to MCC (21 October 2009);
- (47) Draft Bill (21 October 2009);
- (48) Memorandum to MCC (23 October 2009);
- (49) Email from DPCD to MCGT and MCC (23 October 2009);
- (50) Draft Bill (23 October 2009);

- (51) Emails from DPCD to MCGT and MCC (26 October 2009);
- (52) Email from DPCD to MCGT and MCC (27 October 2009);
- (53) Copy Draft Bill (27 October 2009);
- (54) Emails from DPCD to MCC (27 October 2009); and
- (55) Email from DPCD to MCC (5 November 2009).

Ms Pennicuik moved, by leave, That the list of 22 documents being produced to the Council and a list of the 55 documents upon which Executive privilege is being claimed relating to Yarra Park, be incorporated into Hansard.

Question — put and agreed to.

* * * * *

GOVERNMENT ADVERTISING — SHINE AND WORKING VICTORIA — The Clerk laid on the Table the following documents received in accordance with an order of the Council of 14 October 2009 seeking the production of documents relating to the Shine and Working Victoria advertising campaigns —

- (1) Tax Invoice (#1003327) – Quantum ‘Research’ dated 9 October 2009;
- (2) Advertising Brief by Shannon’s Way to DPC ‘Working Victoria Flash Ad’ dated 1 October 2009;
- (3) Tax Invoice (#124529) – Mitchell and Partners Pty Ltd ‘TV program placement’ dated 30 September 2009;
- (4) Tax Invoice – Shannon’s Way ‘Working Victoria online Ads – Agency fees for the development of 1 animated online flash ad (300x250)’ dated 1 October 2009;
- (5) Tax Invoice (#122287) – Mitchell and Partners Pty Ltd ‘TV program placement’ dated 31 August 2009.
- (6) Schedule – Advertising Summary by Mitchell & Partners Pty Ltd ‘Working Victoria’ dated 14 September 2009;
- (7) Presentation by Emitch ‘Online Campaign Analysis’ dated 1 September 2009;
- (8) Tax Invoice (#04057) – Shannon’s Way ‘Photography during shoot’ dated 1 September 2009;
- (9) Tax Invoice (#04056) – Shannon’s Way ‘Signs – TV production’ dated 1 September 2009;
- (10) Tax Invoice (#122288) – Mitchell and Partners Pty Ltd ‘online program placement’ dated 31 August 2009;
- (11) Presentation by Mitchell & Partners Pty Ltd ‘Dept of Premier & Cabinet – Working Victoria – Revised Buy Document’ dated 19 August 2009;
- (12) Client Booking Report – DPC advertising dated 17 August 2009;
- (13) Tax Invoice (#14262) – Open Mind Research Group ‘Round 2: Creative Concept Evaluation for the ‘Working Victoria Campaign’ dated 14 August 2009;
- (14) Procurement Process Report ‘Working Victoria’ (includes entry form ‘Contracts Publishing System’) dated 6 August 2009;
- (15) Tax Invoice (#04037) – Shannon’s Way ‘Website Design’ dated 1 August 2009;
- (16) Tax Invoice (#03964) – Shannon’s Way ‘Signs – TV production’ dated 1 August 2009;
- (17) Tax Invoice (#03962) – Shannon’s Way ‘Strategy and Creative Development: jobs & Infrastructure campaign’ dated 31 July 2009;
- (18) Tax Invoice (#03923) – Shannon’s Way ‘Logo development and supply’ dated 31 July 2009;
- (19) Tax Invoice (#14254) – Open Minds Research Group ‘Round 2: Creative Concept Evaluation for Working Victoria Campaign’ dated 29 July 2009;
- (20) Letter from Open Mind Research Group to Strategic Communications Branch re Round 2 Creative Concept Evaluation for the ‘Working Victoria’ Campaign dated 27 July 2009;
- (21) Presentation by Shannon’s Way ‘Department of Premier and Cabinet – Working Victoria – ‘Signs’ – 2 x 60 seconds, 2 x 30 second cutdown – Television Pre-Production Meeting at Shannon’s Way dated 24 July 2009;

- (22) Campaign Media Advertising Brief by Master Agency Media Services (MAMS)/Mitchell and Partners Pty Ltd dated 22 July 2009;
- (23) Tax Invoice (#1003240) – Quantum ‘DPC Infrastructure Investment Benchmark’ dated 21 July 2009;
- (24) Tax Invoice (#03866) – Shannon’s Way ‘Signs – TV Production’ dated 20 July 2009;
- (25) Project Agreement between Strategic Communications Branch and Shannon’s Way dated 20 July 2009;
- (26) Tax Invoices – (#4393, #4392, #4391, #4408, #4462, #4412, #4410 and #4409) – Shannon’s Way dated July 2009;
- (27) Questionnaire by DPC Infrastructure – Final – Wednesday, 22 July – Telephone – dated July 2009;
- (28) Tax Invoice (#14228) – Open Mind Research Group ‘Study undertaken on jobs and Infrastructure Communications Campaign plus expenses incurred travelling to Traralgon’ dated 24 June 2009;
- (29) Procurement Process Report –Request for Approval (Purchase Off a Pre-Existing Arrangement) – DPC – prepared by Working Victoria dated 11 June 2009. This document attaches:
 - ‘Conflict of Interest Form Public Servants’ (various);
 - ‘anticipated fee form – based on initial briefing and Shannon’s Way proposed three phase approach’; and
 - ‘Creative Agency Evaluation’;
- (30) Tax Invoice (#14204) – Open Mind Research Group ‘Study to be undertaken on Jobs and Infrastructure Communications Campaign’ dated 10 June 2009;
- (31) Letter from Open Mind Research Group to the Strategic Communications Branch re Creative Concept Evaluation for the ‘Jobs and Infrastructure Communications Campaign’ dated 4 June 2009;
- (32) Report from Quantum to the Strategic Communications Branch re Jobs & Infrastructure Communications Campaign dated 20 May 2009;
- (33) Report from Open Mind Research Group to the Strategic Communications Branch re Creative Concept Evaluation for the ‘Jobs and Infrastructure Communications Campaign’ dated 15 May 2009;
- (34) Media Article “Surprise Jobs Boost” by Chris Zappone dated 7 May 2009;
- (35) Project Brief - Market Services Panel ‘Jobs and Infrastructure Advertising Brief dated 30 April 2009;
- (36) Advertising Brief – Jobs & Infrastructure – April 2009 dated 1 April 2009;
- (37) Report by Ipsos McKay ‘Consumer Sentiment about the Economy’ undated;
- (38) Project order by DPC Market Research panel ‘Jobs and Infrastructure Campaign Concept Testing’ undated;
- (39) Project order by DPC Market Research panel ‘Jobs and Infrastructure Campaign Benchmark and Launch Evaluation Surveys’ undated;
- (40) Table of Television Performance Estimates by Mitchell and Partners Pty Ltd undated;
- (41) D:U50 Application ‘Working Victoria – Connecting business to opportunities Regional Small Business event series’ dated 4 August 2009;
- (42) Tax Invoices – Internal Purchase Order forms from DIIRD to Mitchell/MAMS attaching signed Tax Invoices re ‘Business Tips for Today – Warrnambool/Hamilton Roadshow’ and ‘Connecting Small Business Opportunities’ dated 17 August 2009;
- (43) Brief from DIIRD to the Minister for Regional and Rural Development re Regional Small Business Roadshows – Evaluation dated 17 December 2009;
- (44) Advertisement hardcopy examples (document includes date of 16 September 2009 but document itself is undated);
- (45) Campaign Brief ‘Building Confidence in Government Schools – Regional Victoria’ dated 12 September 2009 (date Brief sent to Consultants);

- (46) Advertising Proposals by seven companies - RU Advertising; Alchemy; Creative Outlet; adz@work; Clemenger BBDO/Porter Novelli Melbourne; Grey Worldwide and Shannon's Way 'Building Confidence in Government Schools – Regional Victoria' dated September 2009;
- (47) Submission – item for decision/noting 'Building Confidence in Government Schools Information Campaign (Regional Victoria) – Stage One' dated 1 October 2008 (date signed);
- (48) Briefing (#OSR000330) from the Communications Division to the Deputy Secretary, Office of Planning, Strategy and Coordination (OPSC) 'Building Confidence in Government Schools Regional Campaign' dated 10 October 2008 (date signed by Deputy Secretary);
- (49) Requisition Order Form by Creative Outlet 'development and production of regional advertising campaign' dated 10 October 2008;
- (50) Tax Invoice (#00001502) – Creative Outlet 'Building Confidence in Government Schools – Regional Victoria Campaign' dated 10 October 2008;
- (51) Contract between DEECD and Creative Outlet 'Building Confidence in Government Schools Regional Victoria' dated 13 October 2008 (contract start date – schedule 3);
- (52) Memorandum from Acting Deputy Secretary, OPSC to Accredited Purchasing Unit (APU) 'Building Confidence in Governments Schools Regional Information Campaign' dated 15 October 2008 (date signed);
- (53) Report prepared by Colmar Brunton Social Research for DEECD 'Building Confidence in Government Schools Regional Campaign' dated 20 October 2008;
- (54) Spreadsheet 'RISD Com Request Rural Inv since 1999 to 08-09.xls';
- (55) Requisition Order Form from DEECD to Colmar Brunton Social Research 'quantitative tracking research for Building Confidence in Government Schools Campaign' dated 21 October 2008;
- (56) Project Commissioning Document – DPC Market Research Panel 'Every Child Every Opportunity to 'Shine' Regional Information Campaign' dated 30 April 2009;
- (57) Tax Invoice (#B33716) – Bang! Bang! Studios 'Music Licensing 'Shine' dated 23 October 2008;
- (58) Licence Agreement for Commercial Advertising between DEECD and Mushroom Music Pty Ltd dated 24 October 2008;
- (59) Letter from Marketing and Communications Planning to Free TV Australia 'Every Child, Every Opportunity to 'Shine' TVC' dated 24 October 2008;
- (60) Requisition Order Form from DEECD to Bang! Bang! Studios 'licence and rights to Shannon Noll music track 'Shine' dated 27 October 2008;
- (61) Memorandum from APU to the Communications Division 'Contractor Engagement – Building Confidence in Government Schools Regional Informational Campaign' dated 28 October 2008 (date signed). The attachments listed 1 – 3 in this document are found in the pre-listed document #4 in this schedule;
- (62) Memorandum from the Communications Division to APU 'Building Confidence in Government Schools Regional Informational Campaign' dated 29 October 2008;
- (63) Schedule of Licence to Record & Synchronise 'Shine' dated 29 October 2008;
- (64) Memorandum from the APU to the Communications Division 'Certificate of Exemption (APU): Building Confidence in Government Schools Regional Information Campaign – Music Licence' dated 31 October 2008 (date signed);
- (65) Selection Report 'Building Confidence Regional Campaign – Advertising Contractor' dated October 2008;
- (66) Communications Brief 'Building Confidence in Government Schools – Regional Victoria' dated October 2008;
- (67) Table of background for campaign 'Changes in School Based Staff as at June 2008' (handwritten notes were made on document in October 2008);

- (68) Confidential Draft Report by Auspoll Research Consulting – Department of Education and Early Childhood Development – ‘Shine’ TVC ad testing: Qualitative Research dated October 2008;
- (69) Feedback Form by DPC Market Research Panel dated October/November 2008;
- (70) Letter from Porter Novelli Melbourne to the Communications Division ‘regional schools campaign and quote to develop a media/community relations strategy’ dated 3 November 2008;
- (71) Media Booking Form from Master Agency Media Services (MAMS)/Mitchell & Partners Pty Ltd to Creative Outlet dated 5 November 2008. This document attaches:
 - ‘Regional State School Campaign Schedule’ dated 9 November 2008;
- (72) Tax Invoice (#00001507) – Creative Outlet ‘Building Confidence in Government Schools – Regional Victoria Campaign’ dated 6 November 2008;
- (73) Tax Invoice (#00001508) – Creative Outlet ‘Building Confidence in Government Schools – Regional Victoria Campaign’ dated 6 November 2008;
- (74) Contract Request Form from DEECD to Porter Novelli Melbourne ‘Developing public relations/events strategy and approach for regional ‘Shine’ campaign dated 10 November 2008 (commencement date);
- (75) Tax Invoice (#00070949) – Auspoll ‘Two Focus Groups – ‘Shine’ Ad Testing Research’ dated 11 November 2008;
- (76) Commercial Synchronisation Agreement between Sony BMG Music Entertainment and DEECD dated 12 November 2008;
- (77) Requisition Order Form from DEECD to Auspoll ‘2 Focus Groups to test advertising concepts for ‘Shine’ campaign’ dated 14 November 2008;
- (78) Media Release from the Minister of Education ‘Victoria’s Regional Students Set to ‘Shine’ on Screen’ dated 15 November 2008;
- (79) Letter from Porter Novelli Melbourne to the Communications Division re proposal and ‘Country Kids ‘Shine’” tour dated 25 November 2008;
- (80) Tax Invoice (#96246) – Mitchell & Partners Pty Ltd ‘Regional State Schools’ dated 30 November 2008;
- (81) Tax Invoice (#96247) – Mitchell & Partners Pty Ltd ‘Regional State Schools’ dated 30 November 2008;
- (82) Report prepared by the Communications Division to the Auditor-General ‘Alignment of ‘Shine’ Campaign with Auditor-General Advertising Criteria’ dated November 2008. This document attaches:
 - ‘Victorian Auditor-General’s Office: Better practice, Criteria for Government-funded publicity activities, September 2006’;
- (83) Media Proposals (including summary) by DEECD ‘Regional State Schools’ Promotion - regional Media Works (Southern Cross); Seven Affiliate Sales and WIN TV dated November 2008;
- (84) ‘Regional Campaign Benchmarking Market Research Report’;
- (85) Tax Invoice (#71432) – Colmar Brunton Social Research ‘Building Confidence in Government Schools’ dated 19 December 2008;
- (86) Tax Invoice (#97568) – Mitchell & Partners Pty Ltd ‘Regional State Schools’ dated 31 December 2008;
- (87) Tax Invoice (#97569) – Mitchell & Partners Pty Ltd ‘Regional State Schools’ dated 31 December 2008;
- (88) Media Booking Form by MAMS/Mitchell & Partners Pty Ltd dated 13 January 2009. This document attaches:
 - ‘Regional State School Campaign Schedule’ dated 25 January 2009;
- (89) Schedule of Regional State School Campaign dated 25 January 2009 (duplicate of attachment to tab number 123);
- (90) Contract Request Form by Porter Novelli Melbourne ‘implementation of public relations and events for the regional ‘Shine’ campaign’ dated 30 January 2009 (commencement date);

- (91) Tax Invoice (#101611) – Mitchell & Partners Pty Ltd ‘Regional State Schools’ dated 31 January 2009;
- (92) Tax Invoice (#102482) – Mitchell & Partners Pty Ltd ‘Regional State Schools’ dated 31 January 2009;
- (93) Tax Invoice (#B33850) –Bang! Bang! Studios ‘Regional Government Schools ‘Shine’ dated 16 February 2009;
- (94) Memorandum from the Communications Division to the APU ‘Building Confidence in Government Schools Regional Informational Campaign’ dated 27 February 2009 (date signed);
- (95) Memorandum from the APU to the Communications Division ‘Contract Variation – Purchase of Music Licence – Building Confidence in Government Schools Regional Information Campaign’ dated 27 February 2009 (date signed);
- (96) Tax Invoice (#103728) – Mitchell & Partners Pty Ltd ‘Regional State Schools’ dated 28 February 2009;
- (97) Tax Invoice (#103729) – Mitchell & Partners Pty Ltd ‘Regional State Schools’ dated 28 February 2009;
- (98) Tax Invoice (#B33865) – Bang! Bang! Studios ‘Regional Government Schools – Music Licensing’ dated 17 March 2009;
- (99) Schedule of Licence to record & synchronise Work for Promotional Campaign – ‘Shine’ dated 17 March 2009;
- (100) Licence Agreement for Commercial Advertising between DEECD and Mushroom Music Pty Ltd dated 25 March 2009;
- (101) Tax Invoice (#107192) – Mitchell & Partners Pty Ltd ‘Regional State Schools’ dated 31 March 2009;
- (102) Tax Invoice (#107193) – Mitchell & Partners Pty Ltd ‘Regional State Schools’ dated 31 March 2009;
- (103) Tax Invoice (#107194) – Mitchell & Partners Pty Ltd ‘Regional State Schools’ dated 31 March 2009;
- (104) Tax Invoice (#107195) – Mitchell & Partners Pty Ltd ‘Regional State Schools’ dated 31 March 2009;
- (105) Tax Invoice (#P9090017) – Porter Novelli Melbourne ‘professional fees for January’ dated 31 March 2009;
- (106) Commercial Synchronisation Agreement by Sony BMG Music Entertainment and DEECD dated 14 April 2009;
- (107) Media Booking Form from Master Agency Media Services (MAMS)/Mitchell & Partners Pty Ltd to DEECD attaching ‘Regional State School Campaign Schedule’ dated 19 May 2009;
- (108) Campaign Proposal by Channel 31 – DEECD – Channel 31 TV – dated 22 May 2009 (schedule date);
- (109) Communications Research Brief ‘Building Confidence in Government Schools Metropolitan Campaign’ dated 25 May 2009 (date Brief sent to research company);
- (110) Research Proposal by Colmar Brunton Social Research ‘Confidence in Government Schools Metropolitan Campaign’ dated 29 May 2009;
- (111) Presentation by Mitchell & Partners Pty Ltd re ‘Shine’ – a Government Schools Initiative – Generator Session dated May 2009;
- (112) Contract between DEECD and Creative Outlet;
- (113) Campaign Brief ‘Building Confidence in Government Schools Phase Two – Metropolitan Melbourne’ dated 5 June 2009 (date brief sent to Consultants);
- (114) Tax Invoice (#40623) – Colmar Brunton Social Research ‘Building Confidence in Government Schools Regional Campaign – Tax Invoice 2 of 2’ dated 5 June 2009;
- (115) Brief by DPC Market Research Panel ‘Building Confidence in Government Schools Metropolitan Campaign’ dated 9 June 2009;
- (116) Requisition Order Form by Colmar Brunton Social Research ‘benchmark research for metropolitan advertising and information campaign’ dated 10 June 2009;

- (117) Proposal document;
- (118) Production Estimate 'Government Schools – Metro Campaign';
- (119) Tax Invoice (#40698) – Colmar Brunton Social Research 'Confidence in Metropolitan Government Schools' dated 12 June 2009;
- (120) Memorandum from the Communications Division to APU (OSR000336) 'Building Confidence in Government Schools Campaign – Phase two' dated 15 June 2009 (date signed);
- (121) Memorandum from the Communications Division to APU (OSR000337) 'Building Confidence in Government Schools Campaign – Phase two' dated 17 June 2009 (date signed);
- (122) Contract between DEECD and Creative Outlet dated 24 June 2009 (commencement date – Schedule 3);
- (123) Tax Invoice (B33981) – Bang! Bang! Studio 'Regional Government Schools, Warrnambool' dated 25 June 2009;
- (124) Tax Invoice – Southern Cross Media 'copy all wild reels to DVD' dated 30 June 2009;
- (125) Tax Invoice (#114851) – Mitchell & Partners Pty Ltd 'Regional State Schools' dated 30 June 2009;
- (126) Tax Invoice (#114852) – Mitchell & Partners Pty Ltd 'Regional State Schools' dated 30 June 2009;
- (127) Tax Invoice (#00001543) – Creative Outlet 'production of four TVCs for 'Shine' – Phase 2 - Government Schools – Metro Campaign' dated 1 July 2009;
- (128) Memorandum from APU to the Communications Division 'Certificate of Exemption: Building Confidence in Government Schools Campaign – Phase 2' dated 10 July 2009 (date signed);
- (129) Media Booking Form from Master Agency Media Services (MAMS)/Mitchell & Partners Pty Ltd to DEECD dated 8 July 2009 (date signed);
- (130) Letter/Contract between Warner Chappell and DEECD 'Amendment to Licence to Record & Synchronise Work for Promotional Campaign' dated 9 July 2009;
- (131) Memorandum from APU to the Communications Division 'Certificate of Exemption: Building Confidence in Government Schools Campaign – Phase 2' dated 10 July 2009;
- (132) Requisition Order Form by Creative Outlet 'production of television advertisements' dated 13 July 2009;
- (133) Tax Invoice (#00001545) – Creative Outlet 'production of four TVCs for 'Shine' – Phase Two - Government Schools – Metro Campaign' dated 14 July 2009;
- (134) Draft Presentation re Confidence in Regional Government Schools – Wave 2 Draft Report 1 – 15.07.09 – dated 16 July 2009;
- (135) Tax Invoice (#B34013) – Bang! Bang! Studios 'Metropolitan Government Schools – 'Shine' – License Shannon Noll's track 'Shine' for use in a 12-month campaign in the mediums of television, radio, internet, promotional events and streaming DEECD website till end of 2010' dated July 2009;
- (136) Draft Presentation prepared by Colmar Brunton Social Research – Building Confidence in Metropolitan Government Schools – Wave 1 (pre campaign) dated 20 July 2009;
- (137) Schedule of Licence to Record & Synchronise Work for Promotional Campaign 'Shine' dated 22 July 2009;
- (138) Schedule of Licence to Record & Synchronise Work for Promotional Campaign 'Shine' dated 22 July 2009;
- (139) Quote (#C562) - CatFish dated 29 July 2009;
- (140) Signed permission forms for Free Television Australia dated 30 July 2009;
- (141) Quote – Backspin "Shine' Campaign web animation' dated 30 July 2009;
- (142) Tax Invoice (#00000360) – On Location Photography 'photographic service' dated 31 July 2009;

- (143) Ad.IQ Global Booking Form re keywords and phrases for SMS element of advertising dated 3 August 2009;
- (144) Quote (#214798.2) – Stream Solutions “Shine’ Metro booklet’ dated 7 August 2009;
- (145) Tax Invoice (#00001521) – JumpCreative ‘additional voiceover artist fees and 12 month usage commencing first on air date. Vic only’ dated 11 August 2009;
- (146) Licence Agreement for Commercial Advertising between DEECD and Mushroom Music Pty Ltd dated 14 August 2009;
- (147) Schedule of ‘Shine’ Campaign Report dated 16 August 2009;
- (148) Tax Invoice (#00001522) – JumpCreative ‘Two additional TV despatch (4 x ‘Shine’ II commercials; Radio dispatch (2 x ‘Shine’ II 30 sec commercials and 20 x DVD’s (4 x ‘Shine’ II TV’s) & supply other formats as requested’ dated 17 August 2009;
- (149) Courier booking form (#358710) – TollFast dated 18 August 2009;
- (150) Tax Invoice (#00001547) – Creative Outlet ‘production of four TVCs for ‘Shine’ – Phase Two (Government Schools – Metro Campaign) as per estimate dated 12 June 2009;
- (151) Revised Quote (#214798.4) – Stream Solutions “Shine’ Metro booklet’ dated 20 August 2009;
- (152) Minister’s Correspondence from Minister for Education to Warrnambool and District Network of Schools re congratulations on raising profile of government schools in the area dated 21 August 2009;
- (153) Schedule of ‘Shine’ Campaign Report dated 23 August 2009;
- (154) Commercial Synchronisation Agreement between Sony Music Entertainment Australia Pty Ltd and DEECD dated 24 August 2009;
- (155) Tax Invoice (#B34044) – Bang! Bang! Studios ‘Music Licensing – Cinema 3 Months’ dated 24 August 2009;
- (156) Tax Invoice (#00003684) – CatFish ‘production of ‘Shine’ online trailer’ dated 27 August 2009;
- (157) Tax Invoice (#00012068) – Direct Mail Corporation “Shine’ booklet’ dated 31 August 2009;
- (158) Tax Invoice (#122964) – Mitchell & Partners Pty Ltd ‘television program/placement’ dated 31 August 2009;
- (159) Tax Invoice (#122965) – Mitchell & Partners Pty Ltd ‘program/placement’ dated 31 August 2009;
- (160) Tax Invoice (#122966) – Mitchell & Partners Pty Ltd ‘television program/placement’ dated 31 August 2009;
- (161) Tax Invoice (#214798.1.1) – Stream Solutions “Shine’ Metro Booklet’ dated 31 August 2009;
- (162) Media Proposal by LEBA Ethnic Media “Shine’ including budget’ dated 8 September 2009;
- (163) Tax Invoice (#00012183) – Direct Mail Corporation ‘Monthly Orders ‘Shine’ Sept 09’ dated 28 September 2009;
- (164) Tax Invoice (#124395) – Mitchell & Partners Pty Ltd ‘television program/placement’ dated 30 September 2009;
- (165) Tax Invoice (#124396) – Mitchell & Partners Pty Ltd ‘press’ dated 30 September 2009;
- (166) Tax Invoice (#124398) – Mitchell & Partners Pty Ltd ‘program placement’ dated 30 September 2009;
- (167) Tax Invoice (#124399) – Mitchell & Partners Pty Ltd ‘online program/ placement’ dated 30 September 2009;
- (168) Tax Invoice (#GCL_DEECD_TEACH_VIC-CAMPAIGN.04) – Grosz Co. Lab ‘Help Young Victorians ‘Shine’; Revision of additional campaign Press Ad and prepare of Ad for print’ dated 16 October 2009;
- (169) Tax Invoice (#11) - Anna Bridgitte Celan (ABC) “Shine’ Leader 4 page inserts; graphic design’ dated 30 October 2009;

- (170) Tax Invoice (#12) - Anna Bridgitte Celan (ABC) ‘Shine’ Leader 4 page inserts; graphic design’ dated 30 October 2009;
- (171) Ministerial Briefing from Deputy Secretary, OPSC to Minister for Education ‘Building Confidence in Government Schools’ dated 5 February 2009; and
- (172) Ministerial Briefing from the Deputy Secretary, OPSC to the Minister for Education ‘Shine’ metropolitan campaign – parent guide’ dated 20 August 2009.

The Clerk also laid on the Table a letter from the Attorney-General dated 27 July 2010 —

- referring to the Government’s process of assessing documents for Executive privilege;
 - advising that Executive privilege was claimed in relation to the following documents and therefore those documents have not been provided —
- (1) Cabinet Committee decision extract (19 November 2008);
 - (2) Research Report (9 September 2009);
 - (3) Presentation on Research Report (9 September 2009);
 - (4) Research Report (9 September 2009);
 - (5) Cabinet Committee submission and decision extract (24 August 2009);
 - (6) Brief to the Secretary, DPC (13 August 2009);
 - (7) Cabinet Committee submission (24 August 2009);
 - (8) Brief to the Premier (23 July 2009);
 - (9) Brief to the Secretary, DPC (20 July 2009);
 - (10) Research Report (July 2009);
 - (11) Research Summary of Results (July 2009);
 - (12) Brief to the Secretary, DPC (17 June 2009);
 - (13) Research Presentation (6 June 2009);
 - (14) Advertising Brief (4 May 2009);
 - (15) Letter and Advertising Brief Response (4 May 2009);
 - (16) Advertising Brief Response (4 May 2009);
 - (17) Advertising Brief Response (4 May 2009);
 - (18) Advertising Brief Response (4 May 2009);
 - (19) Cabinet Committee submission (1 May 2009);
 - (20) Cabinet Committee Brief (1 May 2009);
 - (21) Research Report (1 May 2009);
 - (22) Research Report (1 May 2009);
 - (23) Research Report (1 May 2009);
 - (24) Research Report (1 May 2009);
 - (25) DPC Advertising Brief (1 May 2009);
 - (26) Brief to the Premier (21 April 2009);
 - (27) Research Report Presentation (1 April 2009);
 - (28) Draft Research Report (undated);
 - (29) Research Report (undated);
 - (30) Brief to the Minister for Regional and Rural Development (15 August 2009);
 - (31) Briefing to the Minister for Education (31 July 2008);
 - (32) Cabinet Committee Application and attachments (6 January 2009);
 - (33) Advertising Application (1 June 2009);
 - (34) Research Presentation (1 July 2009);
 - (35) Advertising Application (undated).

Mr D.M. Davis moved, by leave, That the list of 172 documents being produced to the Council and a list of the 35 documents upon which Executive privilege is being claimed relating to the Shine and Working Victoria advertising campaigns, be incorporated into Hansard.

Question — put and agreed to.

SMART METERS PROJECT — The Clerk laid on the Table a letter from the Attorney-General dated 27 July 2010 in response to the resolution of the Council of 23 June 2010 seeking the production of documents relating to the smart meters project —

- indicating that the Government's preliminary estimates indicate that over 4,000 documents are relevant to the order;
- stating that responding to the order would require a substantial diversion of the relevant Departments' time and resources;
- stating that in light of the breadth of the order and its impact on the Departmental resources, the Government is also examining how it can reasonably refine the scope of the order without affecting its integrity; and
- advising that the Government will respond to the Council as soon as possible.

* * * * *

CHILD PROTECTION LEGAL ADVICE — The Clerk laid on the Table a letter from the Attorney-General dated 27 July 2010 in response to the resolution of the Council of 23 June 2010 seeking the production of legal advice relating to best interest case plans for children —

- referring to the Government's process of assessing documents for Executive privilege;
- stating the Government claims Executive privilege in relation to the requested document, Advice – Children Youth and Families Act 2005 – Section 167 – Preparation of Case Plan, and that therefore the document will not be provided.

* * * * *

On the motion of Mr D.M. Davis, the health services integrated performance reports, Yarra Park and Shine and Working Victoria advertising campaign documents and the letters from the Attorney-General were ordered to be taken into consideration on the next day of meeting.

9 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

10 SUBORDINATE LEGISLATION AMENDMENT BILL 2010 — Mr Madden (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for two weeks.

11 TOURIST AND HERITAGE RAILWAYS BILL 2010 — Mr Madden (for Mr Pakula) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Madden, the second reading speech was incorporated into Hansard.

Mr Madden moved, That the Bill be now read a second time.

On the motion of Mr Koch, the debate was adjourned for two weeks.

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

13 PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Lenders were circulated by Ms Huppert.

Debate continued.

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

Mr Rich-Phillips moved, That the contents of this Bill be referred to the Public Accounts and Estimates Committee for consideration and report by 31 August 2010.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza (<i>Teller</i>)
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Leane
Mr Drum (<i>Teller</i>)	Mr Lenders
Mr Finn	Mr Madden
Mr Guy	Ms Mikakos
Mr Hall	Mr Murphy
Ms Hartland	Mr Pakula
Mr Kavanagh	Ms Pulford (<i>Teller</i>)
Mr Koch	Mr Scheffer
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek
Ms Pennicuik	Mr Tee
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Rich-Phillips (<i>Teller</i>)	
Mr Vogels	

Question agreed to.

14 ELECTORAL AMENDMENT (ELECTORAL PARTICIPATION) BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Mr Rich-Phillips moved, That the Electoral Amendment (Electoral Participation) Bill 2010 be referred to the Legislation Committee.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 21
Mr Atkinson	Mr Barber (<i>Teller</i>)
Mrs Coote	Ms Broad
Mr Dalla-Riva (<i>Teller</i>)	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum	Ms Hartland
Mr Finn	Ms Huppert
Mr Guy	Mr Jennings
Mr Hall	Mr Leane
Mr Kavanagh	Mr Lenders
Mr Koch	Mr Madden
Mrs Kronberg	Ms Mikakos
Ms Lovell	Mr Murphy (<i>Teller</i>)
Mrs Petrovich (<i>Teller</i>)	Ms Pennicuik
Mrs Peulich	Ms Pulford
Mr Rich-Phillips	Mr Scheffer
Mr Vogels	Mr Smith
	Mr Somyurek
	Mr Tee
	Ms Tierney
	Mr Viney

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Lenders moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Barber
 Ms Broad (*Teller*)
 Ms Darveniza
 Mr Eideh
 Mr Elasmar
 Ms Hartland
 Ms Huppert
 Mr Kavanagh
 Mr Leane
 Mr Lenders
 Ms Mikakos
 Mr Murphy
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney (*Teller*)
 Mr Viney

NOES, 15

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn (*Teller*)
 Mr Guy
 Mr Koch
 Mrs Kronberg (*Teller*)
 Ms Lovell
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 15 TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — The President read a Message from the Assembly returning to the Legislative Council for their agreement as recommended by the Dispute Resolution Committee in its resolution of 19 July 2010 *A Bill for an Act to continue the establishment of an integrated and sustainable transport system in Victoria by amending the Transport Integration Act 2010 and the Port Services Act 1995 to provide for the Port of Melbourne Corporation and the Victorian Regional Channels Authority to continue under the Transport Integration Act 2010 and for the abolition of the Port of Hastings Corporation and for the Port of Melbourne Corporation to be the successor in law of the Port of Hastings Corporation and to make other amendments to the Transport Integration Act 2010 and to amend certain other Acts and for other purposes.*

On the motion of Mr Lenders, the Message was ordered to be taken into consideration on the next day of meeting.

- 16 CONTROL OF WEAPONS AMENDMENT BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

- 17 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and certain responses to Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.44 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
 Clerk of the Legislative Council

No. 179 — Wednesday, 28 July 2010

1 The President took the Chair and read the Prayer.

2 **PETITIONS —**

TORQUAY SECONDARY COLLEGE — Mr Koch presented a Petition bearing 317 signatures from certain citizens of Victoria requesting that the Government provide full secondary education in Torquay.

Ordered to lie on the Table.

* * * * *

NEIGHBOURHOOD WATCH CRIME STATISTICS — Mr Drum presented a Petition bearing 11 signatures from certain citizens of Victoria requesting that the Government reverse its changes to Neighbourhood Watch crime statistics, so that statistics continue to be available on a street-by-street basis and not only by postcode.

Ordered to lie on the Table.

* * * * *

TALBOT RAIL SERVICE — Ms Hartland presented a Petition bearing 408 signatures from certain citizens of Victoria requesting that the Government ensure that the passenger rail service from Maryborough to Ballarat stops at Talbot railway station.

Ordered to lie on the Table.

* * * * *

COMPUTER GAME CLASSIFICATION — Mr Atkinson presented a Petition bearing 104 signatures from certain citizens of Victoria requesting that the Government introduce a classification system that would prevent minors from seeing or playing games that are offensive or that include content that is dangerous or objectionable.

Ordered to lie on the Table.

* * * * *

CALTEX SITE, BLACKBURN — Mr Atkinson presented a Petition bearing 132 signatures from certain citizens of Victoria requesting that the Government take immediate action to have the contaminated Caltex site at 22-24 Blackburn Road, Blackburn, cleaned up and remediated.

Ordered to lie on the Table.

* * * * *

PLANNING HEIGHT CONTROLS — Mr Atkinson presented a Petition bearing 19 signatures from certain citizens of Victoria requesting that the Government immediately re-establish height controls to provide planning certainty to the community.

Ordered to lie on the Table.

3 **PAPERS —**

ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — MANUFACTURING IN VICTORIA — Mr D.M. Davis presented a Report from the Economic Development and Infrastructure Committee on Manufacturing in Victoria (including Appendices), together with Transcripts of Evidence.

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

Mr D.M. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2009-10 ANNUAL REPORT — Mr Dalla-Riva presented the 2009-10 Annual Report from the Public Accounts and Estimates Committee.

Ordered to lie on the Table and to be printed.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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 reports on —

Portfolio Departments: Interim Results of the 2009-10 Audits, July 2010.

Taking Action on Problem Gambling, July 2010.

Duties Act 2000 —

Treasurer's report of exemptions and refunds arising out of corporate consolidations for 2009-10.

Treasurer's report of exemptions and refunds arising out of corporate reconstructions for 2009-10.

Essential Services Commission — Review of Accident Towing and Storage Fees Final Report, June 2010.

Statutory Rules under the following Acts of Parliament:

Guardianship and Administration Act 1986 — No. 69.

Victorian Civil and Administrative Tribunal Act 1998 — No. 68.

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 68.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 PRODUCTION OF DOCUMENTS — POLICE STAFF ROSTERS — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 10 August 2010 a copy of all staff rosters produced by each police station, Criminal Investigation Unit, crime desk, Sexual Offences and Child Abuse Unit and Traffic Management Unit in Victoria for the pay periods ending in July 2009, including the rank of each Member (with name and other personal details deleted).

Debate ensued.

Question — put and agreed to.

6 PRODUCTION OF DOCUMENTS — SUGARLOAF PIPELINE AND FOODBOWL MODERNISATION — Mr Hall moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 31 August 2010 a copy of the following documents —

- (1) the Business Plan for the Sugarloaf Pipeline Project and Annexures;
- (2) the initial Business Plan and Annexures for the Foodbowl Modernisation Project prepared by the State Owned Enterprise for Irrigation Modernisation in Northern Victoria and submitted to the Treasurer and Minister for Water in August 2008; and
- (3) the revised Business Plan and Annexures for the Foodbowl Modernisation Project prepared by the State Owned Enterprise for Irrigation Modernisation in Northern Victoria and submitted to and endorsed by the Treasurer and Minister for Water in June 2009.

Debate ensued.

Question — put and agreed to.

7 PRODUCTION OF DOCUMENTS — BAY OF ISLANDS COASTAL PARK EXPLORATION — Mr Barber moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on Tuesday, 10 August 2010 a copy of all documents held by the Government relating to Origin Energy's application and subsequent approval for exploration in the Bay of Islands Coastal Park under section 40 of the *National Parks Act 1975*.

Debate ensued.

Question — put and agreed to.

8 PRODUCTION OF DOCUMENTS — YARRA PARK — Mr Barber moved, That this House —

- (1) notes the failure of the Government to comply with the Resolution of the Council of 25 November 2009 to table a copy of all documents relating to proposals to transfer

- control of Yarra Park to the Melbourne Cricket Ground Trust or the Melbourne Cricket Club;
- (2) notes the Attorney-General's letter of 8 December 2009, indicating that the Government was seeking to comply with the resolution by early 2010 and further notes that 33 weeks have passed and the Government has still failed to comply; and
 - (3) demands that the Leader of the Government urgently comply with the Resolution of the Council of 25 November 2009 and lodge all documents with the Clerk by 12 noon on Thursday, 12 August 2010.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis (*Teller*)
 Mr Drum
 Mr Finn
 Mr Guy (*Teller*)
 Mr Hall
 Ms Hartland
 Mr Kavanagh
 Mr Koch
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

NOES, 18

Ms Broad
 Ms Darveniza
 Mr Eideh (*Teller*)
 Mr Elasmarr
 Ms Huppert
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden (*Teller*)
 Ms Mikakos
 Mr Murphy
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney

Question agreed to.

9 PRODUCTION OF DOCUMENTS — BROWN COAL — The Clerk laid on the Table the following documents in accordance with an order of the Council of 11 November 2009 —

- (1) Internal DIIRD email, re 'Exergen Summary (for discussion with the Minister)' (12 January 2009). Attaching: 'Project and Technology Overview';
- (2) Minutes of meeting between Exergen and representatives of DPI, DIIRD and DOT (22 January 2009);
- (3) Letter from Exergen to DPI, re 'Exergen Business Plan – Commercial In Confidence';
- (4) Letter from Exergen to the DPI Secretary seeking a meeting (5 April 2009);
- (5) Background document and media release by Exergen (undated);
- (6) Letter from Exergen to Minister for Energy and Resources attaching a media release (14 May 2009) Attaching: media release on Major Japanese general trading company buys into Australian clean coal initiative (11 May 2009);
- (7) Request for Brief from the Minister for Energy and Resources, re 'Meeting – Exergen and Brown Coal' (20 May 2009);
- (8) Email from DPI to DPC, re 'Key messages: Exergen' (28 May 2009);
- (9) Itinerary prepared by Exergen, re 'DPI/DIIRD visit to Beaconsfield, Tasmania – Wednesday, 22 July 2009'; and
- (10) Letter from Minister for Energy and Resources to the Premier re recent discussion to consider the merits of an interim allocation of coal for the Exergen Project (5 November 2009).

The Clerk also laid on the Table a letter from the Attorney-General dated 28 July 2010 —

- referring to the Government's process of assessing documents for Executive privilege;
 - advising that Executive privilege was claimed in relation to the following documents and therefore those documents have not been provided —
- (1) Presentation by Exergen;
 - (2) Map prepared by Exergen;
 - (3) Email from Exergen to DIIRD;
 - (4) Email from DIIRD to Exergen;
 - (5) Further draft timeline;
 - (6) Brief from DIIRD to the Minister for Industry and Trade;
 - (7) Presentation by Exergen;
 - (8) Notes by DPI;
 - (9) Hand drawn diagram by DPI;
 - (10) Internal presentation by DPI;
 - (11) Draft DIIRD brief to Minister for Industry and Trade;
 - (12) Presentation by Exergen;
 - (13) Brief from DIIRD to the Minister for Regional and Rural Development;
 - (14) Email from Exergen to DIIRD;
 - (15) Request for Minister's Endorsement for Cabinet Submission;
 - (16) Email from Exergen to DIIRD;
 - (17) Internal DIIRD email;
 - (18) DIIRD Cabinet brief re Cabinet Submission;
 - (19) DPI Briefing Note for Cabinet Submission;
 - (20) Speaking Notes for Cabinet Submission;
 - (21) Cabinet Submission;
 - (22) Decision Extract for Cabinet Submission;
 - (23) Email from DPI to DIIRD;
 - (24) Interdepartmental brief by DPI;
 - (25) Letter from Exergen to DIIRD;
 - (26) Presentation by Exergen to DPI;
 - (27) Timeline, prepared by DPI;
 - (28) Brief to Premier by DPC;
 - (29) Legal advice from external legal provider;
 - (30) Draft Cabinet Submission;
 - (31) Drafts of commentary on Cabinet Submission;
 - (32) Further draft commentary on Cabinet Submission;
 - (33) Draft Cabinet Submission;
 - (34) Presentation by Exergen;
 - (35) Brief from the Energy Sector Development Division to Minister for Energy and Resources;
 - (36) Outline re 'Coal Allocation Options – Exergen' by DPI;
 - (37) Draft request for Minister's Endorsement re Cabinet Submission;
 - (38) 'Submission information' re Cabinet Submission;
 - (39) Request for Minister's Endorsement re Cabinet Submission;
 - (40) Legal advice by external legal provider;
 - (41) Letter from Exergen to Minister;
 - (42) Cabinet Submission;
 - (43) Internal DPI brief;
 - (44) Legal advice by internal legal adviser;
 - (45) Letter from Exergen to DIIRD;

- (46) Draft Cabinet Submission;
- (47) Briefing Note re Cabinet Submission;
- (48) Endorsed request for Minister's Endorsement re Cabinet Submission;
- (49) Email from Exergen to DPI;
- (50) Cabinet Submission;
- (51) Internal email chain from DPI to DTF;
- (52) Email from DPC to DTF re Cabinet Meeting;
- (53) Cabinet Brief;
- (54) Cabinet Brief;
- (55) Brief to Chair re Cabinet Submission;
- (56) Cabinet Briefing Note;
- (57) Cabinet Speaking Notes;
- (58) Revised Brief to Chair;
- (59) Cabinet Brief;
- (60) Cabinet Submission;
- (61) Cabinet Briefing Note;
- (62) Cabinet Brief;
- (63) Cabinet Brief;
- (64) Internal DTF email;
- (65) Cabinet Brief;
- (66) DIIRD Ministerial Brief;
- (67) DTF Cabinet Brief;
- (68) Cabinet Speaking Notes;
- (69) Presentation by Exergen to Minister Pakula;
- (70) Cabinet Submission;
- (71) Cabinet Brief;
- (72) Draft Cabinet Brief;
- (73) Cabinet Briefing Note;
- (74) Cabinet Brief;
- (75) Cabinet Brief;
- (76) Cabinet Speaking Notes;
- (77) Cabinet Decision Extract;
- (78) Cabinet Brief;
- (79) Request for Minister's Endorsement re Cabinet Submission;
- (80) Presentation by Exergen;
- (81) Cabinet Submission;
- (82) Cabinet Briefing Note;
- (83) Email from DSE to DPC;
- (84) Brief to Premier;
- (85) Internal DSE email;
- (86) Legal advice by external legal provider;
- (87) Cabinet Brief;
- (88) Brief re Cabinet Submission;
- (89) Decision Extract endorsing minutes of Cabinet;
- (90) Draft brief to re Cabinet Submission;
- (91) Speaking Notes for Cabinet Submission;
- (92) List of questions for Exergen and DPI;
- (93) Internal DTF email;
- (94) Draft questions prepared by DPC with annotations;
- (95) PPQ by DIIRD;

- (96) Email chain between DTF, DPI and DPC;
- (97) DTF briefing re Cabinet Submission;
- (98) Brief for Premier re meeting;
- (99) Email from DPI to DTF;
- (100) Draft Discussion Paper by DIIRD;
- (101) Brief from Energy and Resources to the Minister for Energy and Resources;
- (102) Letter to Exergen from Minister for Energy and Resources;
- (103) Email from DPI to DTF and other government representatives;
- (104) Email from DPI to DTF and other departments re draft Cabinet Submission;
- (105) Letter from Exergen to Minister;
- (106) Emails between DPC and other government representatives;
- (107) Emails between DPC and other government representatives;
- (108) Comments by DPC on draft Cabinet Submission;
- (109) Draft attachment by DPI for Cabinet Submission;
- (110) Emails from DTF to DPI and other government representatives;
- (111) Emails between DTF and DPI re further DTF input for Cabinet Submission;
- (112) Emails between DTF and DPI re further DTF input for Cabinet Submission;
- (113) Draft Cabinet Submission;
- (114) Email from DIIRD and DTF and DPC and other government representatives re Cabinet Submission;
- (115) Letter from Exergen to DPI, attaching responses to Minister's further questions;
- (116) Internal DSE email;
- (117) DPC brief to Premier;
- (118) Draft answers by DPI to questions prepared by DPC;
- (119) Further draft answers by DPI to questions prepared by DPC;
- (120) Draft Cabinet Submission;
- (121) Draft Cabinet Submission;
- (122) Draft Cabinet Submission;
- (123) Cabinet Submission;
- (124) DSE internal email chain;
- (125) Draft PPQ by DIIRD;
- (126) Email chain between DSE and EPA;
- (127) Internal notes by DSE;
- (128) Request for Minister's Endorsement re Draft Cabinet Submission;
- (129) DPC Cabinet Brief;
- (130) Speaking Notes for Cabinet Submission;
- (131) Cabinet Briefing Note; and
- (132) Draft PPQ by DIIRD.

Mr D.M. Davis moved, by leave, That the list of 10 documents being produced to the Council and the list of the 132 documents upon which Executive privilege is being claimed relating to Brown Coal, be incorporated into Hansard.

Question — put and agreed to.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

10 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

11 PRODUCTION OF DOCUMENTS — PROSECUTION CASE AGAINST FORMER ASSISTANT COMMISSIONER OF POLICE — Debate resumed on the question, That this House —

- (1) notes the administrative failure of the Office of Police Integrity in the management of the prosecution case against former Assistant Commissioner of Police, Mr Noel Ashby, and further notes Victorians will now not be in a position to examine the

- evidence concerning, or properly debate issues surrounding, the reported involvement and conduct of Mr Martin Foley, MP, Member for Albert Park and the now Minister for Roads and Ports, Mr Tim Pallas, MP, in the case;
- (2) further notes that in the absence of a broad based independent anti-corruption commission in Victoria, few formal mechanisms exist to restore public confidence or fully and independently probe the broader implications of preliminary evidence in the case; and
 - (3) therefore orders that in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 13 April 2010 a copy of all relevant material collected for the prosecution case against the former Assistant Commissioner of Police, all background material that supported the case including but not limited to transcripts and recordings and other documents that form part of the authorised telephone intercepts and including specifically any and all documents and information in the possession of the Office of Police Integrity and the Department of Justice that refer to the Member for Albert Park and the now Minister for Roads and Ports and material that refers to members of the Brumby and Bracks Governments' ministerial staff either current or past.

Mr Finn moved, as an amendment, That the words "13 April 2010" be omitted with the view of inserting in their place "10 August 2010".

Debate ensued.

Question — That the amendment be agreed to — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 21
Mr Atkinson	Mr Barber
Mrs Coote (<i>Teller</i>)	Ms Broad
Mr Dalla-Riva (<i>Teller</i>)	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum	Ms Hartland (<i>Teller</i>)
Mr Finn	Ms Huppert
Mr Guy	Mr Jennings
Mr Hall	Mr Leane
Mr Kavanagh	Mr Madden
Mr Koch	Ms Mikakos
Ms Lovell	Mr Murphy
Mr O'Donohue	Mr Pakula
Mrs Petrovich	Ms Pennicuik
Mrs Peulich	Ms Pulford
Mr Rich-Phillips	Mr Scheffer
Mr Vogels	Mr Smith
	Mr Somyurek (<i>Teller</i>)
	Mr Tee
	Ms Tierney
	Mr Viney

Amendment negatived.

Question — That this House —

- (1) notes the administrative failure of the Office of Police Integrity in the management of the prosecution case against former Assistant Commissioner of Police, Mr Noel Ashby, and further notes Victorians will now not be in a position to examine the evidence concerning, or properly debate issues surrounding, the reported involvement and conduct of Mr Martin Foley, MP, Member for Albert Park and the now Minister for Roads and Ports, Mr Tim Pallas, MP, in the case;
- (2) further notes that in the absence of a broad based independent anti-corruption commission in Victoria, few formal mechanisms exist to restore public confidence or

- fully and independently probe the broader implications of preliminary evidence in the case; and
- (3) therefore orders that in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 13 April 2010 a copy of all relevant material collected for the prosecution case against the former Assistant Commissioner of Police, all background material that supported the case including but not limited to transcripts and recordings and other documents that form part of the authorised telephone intercepts and including specifically any and all documents and information in the possession of the Office of Police Integrity and the Department of Justice that refer to the Member for Albert Park and the now Minister for Roads and Ports and material that refers to members of the Brumby and Bracks Governments' ministerial staff either current or past.

— put and negatived.

- 12 SELECT COMMITTEE ON VICTORIA PLANNING PROVISIONS AMENDMENT VC 67** — The Order of the Day having been read for the resumption of the debate on the question, That a Select Committee of 7 Members be appointed to inquire into Amendment VC 67 to the Victoria Planning Provisions and on the amendment of Mr D.M. Davis to insert certain words —

On the motion of Ms Pennicuik, the debate was adjourned until later this day.

- 13 INDEPENDENT INVESTIGATION OF POLICE INCIDENTS** — Ms Pennicuik moved That this House calls on the Government to establish a civilian-managed body, independent of Victoria Police, to investigate all police shootings, incidents involving serious injury, deaths and serious injury in police custody, and complaints against police that involve allegations of human rights abuses.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3	NOES, 36
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland	Ms Broad
Ms Pennicuik (<i>Teller</i>)	Mrs Coote
	Mr Dalla-Riva
	Ms Darveniza
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh
	Mr Elasmar
	Mr Finn
	Mr Guy
	Mr Hall
	Ms Huppert
	Mr Jennings
	Mr Kavanagh (<i>Teller</i>)
	Mr Koch
	Mr Leane
	Mr Lenders
	Ms Lovell
	Mr Madden
	Ms Mikakos
	Mr Murphy
	Mr O'Donohue (<i>Teller</i>)
	Mr Pakula
	Mrs Petrovich

Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Question negatived.

14 FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE REFERENCE — POST-NATAL DEATHS — Mr Kavanagh moved, That this House —

- (1) notes that on 20 May 2010 the Herald Sun reported on the recently released 2007 annual report of the Consultative Council on Obstetric and Paediatric Mortality and Morbidity which showed that 54 out of 181 late term foetuses who were aborted for “abnormalities” survived late term abortions but all of them in the period studied died “post-natally”;
- (2) further notes that babies born after around 22 weeks of gestation have a significant chance of survival which increases sharply with each further week of gestation to, at around 26 weeks, achieving a very high chance of survival if given even minimal care, and that the death of every one of these babies in the period studied therefore suggests that they were neglected to death, if not deliberately killed; and
- (3) therefore requires the Family and Community Development Committee to inquire into, consider and report on the post-natal deaths of babies born alive in Victoria after failed abortions, with particular reference to the 2007 Annual Report of the Consultative Council on Obstetric and Paediatric Mortality and Morbidity.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 9	NOES, 27
Mr Dalla-Riva	Mr Atkinson
Mr Drum	Ms Broad (<i>Teller</i>)
Mr Finn (<i>Teller</i>)	Mrs Coote
Mr Guy	Ms Darveniza
Mr Hall	Mr D.M. Davis
Mrs Petrovich	Mr P.R. Davis
Mrs Peulich	Mr Eideh
Mr Kavanagh (<i>Teller</i>)	Mr Elasmarr
Mr Vogels	Ms Hartland
	Ms Huppert
	Mr Jennings
	Mr Leane
	Mr Lenders
	Mr Madden
	Ms Mikakos
	Mr Murphy
	Mr O'Donohue
	Mr Pakula
	Ms Pennicuik
	Ms Pulford
	Mr Rich-Phillips (<i>Teller</i>)
	Mr Scheffer
	Mr Smith
	Mr Somyurek

Mr Tee
Ms Tierney
Mr Viney

Question negated.

15 VIOLENCE ON PUBLIC TRANSPORT — Mr Dalla-Riva moved, That This House expresses its serious concern at the terrible series of incidents of unprovoked violence on, or in the vicinity of, Victorian public transport and believes that after eleven years in power the Brumby Labor Government should have done more to prevent this violence and further believes that —

- (1) Victorian commuters have a right to travel on public transport in safety;
- (2) increased numbers of Victorian police must be deployed to patrol public transport;
- (3) increased numbers of Victoria Police Protective Services Officers have a key role in ensuring the safety of commuters; and
- (4) Victoria Police Protective Services officers should be on each and every metropolitan and major regional railway station from 6.00 p.m. until the last train at night, seven days a week.

Debate ensued.

On the motion of Mr Koch, the debate was adjourned for one week.

16 PENINSULA LINK PROJECT — Ms Pennicuik moved, That the Linking Melbourne Authority cease all work on the Peninsula Link project until such time as a final design for the road is publicly available and the preliminary design is altered so as to —

- (1) avoid encroaching on any part of the Westerfield property, with reference to the recommendations in the Environmental Effects Statement report;
- (2) avoid to the greatest extent possible the Pines Flora and Fauna reserve, either by re-routing the roadway or tunnelling under the Reserve;
- (3) minimise and impact on the other flora and fauna reserves; and
- (4) rehabilitate areas already “accidentally” destroyed by the contractor, Abigroup.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

17 ADJOURNMENT — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.24 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 180 — Thursday, 29 July 2010

1 The President took the Chair and read the Prayer.

2 **PETITION — WALLAN-KILMORE BYPASS** — Mrs Petrovich presented a Petition bearing 317 signatures from certain citizens of Victoria requesting that the Minister for Roads and Ports immediately abolishes the ‘Link’ road planned in the Kilmore township and the Northern Highway duplication and commences planning for a bypass of Wallan and Kilmore to remove traffic from these towns.

Ordered to lie on the Table.

3 **PAPERS** —

VICTORIAN CHILD DEATH REVIEW COMMITTEE — Mr Jennings moved, by leave, That there be laid before this House a copy of the Victorian Child Death Review Committee Annual Report of Inquiries into the Deaths of children known to Child Protection 2010.

Question — put and agreed to.

The said paper was presented by Mr Jennings 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:

Gambling Regulation Act 2003 — Report of the Gambling and Lotteries Licence Review Panel to the Minister for Gaming in Relation to the Review of Expressions of Interest in the grant of a Wagering and Betting Licence, July 2010.

Ombudsman — Report on Investigation into an allegation of improper conduct within RMIT's School of Engineering (TAFE) – Aerospace, July 2010.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 2 to 5 inclusive, 7 to 9 inclusive and 13 to 19 inclusive, be postponed until later this day.
- 7 VICTORIA PLANNING PROVISIONS AMENDMENT VC68** — Mr Madden moved, That pursuant to section 46AH of the *Planning and Environment Act 1987*, Amendment VC68 to the Victoria Planning Provisions be ratified.

Debate ensued.

Question — put and agreed to.

- 8 BAIL AMENDMENT BILL 2010** — Mr Pakula (for Mr Madden), pursuant to notice, introduced *A Bill for an Act to amend the Bail Act 1977 and the Magistrates' Court Act 1989 and for other purposes.*

On the motion of Mr Pakula, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 9 PERSONAL PROPERTY SECURITIES (STATUTE LAW REVISION AND IMPLEMENTATION) BILL 2010** — Mr Pakula (for Mr Madden), pursuant to notice, introduced *A Bill for an Act to revise the statute law of Victoria as a consequence of the enactment of the Personal Property Securities (Commonwealth Powers) Act 2009, to provide for the implementation of that Act and for other purposes.*

On the motion of Mr Pakula, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 10 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 23, be postponed until later this day.
- 11 CONTROL OF WEAPONS AMENDMENT BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 13 CONTROL OF WEAPONS AMENDMENT BILL 2010** — Debate continued on the question, That the Bill be now read a second time.

Ms Pennicuik moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until an independent and public review of the existing provisions established under the Summary Offences and Control of Weapons Acts Amendment Act 2009 is undertaken, and reliable evidence shows that further amendments to the Act are required."

Debate ensued.

Question — That the reasoned amendment moved by Ms Pennicuik be agreed to — put.

The Council divided — The President in the Chair.

AYES, 4

Mr Barber
 Ms Hartland
 Mr Kavanagh (*Teller*)
 Ms Pennicuik (*Teller*)

NOES, 35

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmar
 Mr Finn
 Mr Guy
 Mr Hall (*Teller*)
 Ms Huppert
 Mr Jennings
 Mr Koch
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney (*Teller*)
 Mr Viney
 Mr Vogels

Amendment negatived.

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

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

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Madden moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 34

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza (*Teller*)
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh

NOES, 3

Mr Barber (*Teller*)
 Ms Hartland
 Ms Pennicuik (*Teller*)

Mr Elasmar
Mr Finn
Mr Guy
Mr Hall
Ms Huppert
Mr Jennings
Mr Kavanagh (*Teller*)
Mr Koch
Mr Leane
Ms Lovell
Mr Madden
Ms Mikakos
Mr Murphy
Mr O'Donohue
Mr Pakula
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney
Mr Vogels

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

14 SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009 — Bill further considered in Committee of the whole.

Bill reported without further amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without further amendment.

15 ASSOCIATIONS INCORPORATION AMENDMENT BILL 2010 — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Associations Incorporation Act 1981 in relation to regulatory requirements for incorporated associations and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Guy), the debate was adjourned for one week.

16 CIVIL PROCEDURE BILL 2010 — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide for the reform and modernisation of the laws, practice, procedure and processes for the resolution of civil disputes which may lead to civil proceedings and for the initiation and conduct of civil proceedings and appeals, to amend the Supreme Court Act 1986, the County Court Act 1958 and the Magistrates' Court Act 1989 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Rich-Phillips), the debate was adjourned for one week.

- 17 ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2010** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000, the Electricity Safety Act 1998, the National Electricity (Victoria) Act 2005, the Energy Safe Victoria Act 2005, the Mineral Resources (Sustainable Development) Act 1990, the Petroleum Act 1998, the Gas Industry Act 2001, the Victorian Energy Efficiency Target Act 2007, to repeal the Mines Act 1958 and to amend other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Guy), the debate was adjourned for one week.

- 18 FIREARMS AND OTHER ACTS AMENDMENT BILL 2010** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Firearms Act 1996, the Control of Weapons Act 1990, the Graffiti Prevention Act 2007, the Transport Act 1983 and the Liquor Control Reform Act 1998 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Dalla-Riva), the debate was adjourned for one week.

- 19 JURIES AMENDMENT (REFORM) BILL 2010** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Juries Act 2000 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Rich-Phillips), the debate was adjourned for one week.

- 20 PERSONAL SAFETY INTERVENTION ORDERS BILL 2010** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to make provision for a system of personal safety intervention orders, the use of mediation and other matters relating to the prevention and resolution of prohibited behaviour and stalking, to repeal the Stalking Intervention Orders Act 2008 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

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

On the motion of Mr Koch (for Mr Rich-Phillips), the debate was adjourned for one week.

- 21 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2010** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Catchment and Land Protection Act 1994, the Livestock Disease Control Act 1994, the Primary Industries Legislation Amendment Act 2009 and the Veterinary Practice Act 1997 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell, the debate was adjourned for one week.

- 22 PERSONAL PROPERTY SECURITIES (STATUTE LAW REVISION AND IMPLEMENTATION) BILL 2010** — Mr Jennings (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Jennings, the remainder of the second reading speech was, by leave, incorporated into Hansard.

On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for two weeks.

- 23 BAIL AMENDMENT BILL 2010**— Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was, by leave, incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for two weeks.

- 24 DOMESTIC ANIMALS AMENDMENT (DANGEROUS DOGS) BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Question — put and agreed to.

On the motion of Mr Pakula, the Bill was ordered to be committed later this day.

- 25 SITTING OF THE COUNCIL** — Mr Pakula moved, That the Council, at its rising, adjourn until Tuesday, 10 August 2010.

Question — put and agreed to.

- 26 DOMESTIC ANIMALS AMENDMENT (DANGEROUS DOGS) BILL 2010** — Bill committed to a Committee of the whole.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

27 ADJOURNMENT — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.42 p.m., adjourned until Tuesday, 10 August 2010.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 178, 179 and 180

Tuesday, 27 July 2010

1 ELECTORAL AMENDMENT (ELECTORAL PARTICIPATION) BILL 2010

Clauses 1 and 2 — put and agreed to.

Clause 3 — Question — That Clause 3 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22

Mr Barber (*Teller*)
Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmar
Ms Hartland
Ms Huppert
Mr Jennings
Mr Kavanagh
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Mr Murphy
Mr Pakula
Ms Pennicuik
Ms Pulford
Mr Scheffer (*Teller*)
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney

NOES, 16

Mr Atkinson
Mrs Coote
Mr Dalla-Riva (*Teller*)
Mr D.M. Davis
Mr P.R. Davis
Mr Drum (*Teller*)
Mr Finn
Mr Guy
Mr Hall
Mr Koch
Mrs Kronberg
Ms Lovell
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

Question agreed to.

Clauses 4 to 9 — put and agreed to.

Clause 10 — Question — That Clause 10 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair

AYES, 21

Mr Barber
Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmar
Ms Hartland (*Teller*)
Ms Huppert
Mr Jennings

NOES, 17

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn (*Teller*)
Mr Guy

Mr Leane	Mr Hall (<i>Teller</i>)
Mr Lenders	Mr Kavanagh
Mr Madden	Mr Koch
Ms Mikakos	Mrs Kronberg
Mr Murphy	Ms Lovell
Mr Pakula	Mrs Petrovich
Ms Pennicuik	Mrs Peulich
Ms Pulford (<i>Teller</i>)	Mr Rich-Phillips
Mr Scheffer	Mr Vogels
Mr Somyurek	
Mr Tee	
Ms Tierney	
Mr Viney	

Question agreed to.

Clause 11 — put and agreed to.

Clause 12 — Question — That Clause 12 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22

Mr Barber
 Ms Broad
 Ms Darveniza
 Mr Eideh
 Mr Elasmr
 Ms Hartland
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Murphy (*Teller*)
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Somyurek
 Mr Tee (*Teller*)
 Ms Tierney
 Mr Viney

NOES, 16

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Koch
 Mrs Kronberg
 Ms Lovell (*Teller*)
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels (*Teller*)

Question agreed to.

Clauses 13 to 19 — put and agreed to.

Bill reported without amendment.

Thursday, 29 July 2010

1 CONTROL OF WEAPONS AMENDMENT BILL 2010

Clause 1 — Ms Pennicuik moved —

1. Clause 1, lines 7 to 9, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber (*Teller*)
 Ms Hartland
 Mr Kavanagh (*Teller*)
 Ms Pennicuik

NOES, 34

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza (*Teller*)
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall (*Teller*)
 Ms Huppert
 Mr Jennings
 Mr Koch
 Mr Leane
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negatived.

Clause 1 — put and agreed to.

Clause 2 — Consideration of clause postponed.

Clauses 3 to 9 — put and agreed to.

Clause 10 — Question — That Clause 10 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 34

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis

NOES, 4

Mr Barber
 Ms Hartland (*Teller*)
 Mr Kavanagh
 Ms Pennicuik (*Teller*)

Mr Drum
 Mr Eideh (*Teller*)
 Mr Elasmar
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Koch (*Teller*)
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Question agreed to.

Clause 11 — Ms Pennicuik moved

13. Clause 11, page 9, after line 1 insert—

“(ba) the age, sex and postcode of each person on whom a weapon or dangerous article was found during a search referred to in paragraph (a) or (ab); and’.

Question — That the amendment be agreed to — put and negated.

Ms Pennicuik moved —

18. Clause 11, page 9, line 29, omit ‘and’ and insert “and”.

Question — That the amendment be agreed to — put and negated.

Clause 11 — put and agreed to.

Clause 12 — Ms Pennicuik moved —

20. Clause 12, lines 2 to 8, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3	NOES, 34
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland (<i>Teller</i>)	Ms Broad
Ms Pennicuik	Mrs Coote
	Mr Dalla-Riva
	Ms Darveniza
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum

Mr Eideh
 Mr Elasmar
 Mr Finn (*Teller*)
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mr Leane (*Teller*)
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr Pakula
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negatived.

Clause 12 — put and agreed to.

Clauses 13 and 14 — put and agreed to.

Clause 15 — Question — That Clause 15 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 34

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmar
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Koch
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos

NOES, 4

Mr Barber
 Ms Hartland (*Teller*)
 Mr Kavanagh
 Ms Pennicuik (*Teller*)

Mr Murphy (*Teller*)
 Mr O'Donohue
 Mr Pakula
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels (*Teller*)

Question agreed to.

Clause 16 — Consideration of clause postponed.

Clauses 17 and 18 — put and agreed to.

Clause 19 — Question — That Clause 19 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair

AYES, 34

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Koch
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee (*Teller*)
 Ms Tierney
 Mr Viney

NOES, 3

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

Mr Vogels (*Teller*)

Question agreed to.

Clause 20 — Question — That Clause 20 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair

AYES, 34

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad (*Teller*)

Ms Hartland (*Teller*)

Mrs Coote

Ms Pennicuik

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Finn

Mr Guy

Mr Hall

Ms Huppert

Mr Jennings

Mr Kavanagh

Mr Koch

Mr Leane

Ms Lovell

Mr Madden

Ms Mikakos

Mr Murphy

Mr O'Donohue

Mr Pakula

Mrs Peulich

Ms Pulford

Mr Rich-Phillips (*Teller*)

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Ms Tierney

Mr Viney

Mr Vogels

Question agreed to.

Clauses 21 to 23 — put and agreed to.

Postponed Clause 2 — put and agreed to.

Postponed Clause 16 — put and agreed to.

Bill reported without amendment.

2 SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009

Progress having been reported on 25 May 2010 —

Postponed clause 4 — Question — That postponed Clause 4 stand part of the Bill — put.
The Committee divided — The Deputy President in the Chair

AYES, 34

NOES, 3

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr (*Teller*)
Mr Finn
Mr Guy
Ms Huppert
Mr Jennings
Mr Kavanagh
Mr Koch (*Teller*)
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr Murphy
Mr O'Donohue
Mr Pakula
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney
Mr Vogels

Mr Barber (*Teller*)
Ms Hartland
Ms Pennicuik (*Teller*)

Question agreed to.

Postponed clause 18 — put and agreed to.

Bill reported without further amendment.

3 DOMESTIC ANIMALS AMENDMENT (DANGEROUS DOGS) BILL 2010

Clauses 1 to 7 — put and agreed to.

Clause 8 — Ms Pennicuik moved —

1. Clause 8, lines 19 to 21, omit subclause (1).

Question — That the amendment be agreed to — put and negatived.

Clause 8 — put and agreed to.

Clauses 9 and 10 — put and agreed to.

Clause 11 — Ms Pennicuik moved —

2. Clause 11, after line 24 insert—

() After section 34(2)(a) of the **Domestic Animals Act 1994** insert—

"(ab) because the dog was ill or suffering from a medical condition as evidenced by written advice from a veterinary practitioner; or".

Question — That the amendment be agreed to — put and negatived.

Clause 11 — put and agreed to.

Clauses 12 to 14 — put and agreed to.

Clause 15 — Ms Pennicuik moved —

3. Clause 15, line 18, after "**Secretary**" insert "**and in annual report**".

Question — That the amendment be agreed to — put and negatived.

Ms Pennicuik moved —

4. Clause 15, line 19, before "A council" insert "(1)".

Question — That the amendment be agreed to — put and negatived.

Ms Pennicuik moved —

5. Clause 15, lines 21 and 22, omit ", 84TB or 84TC" and insert "or 84TB".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair

AYES, 3

Mr Barber (*Teller*)
Ms Hartland (*Teller*)
Ms Pennicuik

NOES, 33

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva (*Teller*)
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Ms Huppert
Mr Jennings
Mr Kavanagh
Mr Koch
Mr Leane (*Teller*)
Mr Lenders
Ms Lovell
Mr Madden
Mr Murphy
Mr O'Donohue
Mr Pakula
Mrs Peulich
Ms Pulford
Mr Rich-Phillips

Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney
Mr Vogels

Amendment negatived.

Clause 15 — put and agreed to.

Clauses 16 to 22 — put and agreed to

Clause 23 — Ms Pennicuik moved —

15. Clause 23, page 13, after line 23 insert—

"(3) An authorised officer who destroys a dog under subsection (1) must record, as soon as practicable but no longer than 24 hours after destroying the dog, the reason for holding the reasonable belief referred to in subsection (1).".

Question — That the amendment be agreed to — put and negatived.

Ms Pennicuik moved —

18. Clause 23, page 14, line 27, omit "24" and insert "72".

Question — That the amendment be agreed to — put and negatived.

Business interrupted at 10.00 p.m. pursuant to Standing Orders



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 181, 182, 183 and 184

No. 181 — Tuesday, 10 August 2010

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - On 3 August 2010 —
Electoral Amendment (Electoral Participation) Act 2010.
 - On 10 August 2010 —
Control of Weapons Amendment Act 2010
Severe Substance Dependence Treatment Act 2010.
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITIONS** —
WALLAN-KILMORE BYPASS — Mrs Petrovich presented a Petition bearing 141 signatures from certain citizens of Victoria requesting that the Minister for Roads and Ports immediately abolishes the 'Link' road planned in the Kilmore township and the Northern Highway duplication and commences planning for a bypass of Wallan and Kilmore to remove traffic from these towns.

Ordered to lie on the Table.

* * * * *

VICTORIA PLANNING PROVISIONS AMENDMENT VC67 — Mr D.M. Davis presented a Petition bearing 317 signatures from certain citizens of Victoria requesting that the Legislative Council reject the ratification of Victoria Planning Provisions Amendment VC67 in its current form and demand that the Government undertake genuine and broad consultation with the Victorian community before seeking to make any further systemic planning changes to the Melbourne metropolitan planning system.

Ordered to lie on the Table.

* * * * *

VIOLENT CRIME, BENTLEIGH — Mrs Coote presented a Petition bearing 17 signatures from certain citizens of Victoria requesting that the Government establish foot patrol police in the major strip shopping centres of Bentleigh and significantly increase the police presence in and around the train stations of the Bentleigh electorate.

Ordered to lie on the Table.

ELECTRICITY SMART METERS — Mrs Coote presented a Petition bearing 13 signatures from certain citizens of Victoria requesting that the Government immediately freeze the roll out of smart meters across Victoria until it can be independently demonstrated that consumers will not be forced to pay for the Brumby Government's mismanagement of the smart meter project.

Ordered to lie on the Table.

5 PAPERS —

MINISTERIAL INTERVENTION IN PLANNING MATTERS — Mr Madden moved, by leave, That there be laid before this House a copy of the Statement on Ministerial Interventions in Planning Matters for the period May 2009 to April 2010.

Question — put and agreed to.

The paper was presented by Mr Madden and ordered to lie on the Table.

* * * * *

2009 VICTORIAN BUSHFIRES ROYAL COMMISSION — FINAL REPORT — Pursuant to section 4(2)(b) of the *Bushfires Royal Commission (Report) Act 2009*, the Clerk laid on the Table a copy of the 2009 Victorian Bushfires Royal Commission Final Report, July 2010.

* * * * *

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

Crown Land (Reserves) Act 1978 — Minister's Order of 21 July 2010 giving approval to the granting of a lease at Sandringham Beach Park Reserve.

Freedom of Information Act 1982 — Statement of reasons for seeking leave to appeal pursuant to section 65AB(2) of the Act.

Melbourne Cricket Ground Trust — Report for the year ended 31 March 2010.

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

East Gippsland Planning Scheme — Amendments C68 and C85.

Horsham Planning Scheme — Amendment C50.

Hume Planning Scheme — Amendment C124.

Maroondah Planning Scheme — Amendment C105.

South Gippsland Planning Scheme — Amendment C46.

Victoria Planning Provisions — Amendments VC66 and VC69.

Wellington Planning Scheme — Amendments C53 Part 1 and C60.

Statutory Rules under the following Acts of Parliament:

Electronic Transactions (Victoria) Act 2000 — No. 70.

Victorian Civil and Administrative Tribunal Act 1998 — No. 73.

Water Act 1989 — Nos. 71 and 72.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 73.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 62 and 69.

Water Act 1989 — Koo Wee Rup Water Supply Protection Area Groundwater Management Plan 2010.

6 PRODUCTION OF DOCUMENTS —

DEPARTMENT OF HUMAN SERVICES — The Clerk laid on the Table the following documents received in accordance with an order of the Council of 5 May 2010 seeking the production of certain Department of Human Services documents —

- (1) Evaluation — quality of life outcomes following Kew Residential Services redevelopment;
- (2) Respite provision for people with disability in southern metropolitan region;
- (3) Respite provision for people with disability in Gippsland region; and
- (4) Development of a strategic plan for respite services.

The Clerk also laid on the Table a letter from the Attorney-General dated 10 August 2010 —

- referring to the Government's process of assessing documents for Executive privilege;
- stating that the preparation of the report titled Evaluation of the implementation of the *Disability Act 2006* has been delayed and the Government is unable to produce it to the Council; and
- advising that Executive privilege is claimed in relation to the Economic and Social Costs of Out of Home Care in Victoria document and therefore that document has not been provided.

* * * * *

YARRA PARK — The Clerk laid on the Table a letter from the Attorney-General dated 10 August 2010 in response to the resolution of the Council of 28 July 2010 seeking the production of documents relating to Yarra Park —

- confirming that the Government has completed its response to the Council's order of 25 November 2009;
- confirming the Government's claim of Executive privilege in respect of the documents not provided; and
- stating that the Government does not intend to consider this matter further.

* * * * *

POLICE ROSTERS AND BAY OF ISLANDS COASTAL PARK — The Clerk laid on the Table a letter from the Attorney-General dated 10 August 2010 in response to two resolutions of the Council of 28 July 2010 seeking the production of documents relating to police rosters and exploration in the Bay of Islands Coastal Park —

- referring to the Government's process of assessing documents for Executive privilege;
- stating that the Council's deadline of 10 August 2010 does not allow sufficient time for the Government to assess and identify relevant documents; and
- advising that the Government will respond to the orders as soon as possible.

7 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 11 August 2010:

- (1) the Notice of Motion given this day by Mr D.M. Davis, relating to the production of certain National Healthcare Agreement data documents;
- (2) the Notice of Motion given this day by Mr D.M. Davis, relating to the production of certain health services integrated performance report documents;
- (3) Notice of Motion No. 71, standing in the name of Ms Hartland, relating to a reference to the Family and Community Development Committee;
- (4) the Notice of Motion given this day by Mr D.M. Davis, relating to the recommendations of the 2009 Victorian Bushfires Royal Commission;
- (5) Order of the Day No. 16, resumption of debate on the motion moved by Ms Pennicuik relating to Peninsula Link;
- (6) the Notice of Motion given this day by Ms Pennicuik relating to human rights violations in Burma; and
- (7) Order of the Day No. 17, resumption of debate on the motion moved by Mr Dalla-Riva relating to violence on public transport.

Question — put and agreed to.

8 2009 VICTORIAN BUSHFIRES ROYAL COMMISSION — FINAL REPORT — Mr Jennings moved, by leave, That the Council take note of the 2009 Victorian Bushfires Royal Commission Final Report.

Debate ensued.

Business having been interrupted at 9.59 p.m. pursuant to Standing Orders —

- 9 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued and certain responses to Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.41 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 182 — Wednesday, 11 August 2010

- 1** The President took the Chair and read the Prayer.
- 2 PETITION — WOODEND INTERSECTION SAFETY** — Mrs Petrovich presented a Petition bearing 185 signatures from certain citizens of Victoria requesting that the Government provide support and funding for VicRoads to undertake a safety study of the intersection at High Street and Anslow Street, Woodend.

Ordered to lie on the Table.

- 3 PAPERS —**
STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION — VICTORIAN GOVERNMENT DECISION MAKING, CONSULTATION AND APPROVAL PROCESSES — Mr Rich-Phillips presented the Second Interim Report from the Standing Committee on Finance and Public Administration on the Victorian Government Decision Making, Consultation and Approval Processes (including Appendices, Extracts from the Proceedings and Minority Reports).

Ordered to lie on the Table and to be printed.

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

- PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009** — Ms Huppert presented a Report from the Public Accounts and Estimates Committee on the Public Finance and Accountability Bill 2009 (including an Appendix, Extracts from the Proceedings of the Committee and a Minority Report).

Ordered to lie on the Table and to be printed.

Ms Huppert moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

- SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ANNUAL REVIEW 2009 ON REGULATIONS 2009** — Mr Eideh presented the Annual Review 2009 on Regulations 2009 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

Mr Eideh moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

- SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Eideh presented Alert Digest No. 11 of 2010 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

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

Auditor-General's Reports on —

Local Government: Interim Results of the 2009-10 Audits, August 2010.

Water Entities: Interim Results of the 2009-10 Audits, August 2010.

Ombudsman's Office — Report, 2009-10 — Part 1.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

4 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 BUSINESS POSTPONED —

Ordered — That the consideration of the Notices of Motion and Orders of the Day, General Business, be postponed until later this day.

Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

7 2009 VICTORIAN BUSHFIRES ROYAL COMMISSION — FINAL REPORT — Debate resumed on the question, That the Council take note of the 2009 Victorian Bushfires Royal Commission Final Report.

Question — put and agreed to.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

8 ADJOURNMENT — The Acting President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.43 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 183 — Thursday, 12 August 2010

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:

Office of Police Integrity — Report on Complaint Investigation, August 2010.

Victorian Law Reform Commission — Final Report on Surveillance in Public Places.

* * * * *

PROCLAMATION — A proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk:

Therapeutic Goods (Victoria) Act 2010 — 3 August 2010 (*Gazette No. S306, 3 August 2010*).

3 SUSPENSION OF STANDING ORDERS — Mr Viney moved, by leave, That so much of the Standing and Sessional Orders be suspended as necessary to enable Questions without notice and answers to Questions on notice to be taken at 2.00 pm on Friday, 13 August 2010.

Question — put and agreed to.

4 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — ENVIRONMENTAL EFFECTS STATEMENT PROCESS IN VICTORIA — Mr Viney moved, by leave, That the Resolution of the Council of 29 July 2009 requiring the Environment and Natural Resources Committee to present its final report concerning the Environmental Effects Statement

process in Victoria to the Council no later than 30 August 2010 be amended so as to now require the Committee to present its final report by 5 October 2010.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 6 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 4, 5, 7 to 9, 13 to 19 and 23 inclusive, be postponed until later this day.
- 8 TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — Mr Viney moved, That pursuant to Standing Order 7.07, the resolution of the Council of 22 June 2010 negating the second reading of the Transport Legislation Amendment (Ports Integration) Bill 2010 be read and rescinded and that so much of the Standing Orders be suspended to permit the second reading question on this Bill to be again put.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 32

NOES, 4

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Hartland

Mr Dalla-Riva

Mr Kavanagh (*Teller*)

Ms Darveniza

Ms Pennicuik

Mr D.M. Davis (*Teller*)

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Finn

Mr Guy

Mr Hall

Ms Huppert

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Mr Madden (*Teller*)

Ms Mikakos

Mr Murphy

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Rich-Phillips

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Ms Tierney

Mr Viney

Question agreed to.

- 9 TOURIST AND HERITAGE RAILWAYS BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill transmitted to the Assembly with a Message requesting their agreement.

- 10 SUBORDINATE LEGISLATION AMENDMENT BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Barber were circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time.

Bill ordered to be committed to a Committee of the whole on the next day of meeting.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 12 DOMESTIC ANIMALS AMENDMENT (DANGEROUS DOGS) BILL 2010** — Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 13 TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 28

NOES, 3

Ms Broad

Mr Barber

Ms Darveniza

Ms Hartland (*Teller*)

Mr D.M. Davis

Ms Pennicuik (*Teller*)

Mr Drum (*Teller*)

Mr Eideh

Mr Elasmarr

Mr Guy

Ms Huppert

Mr Jennings

Mr Kavanagh

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Mr Madden

Ms Mikakos (*Teller*)

Mr Murphy

Mr Pakula

Mrs Peulich

Ms Pulford

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Ms Tierney

Mr Viney

Mr Vogels

Question agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment, as recommended by the Dispute Resolution Committee.

14 TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010 — MESSAGE FROM THE ASSEMBLY — ORDER OF THE DAY DISCHARGED — The Order of the Day having been read for consideration of the Message from the Assembly —

Mr Viney moved, That the Order of the Day be read and discharged.

Question — put and agreed to.

15 WORKING WITH CHILDREN AMENDMENT BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

16 ASSOCIATIONS INCORPORATION AMENDMENT BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Madden were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

17 CIVIL PROCEDURE BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

18 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 19 BAIL AMENDMENT BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill transmitted to the Assembly with a Message requesting their agreement.

- 20 CLIMATE CHANGE BILL 2010** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to provide a framework for action on climate change in Victoria, to set a target to reduce greenhouse gas emissions, to provide for forestry rights, carbon sequestration rights and soil carbon rights on land, to repeal the Forestry Rights Act 1996, to amend the Conservation, Forests and Lands Act 1987, the Environment Protection Act 1970, the Transport Integration Act 2010 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 21 CONSUMER AFFAIRS LEGISLATION AMENDMENT (REFORM) BILL 2010** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Fair Trading Act 1999, the Goods Act 1958 and other Consumer Acts, to repeal the Disposal of Uncollected Goods Act 1961, the Carriers and Innkeepers Act 1958, the Introduction Agents Act 1997, the Sale of Goods (Vienna Convention) Act 1987, the Sea-Carriage Documents Act 1998 and the Landlord and Tenant Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Guy), the debate was adjourned for one week.

- 22 LIQUOR CONTROL REFORM AMENDMENT BILL 2010** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Liquor Control Reform Act 1998 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips (for Mr Guy), the debate was adjourned for one week.

- 23 LOCAL GOVERNMENT AND PLANNING LEGISLATION AMENDMENT BILL 2010** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Local Government Act 1989, the City of Melbourne Act 2001, the Planning and*

Environment Act 1987 and other Acts and for other purposes and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Guy), the debate was adjourned for one week.

24 MINERAL RESOURCES AMENDMENT (SUSTAINABLE DEVELOPMENT) BILL 2010 —

The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Mineral Resources (Sustainable Development) Act 1990 and the Victorian Energy Efficiency Target Act 2007 and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Jennings (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Guy), the debate was adjourned for one week.

25 PLANT BIOSECURITY BILL 2010 — The Deputy President read a Message from the

Assembly presenting *A Bill for an Act to re-enact with amendments the laws relating to plant pest and disease control and plant product description, to repeal the Plant Health and Plant Products Act 1995 and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Jennings (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

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

On the motion of Mr Koch (for Ms Lovell), the debate was adjourned for one week.

26 PRIVATE SECURITY AMENDMENT BILL 2010 — The Deputy President read a Message

from the Assembly presenting *A Bill for an Act to amend the Private Security Act 2004 and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Dalla-Riva), the debate was adjourned for one week.

27 TRADITIONAL OWNER SETTLEMENT BILL 2010 — The Deputy President read a Message

from the Assembly presenting *A Bill for an Act to recognise traditional owner groups based on their traditional and cultural associations to certain land in Victoria, to provide for the making of agreements between the State and traditional owner groups, to recognise and confer rights on traditional owner groups as to access to or ownership or management of certain public land and as to decision making rights and other rights that may be exercised in*

relation to the use and development of the land or natural resources on the land, to make any amendments that are necessary to other Acts to ensure the agreements are effective, to make any related and consequential amendments to other Acts and for other purposes and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

28 PERSONAL PROPERTIES SECURITY (STATUTE LAW REVISION AND IMPLEMENTATION) BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill transmitted to the Assembly with a Message requesting their agreement.

29 ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Hall were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Mr Pakula were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

30 ASSOCIATIONS INCORPORATION AMENDMENT BILL 2010 — The Deputy President read a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.

31 ADJOURNMENT — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued and certain responses to Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.41 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 184 — Friday, 13 August 2010

1 The President took the Chair and read the Prayer.

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

Crown Land (Reserves) Act 1978 —

Minister's Order of 3 August 2010 giving approval to the granting of a licence at Darling Gardens Reserve.

Minister's Orders of 3 August 2010 giving approval to the granting of leases at Esplanade Public Park Reserve and Sandringham Beach Park Reserve.

Subordinate Legislation Act 1994 — Minister's exemption certificates under section 9(6) in respect of Statutory Rule Nos. 71 and 72.

- 3 SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 31 August 2010.

Question — put and agreed to.

- 4 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

- 5 PUBLIC FINANCE AND ACCOUNTABILITY BILL 2010** — The Order of the day having been read for the committal of this Bill —

Mr Rich-Phillips moved, That the contents of this Bill be again referred to the Public Accounts and Estimates Committee for consideration and report by 31 August 2010 and that the Committee be required to invite the Auditor-General to give evidence to the Committee on the contents of the Bill.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

NOES, 19

Mr Atkinson

Ms Broad

Mr Barber

Ms Darveniza (*Teller*)

Mrs Coote

Mr Eideh

Mr Dalla-Riva

Mr Elasmarr

Mr D.M. Davis

Ms Huppert

Mr P.R. Davis

Mr Jennings

Mr Drum

Mr Leane

Mr Finn

Mr Lenders

Mr Guy

Mr Madden

Mr Hall

Ms Mikakos

Ms Hartland

Mr Murphy

Mr Kavanagh

Mr Pakula

Mr Koch

Ms Pulford

Mrs Kronberg

Mr Scheffer

Ms Lovell

Mr Smith

Mr O'Donohue

Mr Somyurek

Ms Pennicuik (*Teller*)

Mr Tee (*Teller*)

Mrs Petrovich (*Teller*)

Ms Tierney

Mrs Peulich

Mr Viney

Mr Rich-Phillips

Mr Vogels

Question agreed to.

- 6 ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2010** — Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until the next day of meeting.

- 8 SUPPORTED RESIDENTIAL SERVICES (PRIVATE PROPRIETORS) BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

9 GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Mr Barber moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this Bill be withdrawn and redrafted to include provisions prohibiting venue operators from conducting gaming via linked jackpot arrangements.”.

Debate ensued.

Question — That the reasoned amendment moved by Mr Barber be agreed to — put.

The Council divided — The President in the Chair

AYES, 3	NOES, 31
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland (<i>Teller</i>)	Ms Broad
Mr Kavanagh	Mrs Coote
	Mr Dalla-Riva
	Ms Darveniza
	Mr D.M. Davis
	Mr P.R. Davis (<i>Teller</i>)
	Mr Drum
	Mr Eideh
	Mr Elasmarr
	Mr Finn
	Mr Guy
	Mr Hall
	Ms Huppert
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Ms Lovell
	Mr Madden
	Ms Mikakos
	Mr Murphy
	Mr O’Donohue
	Mrs Petrovich
	Mrs Peulich
	Ms Pulford
	Mr Rich-Phillips
	Mr Scheffer (<i>Teller</i>)
	Mr Smith
	Mr Somyurek
	Ms Tierney
	Mr Vogels

Amendment negatived.

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

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

House in Committee.

Bill reported with an amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with an amendment and requesting their agreement.

10 WATER AMENDMENT (VICTORIAN ENVIRONMENTAL WATER HOLDER) BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Barber were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Business having been interrupted at 2.00 p.m. pursuant to an Order of the Council of 12 August 2010 —

11 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

12 WATER AMENDMENT (VICTORIAN ENVIRONMENTAL WATER HOLDER) BILL 2010 — Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

13 FIREARMS AND OTHER ACTS AMENDMENT BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 4.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Ms Pennicuik.

14 ADJOURNMENT — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Sessional Orders.

And then the Council, at 4.20 p.m., adjourned until Tuesday, 31 August 2010.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 181, 182, 183 and 184

Thursday, 12 August 2010

1 DOMESTIC ANIMALS AMENDMENT (DANGEROUS DOGS) BILL 2010

Consideration of this Bill having been interrupted pursuant to Standing Orders on 29 July 2010 —

Clause 23 — Ms Pennicuik moved —

19. Clause 23, page 15, line 4, omit "24 hours" and insert "8 days".

Question — That the amendment be agreed to — put and negatived.

Clause 23 — put and agreed to.

Clause 24 — Ms Pennicuik moved —

22. Clause 24, after line 28 insert—

"() Section 84V(2) of the **Domestic Animals Act 1994** is repealed."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)
Ms Hartland (*Teller*)
Ms Pennicuik

NOES, 37

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy (*Teller*)
Mr Hall
Ms Huppert
Mr Jennings
Mr Kavanagh
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr Murphy
Mr O'Donohue
Mr Pakula
Mrs Petrovich

Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Amendment negated.

Clause 24 — put and agreed to.

Clauses 25 to 32 — put and agreed to.

Bill reported without amendment.

2 TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010

Clauses 1 to 59 — put and agreed to.

Bill reported without amendment.

3 ASSOCIATIONS INCORPORATION AMENDMENT BILL 2010

Clauses 1 to 18 — put and agreed to.

Clause 19 — Mr Madden moved —

1. Clause 19, lines 24 to 27, omit all words and expressions on these lines.
2. Clause 19, line 28, omit "(b)" and insert "(a)".
3. Clause 19, line 31, omit "(c)" and insert "(b)".
4. Clause 19, page 11, line 1, omit "(d)" and insert "(c)".
5. Clause 19, page 11, line 13, omit "or".
6. Clause 19, page 11, line 14, omit all words and expressions on that line and insert—
 "(d) in the case of the secretary of an incorporated association, the secretary ceases to reside in Australia;".

Question — That the amendments be agreed to — put and agreed to.

Clause 19, as amended — put and agreed to.

Clauses 20 to 53 — put and agreed to.

Bill reported with amendments.

4 CIVIL PROCEDURE BILL 2010

Clauses 1 to 33 — put and agreed to.

Clause 34 — Mr Rich-Phillips moved —

1. Clause 34, line 22, omit "reasonable steps" and insert "such steps, if any, as are reasonable".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg (*Teller*)
 Ms Lovell
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels (*Teller*)

NOES, 22

Mr Barber
 Ms Broad
 Ms Darveniza
 Mr Eideh
 Mr Elasmarr
 Ms Hartland
 Ms Huppert
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek (*Teller*)
 Mr Tee
 Ms Tierney (*Teller*)
 Mr Viney

Amendment negatived.

Clause 34 — put and agreed to.

Clauses 35 to 92 — put and agreed to.

Bill reported without amendment.

5 BAIL AMENDMENT BILL 2010

Clauses 1 to 4 — put and agreed to.

Clause 5 — Mr Rich-Phillips moved —

1. Clause 5, lines 3 and 4, omit "in relation to an Aboriginal person" and insert "must take into account person's background etc.".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn (*Teller*)
 Mr Guy
 Mr Hall
 Mr Kavanagh

NOES, 21

Mr Barber
 Ms Darveniza (*Teller*)
 Mr Eideh
 Mr Elasmarr
 Ms Hartland
 Ms Huppert
 Mr Jennings
 Mr Leane (*Teller*)
 Mr Lenders
 Mr Madden

Mr Koch	Ms Mikakos
Mrs Kronberg	Mr Murphy
Ms Lovell	Mr Pakula
Mr O'Donohue	Ms Pennicuik
Mrs Petrovich	Ms Pulford
Mrs Peulich (<i>Teller</i>)	Mr Scheffer
Mr Rich-Phillips	Mr Smith
Mr Vogels	Mr Somyurek
	Mr Tee
	Ms Tierney
	Mr Viney

Amendment negatived.

Clause 5 — put and agreed to.

Clauses 6 to 42 — put and agreed to.

Bill reported without amendment.

6 ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2010

Clause 1 — put and agreed to.

Clause 2 — Mr Pakula moved —

1. Clause 2, line 3, omit "section 83" and insert "sections 36 and 85".
2. Clause 2, line 5, omit "Section 83 comes" and insert "Sections 36 and 85 come".

Question — That the amendments be agreed to — put and agreed to.

Clause 2, as amended — put and agreed to.

Clauses 3 to 13 — put and agreed to.

Clause 14 — Mr Hall moved —

1. Clause 14, line 23, after "**Objectives**" insert "**and functions**".
2. Clause 14, line 24, before "After" insert "(1)".
3. Clause 14, line 26, after "the" insert "prevention and".
4. Clause 14, after line 27 insert—
 - '(2) After section 7(f) of the **Electricity Safety Act 1998** insert—
 - "(fa) to regulate, monitor and enforce the prevention and mitigation of bushfires that arise out of incidents involving electric lines or electrical installations;".'

Question — That the amendments be agreed to — put and agreed to.

Clause 14, as amended — put and agreed to.

Clauses 15 to 33 — put and agreed to.

Clause 34 — Mr Pakula moved —

3. Clause 34, line 13, omit 'bushfires.'" and insert "bushfires;".
4. Clause 34, after line 13 insert—
 - '(c) the inspection of electric lines or electrical installations for the purpose of the prevention of bushfires arising from such lines or installations;
 - (d) the training of persons conducting inspections of the kind referred to in paragraph (c);
 - (e) the auditing of the training and performance of persons conducting inspections of the kind referred to in paragraph (c)."'.

Question — That the amendments be agreed to — put and agreed to.
 Clause 34, as amended — put and agreed to.

Clauses 35 to 88 — put and agreed to.

New Clause — Mr Pakula moved —

5. Insert the following New Clause to follow clause 18—

'AA New Division 2A of Part 8 inserted

After Division 2 of Part 8 of the **Electricity Safety Act 1998** insert—

"Division 2A—Electric lines and municipal fire prevention plans

86B Municipal fire prevention plans must specify procedures for the identification of trees that are hazardous to electric lines

Without limiting section 55A of the Country Fire Authority Act 1958, a municipal council must, in a municipal fire prevention plan required to be prepared and maintained under that section, specify—

- (a) procedures and criteria for the identification of trees that are likely to fall onto, or come into contact with, an electric line (hazard trees); and
- (b) procedures for the notification of responsible persons of trees that are hazard trees in relation to electric lines for which they are responsible.".'.

Business interrupted at 10.00 p.m. pursuant to Standing Orders.

Friday, 13 August 2010

1 ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2010

Consideration of this Bill having been interrupted pursuant to Standing Orders on 12 August 2010 —

New Clause — Debate resumed on the amendment moved by Mr Pakula —

5. Insert the following New Clause to follow clause 18—

'AA New Division 2A of Part 8 inserted

After Division 2 of Part 8 of the **Electricity Safety Act 1998** insert—

"Division 2A—Electric lines and municipal fire prevention plans

86B Municipal fire prevention plans must specify procedures for the identification of trees that are hazardous to electric lines

Without limiting section 55A of the Country Fire Authority Act 1958, a municipal council must, in a municipal fire prevention plan required to be prepared and maintained under that section, specify—

- (a) procedures and criteria for the identification of trees that are likely to fall onto, or come into contact with, an electric line (hazard trees); and
- (b) procedures for the notification of responsible persons of trees that are hazard trees in relation to electric lines for which they are responsible.".'.

Question — That the new clause stand part of the Bill — put and agreed to.

New Clause — Mr Madden (for Mr Pakula) moved —

6. Insert the following New Clause to follow clause 30—

'BB Director may give directions

(1) In section 141(2)(d) of the **Electricity Safety Act 1998**, for "safe." substitute "safe; or".

(2) After section 141(2)(d) of the **Electricity Safety Act 1998** insert—

"(e) to do any other thing necessary to prevent an unsafe electrical situation from arising.".'.

Question — That the new clause stand part of the Bill — put and agreed to.

Bill reported with amendments.

2 GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2010

Clauses 1 to 54 — put and agreed to.

Clause 55 — Consideration of clause postponed.

Clauses 56 to 61 — put and agreed to.

Clause 62 — Mr Barber moved —

1. Clause 62, page 46, line 2, omit "elapse." and insert "elapse.".!.".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber
Ms Hartland (*Teller*)
Mr Kavanagh (*Teller*)

NOES, 31

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum (*Teller*)
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Ms Huppert
Mr Koch
Mrs Kronberg
Mr Leane
Ms Lovell
Mr Madden
Ms Mikakos
Mr Murphy
Mr O'Donohue
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney (*Teller*)
Mr Vogels

Amendment negatived.

Clause 62 — put and agreed to.

Postponed Clause 55 — put and agreed to.

Clauses 63 to 73 — put and agreed to.

New clause — Mr Madden moved —

1. Insert the following New Clause to follow clause 48—

'AA New section 10.2A.11 substituted

For section 10.2A.11 of the **Gambling Regulation Act 2003** substitute—

"10.2A.11 Publication of Review Panel reports

- (1) The Minister must give a copy of each report of the Review Panel to the Secretary as soon as practicable after receiving it.
- (2) The Minister must cause a copy of each report to be presented to each House of the Parliament—
 - (a) in the case of a report with respect to the regulatory review, within 7 sitting days of the House after the Minister publicly announces the government's decision on the regulatory review;
 - (b) in the case of a report with respect to the authorisation and licensing process, within 7 sitting days of the House after the Minister publicly announces the grant or issue of an authorisation or licence that is the subject of a report;
 - (c) in any other case, at the time determined by the Minister.
- (3) If the Minister receives a report when Parliament is in recess, the Minister may give a copy of the report to the clerk of each House of the Parliament.
- (4) If the clerk of each House of the Parliament receives a copy of a report under subsection (3), the clerk of each House of the Parliament must—
 - (a) as soon as practicable after the report is received, notify each member of the House of the receipt of the report and advise that the report is available upon request; and
 - (b) give a copy of the report to any member of the House upon request to the clerk; and
 - (c) cause the report to be laid before the House on the next sitting day of the House.
- (5) The Secretary must cause a copy of each report received under subsection (1) to be published on an appropriate Internet site as soon as practicable after—
 - (a) the copy of the report has been presented to each House of the Parliament by the Minister under subsection (2); or
 - (b) the copy of the report has been given to the clerk of each House of the Parliament by the Minister under subsection (3).
- (6) Before complying with subsection (1) or (2), or doing a thing under subsection (3), the Minister may exclude information from the report if the Minister has received advice from the Victorian Government Solicitor that the information is—
 - (a) protected information; or
 - (b) information that is or could be the subject of legal professional privilege or client legal privilege.
- (7) A report that is given to the clerks under subsection (3) is taken to have been published by order, or under the authority, of the Houses of the Parliament.
- (8) The publication of a report by the Secretary under this section is absolutely privileged and the provisions of sections 73 and 74 of the **Constitution Act 1975** and of any other enactment or rule of law relating to the publication of the proceedings of the Parliament apply to and in relation to the publication of the report as if it were a report to which those sections applied and had been published by the Government Printer under the authority of the Parliament.
- (9) For the purposes of this section, the Parliament is in recess when each House stands adjourned to a date to be fixed by the presiding officer of that House.".

Question — That the new clause stand part of the Bill — put and agreed to.

Bill reported with an amendment.**3 WATER AMENDMENT (VICTORIAN ENVIRONMENTAL WATER HOLDER) BILL 2010**

Clauses 1 to 3 — put and agreed to.

Clause 4 — Mr Barber moved —

1. Clause 4, page 4, line 5, omit "33DV" and insert "33DW".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber
Ms Hartland (*Teller*)
Ms Pennicuik (*Teller*)

NOES, 29

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Ms Huppert
Mrs Kronberg
Mr Leane (*Teller*)
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr Murphy
Mr O'Donohue
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Vogels (*Teller*)

Amendment negatived.

Mr Barber moved —

5. Clause 4, page 5, lines 12 to 24, omit all words and expressions on these lines and insert—
"The objectives of the Water Holder are to—
- (a) manage the Water Holdings for the purposes of—
 - (i) maintaining and improving the environmental water reserve in accordance with the environmental water reserve objective; and
 - (ii) improving the environmental values and health of water ecosystems, including their biodiversity, ecological functioning and water quality; and
 - (b) assist the Minister in the maintenance and improvement of the environmental water reserve in accordance with the environmental water reserve objective."

Question — That the amendment be agreed to — put and negatived.

Mr Barber moved —

9. Clause 4, page 7, line 16, omit "management;" and insert "management."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber
Ms Hartland (*Teller*)
Ms Pennicuik (*Teller*)

NOES, 35

Mr Atkinson
Ms Broad (*Teller*)
Mrs Coote

Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips (*Teller*)
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Vogels

Amendment negatived.

Mr Barber moved —

15. Clause 4, page 15, line 30, omit "or" and insert "and".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)
 Ms Hartland
 Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert (*Teller*)
 Mr Jennings

Mr Kavanagh
 Mr Koch (*Teller*)
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Vogels

Amendment negatived.

Clause 4 — put and agreed to.

Clauses 5 to 9 — put and agreed to.

Clause 10 — Mr Barber moved —

23. Clause 10, after line 9 insert—

'() At the end of section 43 of the **Water Act 1989** insert—

"(2) Before specifying any conditions of a bulk entitlement under this section, the Minister must consult with the Water Holder in relation to any proposed condition dealing with water that is set aside for the environment.".'.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

NOES, 36

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmar
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders

Ms Lovell
Mr Madden
Ms Mikakos (*Teller*)
Mr Murphy
Mr O'Donohue (*Teller*)
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Vogels

Amendment negatived.

Clause 10 — put and agreed to.

Clauses 11 to 32 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 185, 186, 187 and 188

No. 185 — Tuesday, 31 August 2010

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE MR CLIVE ALEXANDER MITCHELL** — The President advised the House of the death on 25 August 2010 of Mr Clive Alexander Mitchell, Member of the Legislative Council for Western Province from 1968 to 1973.

Members stood in their places as a mark of respect to the memory of the late Mr Mitchell.

- 3 **THE LATE HONOURABLE JAMES HARLEY KENNAN, SC** — Mr Lenders moved, That this House expresses its sincere sorrow at the death, on 4 August 2010, of the Honourable James Harley Kennan, SC, 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 Thomastown Province from 1982 to 1988 and Member of the Legislative Assembly for the Electoral District of Broadmeadows from 1988 to 1993, Attorney-General from 1983 to 1987 and 1990 to 1992, Minister for Planning and Environment from 1986 to 1987, Minister for Transport from 1987 to 1990, Deputy Premier from 1990 to 1992, Minister for the Arts from 1990 to 1992 and Minister for Major Projects from 1991 to 1992

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

[Sitting suspended from 2.32 p.m. until 3.37 p.m.]

- 4 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

On 17 August 2010 —

Domestic Animals Amendment (Dangerous Dogs) Act 2010
Transport Legislation Amendment (Ports Integration) Act 2010.

On 24 August 2010 —

Associations Incorporation Amendment Act 2010
Civil Procedure Act 2010
Primary Industries Legislation Amendment Act 2010
Supported Residential Services (Private Proprietors) Act 2010
Water Amendment (Victorian Environmental Water Holder) Act 2010
Working with Children Amendment Act 2010.

- 5 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

6 PETITIONS —

SEYMOUR YOUTH AND FITNESS CENTRE — Mrs Petrovich presented a Petition bearing 111 signatures from certain citizens of Victoria requesting that the Government review the recommendations made in the Chittick Park Master Plan to transfer control of the Seymour Youth and Fitness Centre to the Mitchell Shire.

Ordered to lie on the Table.

* * * * *

TOORAK ROAD SPEED ZONES — Ms Huppert presented a Petition bearing 687 signatures from certain citizens of Victoria requesting that the Government implement a 40 kilometre per hour school speed zone around the pedestrian crossing in Toorak Road, near Bowen Street, in Camberwell.

Ordered to lie on the Table.

7 PAPERS —

PARTNERSHIPS VICTORIA PROJECT SUMMARY — ARARAT PRISON PROJECT — Mr Madden moved, by leave, That there be laid before this House a copy of the Partnerships Victoria Project Summary in relation to the Ararat Prison Project.

Question — put and agreed to.

The paper was presented by Mr Madden and ordered to lie on the Table.

* * * * *

RURAL AND REGIONAL COMMITTEE — WIMMERA MALLEE PIPELINE POSITIONING — Mr Drum presented a Report from the Rural and Regional Committee on Positioning the Wimmera Mallee Pipeline Region to Capitalise on New Economic Development Opportunities (including Appendices), together with Transcripts of Evidence.

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

Mr Drum moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

LAW REFORM COMMITTEE — POWERS OF ATTORNEY — Mr Scheffer presented a Report from the Law Reform Committee on Powers of Attorney (including Appendices and an Extract from the Proceedings), together with Transcripts of Evidence.

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

Mr Scheffer moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009 — FURTHER CONSIDERATIONS — Ms Pennicuik presented a Report from the Public Accounts and Estimates Committee on the Public Finance and Accountability Bill 2009 — Further Considerations (including Appendices, Transcripts of Evidence and Extracts from the Proceedings of the Committee).

Ordered to lie on the Table and to be printed.

Ms Pennicuik moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 12 of 2010 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — RENEWABLE ENERGY PROJECTS — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Environment and Natural Resources Committee's Report on the Approvals Process for Renewable Energy Projects in Victoria.

* * * * *

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

Crown Land (Reserves) Act 1978 — Minister's Order of 10 August 2010 giving approval to the granting of a lease at Lorne Foreshore Reserve.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 17 August 2010 pursuant to section 7(4) of the Act.

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

Banyule Planning Scheme — Amendments C67 and C74.

Bass Coast Planning Scheme — Amendments C88 and C101.

Cardinia Planning Scheme — Amendments C143 and C144.

Casey Planning Scheme — Amendments C116, C135 and C138.

Frankston Planning Scheme — Amendment C38.

French Island and Sandstone Island Planning Scheme — Amendment C4.

Glen Eira Planning Scheme — Amendments C68 and C73.

Greater Geelong Planning Scheme — Amendments C60, C159, C178, C201, C227 and C229.

Hume Planning Scheme — Amendments C125, C127, C131 and C140.

Melbourne Planning Scheme — Amendment C166.

Melton Planning Scheme — Amendments C71, C83 and C102.

Monash Planning Scheme — Amendment C101.

Moonee Valley Planning Scheme — Amendment C94.

Moorabool Planning Scheme — Amendment C56.

Moreland Planning Scheme — Amendment C116.

Mount Alexander Planning Scheme — Amendment C43.

Stonnington Planning Scheme — Amendments C91, C101 and C103.

Surf Coast Planning Scheme — Amendments C48 and C62.

Whitehorse Planning Scheme — Amendment C117.

Whittlesea Planning Scheme — Amendment C109.

Wyndham Planning Scheme — Amendments C78, C132, C136, C138 and C139.

Professional Standards Act 2003 — New South Wales Bar Association Scheme.

Statutory Rules under the following Acts of Parliament:

Assisted Reproductive Treatment Act 2008 — No. 74.

Cemeteries and Crematoria Act 2003 — No. 75.

Health Services Act 1988 — No. 76.

Non-Emergency Patient Transport Act 2003 — No. 78.

Public Health and Wellbeing Act 2008 — No. 79.

Residential Tenancies Act 1997 — No. 77.

Road Safety Act 1986 — No. 80.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 46, 74, 75, 76, 77, 78, 79 and 80.

Victorian Broiler Industry Negotiation Committee — Minister's report of receipt of 2009-10 report.

Water Act 1989 —

Abolition of King Parrot Creek Catchment Water Supply Protection Area Order 2010.

Abolition of Yea River Water Catchment Water Supply Protection Area Order 2010.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Control of Weapons Amendment Act 2010 — except sections 6 and 22 — 22 August 2010; Section 6 — 1 January 2011 (*Gazette No. G33, 19 August 2010*).

Electoral Amendment (Electoral Participation) Act 2010 — 20 August 2010 (*Gazette No. G33, 19 August 2010*).

Parks and Crown Land Legislation (Mount Buffalo) Act 2010 — Sections 9 to 13 and 16 to 18 — 21 August 2010 (*Gazette No. G33, 19 August 2010*).

Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009 — 20 August 2010 (*Gazette No. G33, 19 August 2010*).

Pharmacy Regulation Act 2010 — except Division 2 of Part 8 — 24 August 2010 (*Gazette No. G32, 12 August 2010*).

8 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 1 September 2010:

- (1) Order of the Day No 4, second reading of the Government (Political Advertising) Bill 2010;
- (2) Notice of Motion No. 103, standing in the name of Mr D.M. Davis, relating to the production of certain National Healthcare Agreement data documents;
- (3) Notice of Motion No. 107, standing in the name of Mr D.M. Davis, relating to the production of Health Services integrated performance documents;
- (4) the Notice of Motion given this day by Mr D.M. Davis demanding the Government comply with various orders for the production of documents;
- (5) Order of the Day No. 15, resumption of debate on the motion moved by Ms Pennicuik relating to the Peninsula Link Project;
- (6) Notice of Motion No. 106, standing in the name of Mr D.M. Davis, relating to a reference to the Law Reform Committee on Memorandums of Understanding;
- (7) Notice of Motion No. 105, standing in the name of Ms Pennicuik, relating to human rights abuses in Burma;
- (8) the Notice of Motion given this day by Ms Hartland, relating to a reference to the Family and Community Development Committee;
- (9) Order of the Day No. 16, resumption of debate on the motion moved by Mr Dalla-Riva relating to violence on public transport; and
- (10) Notice of Motion No. 110, standing in the name of Mr Rich-Phillips, relating to cost of living pressures on Victorians.

Question — put and agreed to.

9 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

10 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

11 SUBORDINATE LEGISLATION AMENDMENT BILL 2010 — Bill committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill transmitted to the Assembly with a Message requesting their agreement.

12 FIREARMS AND OTHER ACTS AMENDMENT BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

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

14 PERSONAL SAFETY INTERVENTION ORDERS BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 9.59 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Ms Hartland.

15 ADJOURNMENT — The President proposed the question, That the House do now adjourn. Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.44 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 186 — Wednesday, 1 September 2010

1 The President took the Chair and read the Prayer.

2 PETITION — SEYMOUR QUARRY EXPANSION — Mrs Petrovich presented a Petition bearing 826 signatures from certain citizens of Victoria requesting that the Government review the process around recommendations made by relevant authorities to expand the Seymour Quarry near Edward Street, Seymour.

Ordered to lie on the Table.

3 PAPERS —

ROAD SAFETY COMMITTEE — FEDERAL-STATE ROAD FUNDING — Mr Koch presented a Report from the Road Safety Committee on Federal-State Road Funding Arrangements (including Appendices), together with Transcripts of Evidence.

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

Mr Koch moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

EDUCATION AND TRAINING COMMITTEE — BUILDING THE EDUCATION REVOLUTION PROGRAM — Mr Hall presented an Interim Report from the Education and Training Committee on the Administration of the Federal Government's Building the Education Revolution Program in Victoria (including Appendices).

Ordered to lie on the Table and to be printed.

Mr Hall moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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 reports on —

Business Continuity Management in Local Government, September 2010

Public Hospitals: Interim Results of the 2009-10 Audits, September 2010.

Sustainable Farm Families Program, September 2010.

Ombudsman's Office — Report, 2009-10 — Part 2.

4 PRODUCTION OF DOCUMENTS —

POLICE STAFF ROSTERS — The Clerk laid on the Table a letter from the Attorney-General dated 30 August 2010 in response to the resolution of the Council of 28 July 2010 seeking the production of documents relating to police staff rosters stating that —

- processing this Order would require the assessment of over 1,000 documents and a substantial dedication of time and resources;
- other police priorities would have to be deferred while this work was completed and the response would take many months to complete; and
- therefore the Government trusts the Council will not insist on it processing this Order.

* * * * *

SMART METERS — The Clerk laid on the Table a letter from the Attorney-General dated 30 August 2010 in response to the resolution of the Council of 23 June 2010 seeking the production of documents relating to Smart Meters stating that —

- the scope of the Order is so broad that the Government has not been able to identify the subject of the Order with any particularity;
- preparing a response to the current Order would require a substantial diversion of Departments' time and may take many months to complete;
- there are likely to be over 4,000 documents relevant to this Order; and
- the Government invites the Council to refine the scope of the Order with a view to enabling the Government to respond, otherwise the Government trusts the Council will not insist on the Government responding to the Order in its current form.

* * * * *

SUGARLOAF PIPELINE AND FOODBOWL MODERNISATION PROJECTS — The Clerk laid on the Table a letter from the Attorney-General dated 30 August 2010 in response to the resolution of the Council of 28 July 2010 seeking the production of documents relating to the Sugarloaf Pipeline and Foodbowl Modernisation projects —

- referring to the Government's process for assessing documents for potential Executive privilege; and
- stating that Executive privilege was claimed in relation to the following documents and that, therefore, those documents have not been provided:
 - (1) Sugarloaf Pipeline Project Business Case and Annexures;
 - (2) Northern Victoria Irrigation Renewal Project Business Case, August 2008; and
 - (3) Northern Victoria Irrigation Renewal Project Business Case, June 2009.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 GOVERNMENT (POLITICAL) ADVERTISING BILL 2010 — Mr D.M. Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr D.M. Davis moved, That the Bill be now read a second time.

Debate ensued.

Ms Pennicuik moved, That the debate be adjourned for one week.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson
Mr Barber
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis

NOES, 17

Ms Broad (*Teller*)
Ms Darveniza
Mr Eideh
Mr Elasmarr
Ms Huppert
Mr Jennings

Mr Drum	Mr Leane
Mr Finn (<i>Teller</i>)	Mr Lenders
Mr Guy	Ms Mikakos
Mr Hall	Mr Murphy
Ms Hartland	Ms Pulford
Mr Kavanagh	Mr Scheffer (<i>Teller</i>)
Mrs Kronberg (<i>Teller</i>)	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue	Mr Tee
Ms Pennicuik	Ms Tierney
Mrs Petrovich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

- 6 PRODUCTION OF DOCUMENTS — ADMITTED PATIENT CARE NATIONAL MINIMUM DATA SET** — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on 14 September 2010 a copy of the data for the years 2007-08, 2008-09 and 2009-10 (if transmitted to the Commonwealth), provided by the State Government to the Federal Government according to the National Healthcare Agreement for the Admitted Patient Care National Minimum Data Set (APCNMDS), in ASCII text file format with information and instructions to enable the data file to be divided into the designated fields including but not limited to, the data type, format, and the maximum character length for each data element, provided that any data fields which, taken together, would potentially identify individual patients and thereby form the basis of a grounds for claiming Executive privilege of the data sets, specifically data items on State record identifier, person identifier, sex, date of birth, country of birth, indigenous status, area of usual residence and postcode, be removed from the data set prior to it being presented to the Council and, if possible, include a field for year of birth only, separated from day and month of birth.

Debate ensued.

Question — put and agreed to.

- 7 PRODUCTION OF DOCUMENTS — HEALTH SERVICES INTEGRATED PERFORMANCE REPORTS** — Mr D.M. Davis moved, That in accordance with Sessional Order 21, there be tabled in the Council by 12 noon on Tuesday, 14 September 2010 a copy of the monthly and quarterly Integrated Performance Reports for the last three quarters for the financial year 2009-10, both Statewide and for the following individual health services:
- (1) Albury Wodonga Health;
 - (2) Alexandra District Hospital;
 - (3) Alfred Health;
 - (4) Alpine Health;
 - (5) Austin Health;
 - (6) Bairnsdale Regional Health Service;
 - (7) Ballarat Health Services;
 - (8) Barwon Health;
 - (9) Bass Coast Regional Health;
 - (10) Beaufort and Skipton Health Service;
 - (11) Beechworth Health Service;
 - (12) Benalla and District Memorial Hospital;
 - (13) Bendigo Health Care Group;
 - (14) Boort District Health;
 - (15) Calvary Health Care Bethlehem Ltd;
 - (16) Casterton Memorial Hospital;
 - (17) Central Gippsland Health Service;
 - (18) Cobram District Health;

- (19) Cohuna District Hospital;
- (20) Colac Area Health;
- (21) Dental Health Services Victoria;
- (22) Djerriwarrh Health Services;
- (23) Dunmunkle Health Services;
- (24) East Grampians Health Service;
- (25) East Wimmera Health Service;
- (26) Eastern Health;
- (27) Echuca Regional Health;
- (28) Edenhope and District Hospital;
- (29) Gippsland Southern Health Service;
- (30) Goulburn Valley Health;
- (31) Hepburn Health Service;
- (32) Hesse Rural Health Service;
- (33) Heywood Rural Health;
- (34) Inglewood and District Health Service;
- (35) Kerang District Health;
- (36) Kilmore and District Hospital;
- (37) Kooweerup Regional Health Service;
- (38) Kyabram and District Health Service;
- (39) Kyneton District Health Service;
- (40) Latrobe Regional Hospital;
- (41) Lorne Community Hospital;
- (42) Maldon Hospital;
- (43) Mallee Track Health and Community Service;
- (44) Manangatang and District Hospital;
- (45) Mansfield District Hospital;
- (46) Maryborough District Health Service;
- (47) Mclvor Health and Community Services;
- (48) Melbourne Health;
- (49) Melton Health;
- (50) Mercy Public Hospitals Inc.;
- (51) Mildura Base Hospital;
- (52) Moyne Health Services;
- (53) Mt Alexander Hospital;
- (54) Nathalia District Hospital;
- (55) Northeast Health Wangaratta;
- (56) Northern Health;
- (57) Numurkah District Health Service;
- (58) Omeo District Health;
- (59) Orbost Regional Health;
- (60) Otway Health and Community Services;
- (61) Peninsula Health;
- (62) Peter MacCallum Cancer Institute;
- (63) Portland District Health;
- (64) Queen Elizabeth Centre;
- (65) Robinvale District Health Services;
- (66) Rochester and Elmore District Health Service;
- (67) Rural Northwest Health;
- (68) Seymour District Memorial Hospital;

- (69) South Gippsland Hospital;
- (70) South West Healthcare;
- (71) Southern Health;
- (72) St Vincent's Health;
- (73) Stawell Regional Health;
- (74) Swan Hill District Health;
- (75) Tallangatta Health Service;
- (76) Terang and Mortlake Health Service;
- (77) The Royal Children's Hospital;
- (78) The Royal Victorian Eye and Ear Hospital;
- (79) The Royal Women's Hospital;
- (80) Timboon and District Healthcare Service;
- (81) Tweddle Child and Family Health Service;
- (82) Upper Murray Health and Community Services;
- (83) West Gippsland Healthcare Group;
- (84) West Wimmera Health Service;
- (85) Western District Health Service;
- (86) Western Health;
- (87) Wimmera Health Care Group;
- (88) Yarram and District Health Service;
- (89) Yarrowonga District Health Service; and
- (90) Yea and District Memorial Hospital.

Debate ensued.

Question — put and agreed to.

8 PRODUCTION OF DOCUMENTS — PROVISION OF VARIOUS DOCUMENTS FOR ASSESSMENT BY INDEPENDENT LEGAL ARBITER — Mr D.M. Davis moved, That this House —

- (1) notes the continued failure of the Leader of the Government to provide documents sought by the Legislative Council under Sessional Order 21;
- (2) notes in particular the failure of the Government to fully comply with:
 - (a) the Council's resolution of 28 May 2008, and subsequent resolution of 5 May 2010 seeking access to the document used by the Auditor-General in his report on planning for water infrastructure in Victoria;
 - (b) the Council's resolution of 29 October 2008 seeking a copy of ministerial briefings on transport and subsequent resolutions of 11 March 2009, 24 February 2010 and 5 May 2010;
 - (c) the Council's resolution of 11 March 2009 seeking a copy of information relating to renewable energy feed in tariffs and subsequent resolutions of 14 October 2009, 24 February 2010 and 5 May 2010;
 - (d) the Council's resolution of 1 April 2009 seeking a copy of documents relating to the impact of the Carbon Pollution Reduction Scheme on the Victorian Economy held by the Department of Premier and Cabinet, the Department of Sustainability and Environment and the Department of Primary Industries and subsequent resolutions of 11 November 2009, 24 February 2010 and 5 May 2010;
 - (e) the Council's resolution of 1 April 2009 seeking a copy of documents relating to the Victorian State Government's policy of extending clearway times and the subsequent resolution of 14 October 2009, 24 February 2010 and 5 May 2010;
 - (f) the Council's resolution of 6 May 2009 seeking a copy of documents relating to the impact of the Carbon Pollution Reduction Scheme on the Victorian Economy held by the Department of Treasury and Finance and subsequent resolutions of 11 November 2009, 24 February 2010 and 5 May 2010;

- (g) the Council's resolution of 6 May 2009 seeking a copy of documents relating to the company Better Place and subsequent resolutions of 14 October 2009, 24 February 2010 and 5 May 2010;
 - (h) the Council's resolution of 3 June 2009 seeking a copy of all submissions made to the review of Alpine resorts and subsequent resolutions of 14 October 2009, 24 February 2010 and 5 May 2010;
 - (i) the Council's resolution of 24 June 2009 seeking copies of all gateway review documents related to the desalination plant project and subsequent resolutions of 24 February 2010 and 5 May 2010 and notes the dispute over the number of documents relevant to the request;
 - (j) the Council's resolution of 24 June 2009 seeking copies of all documents and communications held by the Government in relation to the extension of licence for the number of gaming tables at Crown Casino and subsequent resolutions on 14 October 2009, 24 February 2010 and 5 May 2010;
 - (k) the Council's resolution of 29 July 2009 seeking copies of all documents relating to the placement of carbon trading institutes or institutions in Victoria and subsequent resolutions on 14 October 2009, 24 February 2010 and 5 May 2010;
 - (l) the Council's resolution of 12 August 2009 seeking a copy of all meeting notes, minutes of meetings and diary notes of Government ministers and senior bureaucrats in the departments of Treasury and Finance, Sustainability and Environment (including the Office of Water) and Innovation, Industry and Regional Development (including Major Projects Victoria) concerning tenders for the desalination project and lobbyists including staff of Hawker Britton, including Mr David White, and InsideOut Strategic, including Mr Philip Staindl, and including briefings on water projects and desalination (including speech notes for ministers appearing at or visiting the Progressive Business organisation) and subsequent resolutions of 24 February 2010 and 5 May 2010;
 - (m) the Council's resolution of 14 October 2009 seeking copies of all documents relating to the Working Victoria and Shine advertising campaigns and subsequent resolutions on 24 February 2010 and 5 May 2010;
 - (n) the Council's resolution of 11 November 2009 seeking copies of all documents relating to Government consideration of proposals for the export of brown coal and subsequent resolution on 24 February 2010 and 5 May 2010;
 - (o) the Council's resolution of 25 November 2009 seeking copies of minutes and agendas of financial/audit and/or investment committees of Victorian health services and subsequent resolutions on 24 February 2010 and 5 May 2010 and rejects the governments claim that they do not hold any relevant documents;
 - (p) the Council's resolution of 24 March 2010 seeking a copy of all documents relating to the review completed by Dr Mike Vertigan into the Victorian Funds Management Corporation's payment of bonuses to executives; and
 - (q) the Council's resolution of 5 May 2010 seeking a copy of several reports commissioned by the Department of Human Services;
- (3) accepts that genuine Cabinet documents should remain with the Executive Government but is of the view that the Government's continued refusal to release many key documents is a deliberate attempt to cover up negative or damaging information;
- (4) notes that the Leader of the Government has already been censured by this House for not complying with a number of the Council's resolutions;
- (5) demands that the Leader of the Government, as the representative of the Government in the Legislative Council, lodge with the Clerk by 12 noon on Wednesday, 8 September 2010 for assessment by the independent legal arbiter a copy of —
- (a) Water Infrastructure documents — PricewaterhouseCoopers, DSE Water Industry Governance Review, draft report, prepared for DSE, Melbourne, 2006;
 - (b) Solar Feed in Tariffs documents —
 - document listed as number 9, "Brief to Minister for Energy and Resources (16 April 2008)";

- document listed as number 15, “Briefing to office of the Minister for Energy and Resources (18 November 2008)”;
 - document listed as number 16, “Brief to Minister for Energy and Resources (21 November 2008)”;
 - document listed as number 17, “Briefing to the office of the Minister for Energy and Resources (15 December 2008)”;
 - document listed as number 38, “Brief to Minister for Energy and Resources (6 June 2007)”;
 - document listed as number 39, “Brief to Minister for Environment, Water and Climate Change (6 June 2007)”;
 - document listed as number 40, “Brief to Minister for Environment and Climate Change (2 October 2007)”;
 - document listed as number 41, “Brief to Minister for Environment and Climate Change (31 January 2008)”;
 - document listed as number 42, “Brief to Premier (16 October 2007)”;
 - document listed as number 43, “Brief to Premier (9 November 2007)”;
 - document listed as number 44, “Brief to Premier (19 December 2007)”;
 - document listed as number 58, “Briefing by DIIRD”;
 - document listed as number 63, “Brief to Treasurer (6 February 2008)”;
 - resource documents, assessments and analysis used in the preparation of document listed as number six, “Business Impact Assessment prepared for and considered by Cabinet”;
- (c) Ministerial Transport Briefings documents —
- document listed as number 1 (Schedule A: Public Transport Tender Documents), “Tender Returnables – Melbourne Metropolitan Train Franchise”;
 - document listed as number 2 (Schedule A: Public Transport Tender Documents), “Tender Returnables – Melbourne Metropolitan Tram Franchise”;
 - document listed as number 3 (Schedule A: Public Transport Tender Documents), “Melbourne Metropolitan Train Franchise Interactive Tender Guide for ITT process”;
 - document listed as number 4 (Schedule A: Public Transport Tender Documents), “Melbourne Metropolitan Tram Franchise Interactive Tender Guide for ITT process”;
 - document listed as number 1 (Schedule B: Ministerial briefing documents), “(a) ‘Taxi policy initiatives’ (MBN011023) dated 2 April 2008”;
 - document listed as number 2 (Schedule B: Ministerial briefing documents), “(c) ‘Registration and licensing system funding options’ (MBN011037) dated 3 April 2008”;
 - document listed as number 3 (Schedule B: Ministerial briefing documents), “(d) ‘Eastlink – ConnectEast DRP Underwriting Agreement – Novation’ (MBN011047) dated 3 April 2008”;
 - document listed as number 4 (Schedule B: Ministerial briefing documents), “(f) ‘To advise the Minister of the status of AusLink 2 projects identified as candidates for the commencement of expenditure ahead of 2009/10 2013/14’ (MBN011055) dated 8 April 2008”;
 - document listed as number 5 (Schedule B: Ministerial briefing documents), “(g) ‘Metropolitan rail franchising (MR3) Market Engagement Trip’ (MBN011059) dated 10 April 2008”;
 - document listed as number 6 (Schedule B: Ministerial briefing documents), “(h) ‘Media interest and progress with Grade separation study’(re Springvale road Nunawading level crossing) (MBN011065) dated 10 April 2008”;
 - document listed as number 7 (Schedule B: Ministerial briefing documents), “(i) ‘Meeting with the CEO of the Bus Proprietors’ (MBN011091) dated 15 April 2008”;

- document listed as number 8 (Schedule B: Ministerial briefing documents), “(j) ‘2009 Fare Changes Strategy overview’ (MBN011116) dated 22 April 2008”;
 - document listed as number 9 (Schedule B: Ministerial briefing documents), “(l) ‘Geelong an Frankston taxi depots’ (MBN011141) dated 28 April 2008”;
 - document listed as number 10 (Schedule B: Ministerial briefing documents), “(m) ‘Status of the regional pilot of the NTS’ (MBN011146) dated 29 April 2008”; and
 - document listed as number 11 (Schedule B: Ministerial briefing documents), “(n) ‘M1 Heads of Agreement’ (MBN011159) dated 30 April 2008”;
- (d) Carbon Pollution Reduction Scheme (DPC, DSE, DPI) documents —
- document listed as number 1, “Brief to Minister for Energy and Resources (21 January 2009)”;
 - document listed as number 9, “Brief to Minister for Energy and Resources (March 2009)”;
 - document listed as number 10, “Brief to Minister for Energy and Resources (March 2009)”;
 - document listed as number 11, “Briefing note (19 March 2009)”;
 - document listed as number 12, “Brief to Minister for Energy and Resources (6 March 2009)”;
 - document listed as number 13, “Brief to Minister for Energy and Resources (27 February 2009)”;
 - document listed as number 14, “Brief to Minister for Energy and Resources (27 February 2009)”;
 - document listed as number 15, “Brief for Minister for Energy and Resources (9 February 2009)”;
 - document listed as number 16, “Brief to Minister for Energy and Resources (15 January 2009)”;
 - document listed as number 17, “Brief to Minister for Energy and Resources (November 2008)”;
 - document listed as number 18, “Brief to Minister for Energy and Resources (25 November 2008)”;
 - document listed as number 19, “Brief to Minister for Energy and Resources (20 November 2008)”;
 - document listed as number 20, “Brief to Minister for Energy and Resources (14 November 2008)”;
 - document listed as number 21, “Brief to Minister for Energy and Resources (21 October 2008)”;
 - document listed as number 22, “Brief to Minister for Agriculture (11 September 2008)”;
 - document listed as number 23, “Report by KPMG (August 2008)”;
 - document listed as number 24, “Brief to Secretary, Department of Primary Industries (DPI)(13 February 2009)”;
 - document listed as number 25, “Brief to Minister for Energy and Resources (29 September 2008)”;
 - document listed as number 26, “Brief to Minister for Environment and Climate Change (17 July 2008)”;
 - document listed as number 27, “Brief to Minister for Environment and Climate Change (25 July 2008)”;
 - document listed as number 28, “Brief to Minister for Environment and Climate Change (4 August 2008)”;
 - document listed as number 29, “Brief to Minister for Environment and Climate Change (5 August 2008)”;
 - document listed as number 30, “Brief to Minister for Environment and Climate Change (28 August 2008)”;

- document listed as number 32, “DSE Discussion Paper”;
- document listed as number 33, “Brief to Minister for Environment and Climate Change (4 September 2008)”;
- document listed as number 34, “DSE Discussion Paper”;
- document listed as number 36, “Brief to Minister for Environment and Climate Change (14 October 2008)”;
- document listed as number 37, “Brief to Secretary, Department of Sustainability and Environment (DSE) (24 October 2008)”;
- document listed as number 39, “Brief to Minister for Environment and Climate Change (31 October 2008)”;
- document listed as number 40, “DSE and DPI comments on Draft Climate Change Green Paper”;
- document listed as number 41, “Brief to Minister for Environment and Climate Change (25 November 2008)”;
- document listed as number 42, “Brief to Minister for Environment and Climate Change (10 December 2008)”;
- document listed as number 43, “Paper on CPRS White Paper (19 January 2009)”;
- document listed as number 44, “Brief to Secretary, DSE (22 January 2009)”;
- document listed as number 46, “DSE Discussion paper”;
- document listed as number 47, “Brief to Minister for Environment and Climate Change (11 March 2009)”;
- document listed as number 48, “Brief to Minister for Environment and Climate Change (10 March 2009)”;
- document listed as number 49, “Brief to Minister for Environment and Climate Change (18 March 2009)”;
- document listed as number 50, “Brief to Minister for Environment and Climate Change (23 March 2009)”;
- document listed as number 51, “Brief to Minister for Environment and Climate Change (24 March 2009)”;
- document listed as number 52, “Internal DSE Briefing (25 March 2009)”;
- document listed as number 53, “Brief to Minister for Environment and Climate Change (26 March 2009)”;
- document listed as number 54, “Internal DSE Briefing (26 March 2009)”;
- document listed as number 56, “Internal DSE brief (21 August 2008)”;
- document listed as number 57, “Briefing on natural resource management (December 2008)”;
- document listed as number 58, “Report by George Wilkenfeld and Associates (March 2009)”;
- document listed as number 59, “Internal DSE Evaluation (13 February 2009)”;
- document listed as number 60, “Report by Deloitte (March 2009)”;
- document listed as number 61, “Brief to Premier (19 August 2008)”;
- document listed as number 63, “Brief to Premier (4 August 2008)”;
- document listed as number 65, “Brief to Premier (15 August 2008)”;
- document listed as number 66, “Brief to Secretary, Department of Premier and Cabinet (25 August 2008)”;
- document listed as number 67, “Brief to Premier (29 August 2008)”;
- document listed as number 68, “Brief to Premier (9 September 2008)”;
- document listed as number 69, “Brief to Premier (4 September 2008)”;
- document listed as number 71, “Brief to Premier (13 October 2008)”;
- document listed as number 73, “Brief to Premier (2 January 2009)”;
- document listed as number 74, “Brief to Premier (12 December 2008)”;

- document listed as number 75, “Brief to Premier (16 December 2008)”;
 - document listed as number 76, “Brief to Premier (2 January 2009)”;
 - document listed as number 77, “Brief to Premier (29 January 2009)”;
 - document listed as number 78, “Brief to Premier (30 March 2009)”;
 - document listed as number 79, “Brief to Premier (29 October 2008)”;
 - document listed as number 80, “Brief to Premier (12 December 2008)”;
 - document listed as number 81, “Brief to Premier (2 September 2008)”;
 - document listed as number 82, “Brief to Minister for Environment and Climate Change (undated)”;
 - document listed as number 83, “CPRS paper (September 2008)”;
 - document listed as number 85, “Report by Victoria University of Technology (February 2009)”;
 - document listed as number 86, “Brief to Premier (3 March 2009)”;
 - document listed as number 103, “Council for the Australian Federation (CAF) Senior Officials Meeting speaking points (8 April 2009)”;
 - document listed as number 104, “CAF Senior Officials Meeting speaking points (8 April 2009)”;
 - document listed as number 105, “Council of Australian Government (COAG) Senior Officials Meeting speaking points (19 March 2009)”;
 - document listed as number 106, “CPRS Paper (August 2008)”;
 - document listed as number 107, “CAF Paper (28 August 2008)”;
 - document listed as number 108, “CAF speaking points (11 September 2008)”;
 - document listed as number 109, “CAF meeting speaking points (3 September 2008)”;
 - document listed as number 110, “CAF meeting speaking points (9 September 2008)”;
 - document listed as number 111, “CAF Senior Officials Meeting speaking points (8 September 2008)”;
 - document listed as number 112, “COAG Senior Officials Meeting speaking points (12 November 2008)”;
- (e) Clearways documents —
- document listed as number 1, “Brief to Minister for Roads and Ports (undated)”;
 - document listed as number 2, “Memorandum of advice to VicRoads (undated)”;
 - document listed as number 3, “Briefing on Keeping Melbourne Moving (17 April 2009)”;
 - document listed as number 4, “Brief to Minister for Roads and Ports (29 August 2008)”;
 - document listed as number 5, “Brief to Minister for Roads and Ports (17 June 2008)”;
 - document listed as number 6, “Brief to Minister for Roads and Ports (undated)”;
 - document listed as number 7, “Brief to Minister for Roads and Ports (12 November 2008)”;
 - document listed as number 8, “Report by Meyrick and Associates (2008)”;
 - document listed as number 9, “Letter from the Victorian Government Solicitors Office (VGSO) to Department of Infrastructure (27 March 2008)”;
 - document listed as number 10, “Brief to Minister for Roads and Ports (1 March 2008)”;
 - document listed as number 11, “Email from VicRoads to the Office of the Minister for Roads and Ports (15 April 2008)”;
 - document listed as number 12, “Brief to Minister for Roads and Ports (9 May 2008)”;
 - document listed as number 13, “Ministerial Briefing (23 May 2008)”;

- document listed as number 14, "Brief to Minister for Roads and Ports (21 May 2008)";
- document listed as number 15, "Memorandum of Advice to Department of Transport (DOT) (4 June 2008)";
- document listed as number 16, "Brief to Minister for Roads and Ports (5 June 2008)";
- document listed as number 17, "Email from DOT to Auspoll (22 July 2008)";
- document listed as number 18, "Brief to Minister for Roads and Ports (12 September 2008)";
- document listed as number 19, "Memorandum of advice to VicRoads (29 September 2008)";
- document listed as number 20, "Legal advice from VicRoads (13 October 2008)";
- document listed as number 21, "Email from VicRoads (13 October 2008)";
- document listed as number 22, "Brief to Minister for Roads and Ports (2 October 2008)";
- document listed as number 23, "Brief to Minister for Roads and Ports (9 November 2008)";
- document listed as number 24, "Brief to Minister for Roads and Ports (9 December 2008)";
- document listed as number 25, "Brief to Minister for Roads and Ports (29 February 2009)";
- document listed as number 26, "Brief to Minister for Roads and Ports (31 December 2008)";
- document listed as number 27, "Email from VicRoads to DOT (19 January 2009)";
- document listed as number 28, "Letter from VicRoads to DOT (10 February 2009)";
- document listed as number 29, "Letter from Moreland City Council to DOT (2 February 2009)";
- document listed as number 30, "Brief to Minister for Roads and Ports (10 February 2009)";
- document listed as number 31, "Brief to Minister for Roads and Ports (18 February 2001)";
- document listed as number 32, "Letter from VicRoads to DOT (5 March 2009)";
- document listed as number 33, "Internal DOT email with attachment (2 November 2007)";
- document listed as number 34, "Email from Department of Premier and Cabinet (DPC) to DOT (1 February 2009)";
- document listed as number 35, "Brief to Minister for Roads and Ports (9 September 2008)";
- document listed as number 36, "Brief to Minister fro Local Government (17 June 2008)";
- document listed as number 37, "Brief to Minister for Local Government (24 July 2008)";
- document listed as number 38, "Email from Department of Planning and Community Development (DPCD) to VicRoads (1 September 2008)";
- document listed as number 39, "Email from VicRoads to DPCD (3 September 2008)";
- document listed as number 40, "Email from VicRoads to DPCD (4 September 2008)";
- document listed as number 41, "Internal DPCD email with attachment (5 September 2008)";

- document listed as number 42, “Email chain from DPCD to VicRoads (25 September 2008)”;
- document listed as number 43, “Brief to Minister for Local Government (1 October 2008)”;
- document listed as number 44, “Brief to Minister for Local Government (22 October 2008)”;
- document listed as number 45, “Internal DPCD email with attachment (5 November 2008)”;
- document listed as number 46, “Brief to Minister for Local Government (28 November 2008)”;
- document listed as number 47, “Ministerial Debrief (05 December 2008)”;
- document listed as number 48, “Brief to Minister for Local government (21 January 2009)”;
- document listed as number 49, “Brief to Minister for Local Government (17 February 2009)”;
- document listed number 50, “Brief to Minister for Local Government (5 March 2009)”;
- document listed as number 51, “Brief to Premier (19 February 2009)”;
- document listed as number 52, “Brief to Premier (19 February 2009)”;
- document listed as number 53, “Brief to Premier (25 January 2008)”;
- document listed as number 54, “Project Review Committee business case (25 January 2008)”;
- document listed as number 55, “Brief to Premier (15 January 2008)”;
- document listed as number 56, “Brief to Premier (11 January 2008)”;
- document listed as number 57, “Brief to Premier (28 December 2007)”;
- document listed as number 58, “Brief to Minister for Roads and Ports (9 November 2007)”;
- document listed as number 59, “Brief to Premier (28 December 2007)”;
- document listed as number 60, “Brief to Premier (13 August 2008)”;
- document listed as number 61, “Email from DOT to DPC (26 May 2008)”;
- document listed as number 62, “Brief to Premier (17 August 2007)”;
- and document listed as number 63, “Brief to Premier (30 March 2009)”;
- (f) CPRS (DTF) documents —
 - document listed as number 1, “Brief to the Treasurer (15 August 2008)”;
 - document listed as number 2, “Brief to the Treasurer (3 September 2008)”;
 - document listed as number 3, “Brief to the Treasurer (21 November 2008)”;
 - document listed as number 4, “Brief to the Treasurer (11 December 2008)”;
 - document listed as number 5, “Brief to the Treasurer (16 January 2009)”;
 - document listed as number 6, “Brief to the Treasurer (5 April 2009)”;
 - document listed as number 7, “Brief to the Treasurer (9 April 2009)”;
 - document listed as number 8, “Brief to the Treasurer (13 February 2009)”;
 - document listed as number 9, “Brief to the Treasurer (15 December 2008)”;
 - document listed as number 10, “DTF Presentation (10 December 2008)”;
 - document listed as number 11, “Briefing to the Treasurer (undated)”;
 - document listed as number 13, “Briefing to the Treasurer on a cabinet Submission”;
 - document listed as number 14, “Brief to the Treasurer (4 August 2008)”;
 - document listed as number 16, “Paper for Heads of Treasury Intergovernmental meeting (undated)”;
 - document listed as number 17, “Paper for Heads of Treasury Intergovernmental meeting (undated)”;
 - document listed as number 18, “Briefing to the Treasurer (undated)”;

- document listed as number 19, “Brief to the Treasurer (1 October 2008)”;
 - document listed as number 20, “Brief to the Treasurer (5 September 2008)”;
 - document listed as number 21, “Briefing to the Treasurer (undated)”;
 - document listed as number 22, “Brief to the Treasurer (25 August 2008)”;
 - document listed as number 23, “Brief to the Treasurer (2 October 2008)”;
 - document listed as number 24, “Briefing by DTF (undated)”;
 - document listed as number 25, “Brief to the Treasurer (6 April 2009)”;
 - document listed as number 26, “Brief to the Treasurer (16 July 2008)”;
 - document listed as number 27, “Brief to the Treasurer (15 July 2008)”;
 - document listed as number 28, “Brief to the Treasurer (15 December 2008)”;
 - document listed as number 30, “Brief to the Treasurer (18 July 2008)”;
 - document listed as number 31, “Brief to the Treasurer (undated)”;
 - document listed as number 32, “Report commissioned by the Department of Innovation, Industry and Regional Development (March 2009)”;
 - document listed as number 33, “Brief to the Treasurer (undated)”;
 - document listed as number 34, “Brief to the Treasurer (10 February 2009)”;
 - document listed as number 35, “Brief to the Treasurer (13 February 2009)”;
- (g) Better Place documents —
- document listed as number 1, “Outcomes of CAF Meeting (12 September 2008)”;
 - document listed as number 2, “Background Briefing/Report prepared by motor vehicle company for Minister for Sustainability and Environment”;
 - document listed as number 3, “Brief to Minister for Innovation (2 February 2009)”;
 - document listed as number 4, “Report of Alternate Vehicle Fuel Technologies IDC containing Cabinet Material”;
 - document listed as number 8, “Hand Written Notes from meeting with commercial motor vehicle company (undated)”;
 - document numbered 9, “Company Application for funding (14 September 2007)”;
 - document numbered 10, “Company Business Plan (14 September 2007)”;
 - document numbered 11, “Departmental Internal Email Chain (26 November 2007)”;
 - document numbered 12, “Draft Brief to Minister for Industry and Trade”;
 - document numbered 13, “Presentation prepared by commercial company (11 July 2008)”;
 - document numbered 14, “Internal Departmental Email (14 August 2008), Attaching notes of meeting with commercial company (11 July 2008)”;
 - document numbered 15, “Hand Written Notes from meeting with commercial company (11 July 2008)”;
 - document numbered 16, “Brief to Premier (22 July 2008)”;
 - document numbered 17, “Brief to Premier (13 August 2008)”;
 - document numbered 18, “Summary of Meeting between Government and commercial company (13 August 2008)”;
 - document numbered 19, “Brief of commercial company (September 2008)”;
 - document numbered 20, “Speaking points & brief for CAF SOM Meeting (3 September 2008)”;
 - document numbered 21, “Speaking points & brief for CAF Meeting (3 September 2008)”;
 - document numbered 22, “CAF Meeting submission (4 September 2008)”;
 - document numbered 23, “Hand written Notes from meeting with commercial company (20 October 2008)”;
 - document number 24, “Draft Media Release, from Minister for Environment and Climate Change (23 October 2008)”;

- document numbered 25, “Brief to Minister for Energy and Resources (28 October 2008)”;
 - document numbered 26, “Draft report prepared by commercial company (17 November 2008)”;
 - document numbered 27, “Departmental Email Chain containing commercial information (3 December 2008)”;
 - document numbered 28, “Minutes of Alternate Vehicle Fuel Technologies IDC (4 December 2008)”;
 - document numbered 29, “Minutes of Alternate Vehicle Fuel Technologies IDC (4 December 2008) attaching cover email (5 January 2009), 2.Document reference list”;
 - document numbered 30, “Hand Written Notes from meeting with commercial company (19 January 2009)”;
 - document numbered 31, “Brief to Minister for Innovation (23 January 2009)”;
 - document numbered 32, “Departmental Email chain (29 January 2009)”;
 - document numbered 33, “Departmental Email chain (10 February 2009)”;
 - document numbered 34, “Departmental Email (23 February 2009). Attaching Draft Agreement”;
 - document numbered 35, “Draft Version of agreement (16 March 2009)”;
 - document numbered 36, “Draft Version of agreement with annotations (16 March 2009)”;
 - document numbered 37, “Draft Version of agreement with annotations (16 March 2009)”;
 - document numbered 38, “Departmental Email chain containing information provided by commercial company (17 March 2009)”;
 - document numbered 39, “Departmental Email attaching Department Newsletter including Cabinet material (March 2009)”;
 - document numbered 40, “Departmental Email containing information from commercial company (25 March 2009)”;
 - document numbered 41, “Departmental Email (1 April 2009. Attaching excerpt from Brief to Minister)”;
 - document numbered 42, “Departmental Email Chain containing information from commercial company (8 April 2009)”;
 - document numbered 43, “Letter from motor vehicle company (20 April 2009)”;
 - document numbered 44, “Hand Written Notes from Meeting with commercial company (27 April 2009)”;
 - document numbered 45, “Hand Written Notes from Meeting with commercial company (27 April 2009)”;
 - document numbered 46, “Email attaching Final Agreement with annotations (27 April 2009)”;
 - document numbered 47, “Email containing information from dealings with commercial company (3 May 2009)”;
 - document numbered 48, “File note attaching email and draft brief containing information from commercial company (6 May 2009)”;
 - document numbered 49, “Final Grant Agreement (10 May 2009)”;
 - document numbered 50, “Departmental Email chain containing information regarding CAF Meeting (12 May 2009)”;
 - document numbered 51, “Email listing applicants for funding (27 April 2009)”;
 - document numbered 52, “Email from commercial company (21 April 2009)”;
 - document numbered 53, “brief to Premier (21 October 2008)”;
- (h) Alpine Resorts documents — Mt Baw Baw Alpine Resort Management Board Corporate Plan 2007-2010;

- (i) Carbon Trading Institutes and Institutions documents —
- document listed as number 1, “Business Case prepared by the Victorian Government (April 2009)”;
 - document listed as number 2, “Brief to Minister for Financial Services regarding carbon market option with attachments (June 2009)”;
 - document listed as number 3, “Brief to Minister for Financial Services regarding carbon market option with attachments (March 2009)”;
 - document listed as number 4, “Brief to Minister for Financial Services regarding carbon market option with attachments (December 2008)”;
 - document listed as number 5, “Brief to Minister for Financial Services regarding carbon market taskforce with attachments (December 2008)”;
 - document listed as number 6, “Brief to minister for Financial Services regarding carbon market taskforce (December 2008)”;
 - document listed as number 7, “Report by KPMG regarding carbon market options (July 2009)”;
 - document listed as number 8, “Report by Allens Consulting regarding carbon market options (November 2008)”;
 - document listed as number 9, “Report by Allens Consulting regarding carbon market options (December 2008)”;
 - document listed as number 10, “Report by Point Carbon regarding carbon market options (23 March 2009)”;
 - document listed as number 11, “Brief to Minister for Financial Services regarding carbon market taskforce (14 May 2009)”;
 - document listed as number 12, “Presentation by Farrier Swier Consulting regarding carbon market options (13 February 2009)”;
 - document listed as number 13, “Presentation by Farrier Swier Consulting regarding carbon market options (11 March 2009)”;
 - document listed as number 14, “Brief to Minister for Financial Services regarding carbon market options (June 2009)”;
 - document listed as number 15, “Internal DIIRD file note regarding carbon market options (April 2009)”;
 - document listed as number 16, “Internal DIIRD Report regarding carbon market options (21 April 2009)”;
 - document listed as number 17, “Internal DIIRD file note regarding carbon market options (April 2009)”;
 - document listed as number 19, “Brief to Secretary, DIIRD regarding carbon market options (25 December 2008)”;
 - document listed as number 20, “Internal DIIRD file note regarding carbon market options (17 April 2009)”;
 - document listed as number 21, “PPQ prepared for Minister for Industry and Trade (undated)”;
 - document listed as number 22, “Internal DIIRD Presentation regarding financial services strategy (15 January 2009)”;
 - document listed as number 23, “PPQ prepared for Minister for Financial Services (17 April 2009)”;
 - document listed as number 24, “PPQ prepared for Minister for Financial Services (27 January 2009)”;
 - document listed as number 25, “PPQ prepared for Minister for Financial Services (2 June 2009)”;
 - document listed as number 26, “Internal DIIRD Briefing Notes regarding carbon market options (29 December 2008)”;
 - document listed as number 27, “Presentation by the Premier regarding carbon market options (18 December 2008)”;

- document listed as number 28, “Brief to Premier regarding carbon market taskforce (20 October 2008)”;
- document listed as number 29, “Brief to Premier regarding carbon market taskforce (17 December 2008)”;
- document listed as number 30, “Brief to Premier regarding carbon market taskforce (17 December 2008)”;
- document listed as number 31, “Agenda, ‘Premier’s Carbon Market Meeting’, with attachments regarding carbon market options (18 December 2008)”;
- document listed as number 32, “Premier’s Presentation regarding carbon market options with speaking points (18 December 2008)”;
- document listed as number 33, “Brief to Secretary, DPC regarding carbon market options (23 December 2008)”;
- document listed as number 34, “Draft letter to Prime Minister from Premier (January 2009)”;
- document listed as number 35, “Draft Brief to Premier regarding carbon market options (January 2009)”;
- document listed as number 36, “Draft letter to Prime Minister (29 January 2009)”;
- document listed as number 37, “Draft letter to Prime Minister (February 2009)”;
- document listed as number 38, “Internal DPC file note regarding carbon market options (February 2009)”;
- document listed as number 41, “Draft business case prepared by Victorian government (25 February 2009)”;
- document listed as number 42, “Draft messages from Premier and Minister for Financial Services for business case (27 February 2009)”;
- document listed as number 43, “Brief to Premier regarding carbon market options (2 March 2009)”;
- document listed as number 44, “Brief to Secretary, DPC regarding carbon market options (4 March 2009)”;
- document listed as number 45, “Presentation to Premier regarding carbon market option (13 March 2009)”;
- document listed as number 46, “Brief to Secretary, DPC regarding carbon market options (13 March 2009)”;
- document listed as number 47, “Brief to Premier regarding carbon market options (16 March 2009)”;
- document listed as number 48, “Internal DPC evaluation regarding carbon market options and timelines (24 March 2009)”;
- document listed as number 49, “Draft Media Release (April 2009)”;
- document listed as number 50, “Draft letter to Prime Minister from Premier (April 2009)”;
- document listed as number 51, “DIIRD Work Plan regarding carbon market options (27 March 2009)”;
- document listed as number 52, “Brief to Premier regarding carbon market options (7 April 2009)”;
- document listed as number 53, “Agenda and action notes from Carbon Market Taskforce meeting (16 April 2009)”;
- document listed as number 54, “DIIRD Draft Questions and Answers document regarding carbon market options (16 April 2009)”;
- document listed as number 55, “Brief to Premier regarding carbon market options (21 April 2009)”;
- document listed as number 57, “Draft brief to Premier regarding carbon market options (28 April 2009)”;
- document listed as number 58, “Brief to Premier regarding carbon market options (28 April 2009)”;

- document listed as number 60, “Draft Brief to Premier regarding carbon market options (5 May 2009)”;
 - document listed as number 61, “Brief to Premier regarding carbon market options (7 May 2009)”;
 - document listed as number 62, “Internal DPC file note regarding carbon market options (18 June 2009)”;
 - document listed as number 63, “Brief to Premier regarding carbon market options (9 July 2009)”;
 - document listed as number 66, “DIIRD Presentation regarding financial services strategy (3 April 2009)”;
 - document listed as number 73, “Internal DPC Meeting Notes from carbon market taskforce (16 April 2008)”;
 - document listed as number 74, “Internal DPC Meeting notes from carbon market taskforce (17 October 2008)”;
 - document listed as number 75, “Draft message from Premier regarding carbon market options, for business case (2009)”;
 - document listed as number 76, “Draft message from Minister for Financial Services regarding carbon market options, for business case (2009)”;
 - document listed as number 77, “Draft DIIRD Discussion and Consultation Paper regarding carbon market options (November 2008)”;
 - document listed as number 78, “Draft Report from Allens Consulting regarding carbon market options (November 2008)”;
 - document listed as number 79, “Agenda ‘Melbourne Carbon Market Taskforce’ with attachments and annotations (10 December 2009)”;
 - document listed as number 81, “Draft PPQ prepared for the Treasurer (October 2008)”;
- (j) Working Victoria and Shine documents —
- document listed as number 4, “Research Report (9 September 2009)”;
 - document listed as number 6, “Brief to the Secretary, DPC (13 August 2009)”;
 - document listed as number 8, “Brief to the Premier (23 July 2009)”;
 - document listed as number 9, “Brief to the Secretary, DPC (20 July 2009)”;
 - document listed as number 10, “Research Report (July 2009)”;
 - document listed as number 11, “Research Summary of Results (July 2009)”;
 - document listed as number 12, “Brief to the Secretary, DPC (17 June 2009)”;
 - document listed as number 13, “Research Presentation (6 June 2009)”;
 - document listed as number 14, “Advertising Brief (4 May 2009)”;
 - document listed as number 15, “Letter and Advertising Brief Response (4 May 2009)”;
 - document listed as number 16, “Advertising Brief Response (4 May 2009)”;
 - document listed as number 17, “Advertising Brief Response (4 May 2009)”;
 - document listed as number 18, “Advertising Brief Response (4 May 2009)”;
 - document listed as number 21, “Research Report (1 May 2009)”;
 - document listed as number 22, “Research Report (1 May 2009)”;
 - document listed as number 23, “Research Report (1 May 2009)”;
 - document listed as number 24, “Research Report (1 May 2009)”;
 - document listed as number 25, “DPC Advertising Brief (1 May 2009)”;
 - document listed as number 26, “Brief to the Premier (21 April 2009)”;
 - document listed as number 27, “Research Report Presentation (1 April 2009)”;
 - document listed as number 28, “Draft Research Report (undated)”;
 - document listed as number 29, “Research Report (undated)”;
 - document listed as number 30, “Brief to the Minister for Regional and Rural Development (15 August 2009)”;

- document listed as number 31, “Briefing to the Minister for Education (31 July 2008)”;
- document listed as number 33, “Advertising Application (1 June 2009)”;
- document listed as number 34, “Research Presentation (1 July 2009)”;
- document listed as number 35, “Advertising Application (undated)”;
- (k) Brown coal documents —
 - document dated 22 January 2009, “Presentation by Exergen”;
 - document dated 20 February 2009, “Ma prepared by Exergen”;
 - document dated 5 February 2009, “Email from Exergen to DIIRD”;
 - document dated 6 February 2009, “Email from DIIRD to Exergen”;
 - document dated 20 February 2009, “Further draft timeline”;
 - document dated 24 February 2009, “Brief from DIIRD to the Minister for Industry and Trade”;
 - document dated 25 February 2009, “Presentation by Exergen”;
 - document undated, “Notes by DPI”;
 - document undated, “Hand drawn diagram by DPI”;
 - document undated, “Internal presentation by DPI”;
 - document dated 15 April 2009, “Draft DIIRD brief to Minister for Industry and Trade”;
 - document dated 21 April 2009, “Presentation by Exergen”;
 - document dated 21 April 2009, “Brief from DIIRD to the Minister for Regional and Rural Development”;
 - document dated 1 May 2009, “Email from Exergen to DIIRD”;
 - document dated 7 May 2009, “Email from Exergen to DIIRD”;
 - document dated 12 May 2009, “Internal DIIRD email”;
 - document dated 25 May 2009, “Email from DPI to DIIRD”;
 - document dated 26 May 2009, “Interdepartmental brief by DPI”;
 - document dated 29 May 2009, “Letter from Exergen to DIIRD”;
 - document dated 29 May 2009, “Presentation by Exergen to DPI”;
 - document undated, “Timeline, prepared by DPI”;
 - document dated 2 June 2009, “Brief to Premier by DPC”;
 - document dated 26 June 2009, “Legal advice from external legal provider”;
 - document dated 7 July 2009, “Presentation by Exergen”;
 - document dated 10 July 2009, “Brief from the Energy Sector Development Division to Minister for Energy and Resources”;
 - document dated 13 July 2009, “Outline re ‘Coal Allocation Options – Exergen’ by DPI”;
 - document dated 16 July 2009, “Legal advice by external legal provider”;
 - document dated 16 July 2009, “Letter from Exergen to Minister”;
 - document dated 20 July 2009, “Internal DPI brief”;
 - document dated 20 July 2009, “Legal advice by internal legal advisor”;
 - document dated 20 July 2009, “Letter from Exergen to DIIRD”;
 - document dated 30 July 2009, “Email from Exergen to DPI”;
 - document dated 4 August 2009, “Internal email chain from DPI to DTF”;
 - document dated 14 August 2009, “Internal DTF email”;
 - document dated 17 August 2009, “DIIRD Ministerial Brief”;
 - document dated 20 August 2009, “Presentation by Exergen to Minister Pakula”;
 - document undated, “Presentation by Exergen”;
 - document dated 3 September 2009, “Email from DSE to DPC”;
 - document dated 7 September 2009, “Brief to Premier”;
 - document dated 7 September 2009, “Internal DSE email”;

- document dated 9 September 2009, “Legal advice by external legal provider”;
 - document undated, “List of questions for Exergen and DPI”;
 - document dated 11 September 2009, “Internal DTF email”;
 - document undated, “Draft questions prepared by DPC with annotations”;
 - document dated 14 September 2009, “PPQ by DIIRD”;
 - document dated 15 September 2009, “Email chain between DTF, DPI and DPC”;
 - document undated, “Brief for Premier re meeting”;
 - document dated 20 July 2009, “Email from DPI to DTF”;
 - document dated 25 September 2009, “Draft Discussion Paper by DIIRD”;
 - document dated 26 September 2009, “Brief from Energy and Resources to the Minister for Energy and Resources”;
 - document dated 28 September 2009, “Letter to Exergen from Minister for Energy and Resources”;
 - document 30 September 2009, “Email from DPI to DTF and other government representatives”;
 - document dated 2 October 2009, “Letter from Exergen to Minister”;
 - document dated 2 October 2009, “Emails between DPC and other government representatives”;
 - document dated 2 October 2009, “Emails between DPC and other government representatives”;
 - document dated 6 October 2009, “Emails from DTF to DPI and other government representatives”;
 - document dated 8 October 2009, “Letter from Exergen to DPI, attaching responses to Minister’s further questions”;
 - document dated 8 October 2009, “Internal DSE email”;
 - document dated 9 October 2009, “DPC brief to Premier”;
 - document undated, “Draft answers by DPI to questions prepared by DPC”;
 - document undated, “Further draft answers by DPI to questions prepared by DPC”;
 - document dated 13 October 2009, “DSE internal email chain”;
 - document dated 14 October 2009, “Draft PPQ by DIIRD”;
 - document dated 14 October 2009, “Email chain between DSE and EPA”; and
 - document dated 9 November 2009, “Draft PPQ by DIIRD”;
- (l) Desalination Plant Gateway Review documents —
- report from gateway review team to Department of Sustainability and Environment, 'Gateway review 2 — business case' (23 May 2008); and
 - report from gateway review team to Department of Sustainability and Environment, 'Gateway review 3 — readiness for market' (23 May 2008);
- (m) Reports commissioned by the Department of Human Services —
- document listed as number 1, “Evaluation – quality of life outcomes following Kew Residential Services redevelopment”;
 - document listed as number 2, “Respite provision for people with disability in southern metropolitan region”;
 - document listed as number 3, “Respite provision for people with disability in Gippsland region”; and
 - document listed as number 4, “Development of a strategic plan for respite services”;
- (6) insists that the Leader of the Government, as the representative of the Government in the Legislative Council, provide for assessment by the independent legal arbiter by 12 noon on Wednesday, 8 September 2010 —
- (a) the documents demanded by the resolution of the Council of 12 August 2009 seeking documents surrounding lobbying and lobbyists and meetings for the

- desalination plant tender and demanded also in subsequent resolutions and referred to in correspondence from the Attorney-General tabled on 8 June 2010;
- (b) the documents demanded by the resolution of the Council of 24 March 2010 relating to the review completed by Dr Mike Vertigan into the Victorian Funds Management Corporation payment of bonuses to executives and referred to in correspondence from the Attorney-General tabled on 8 June 2010; and
 - (c) the documents demanded by the resolution of the Council of 25 November 2009 and subsequently on 25 February 2010 and 5 May 2010 relating to the spending of public monies by public hospitals and health services and rejects the Government's view that it does not have these documents;
- (7) requires the Clerk, upon receipt of the documents, to —
- (a) provide all documents on which the Government claims Executive Privilege to the independent legal arbiter for assessment; and
 - (b) notify all Members of the Council of the receipt of the documents, or if no documents are received by 4.00 p.m. on Wednesday, 8 September 2010, to notify all Members that no documents have been received; and
- (8) suspends the Leader of the Government from the service of the Council from 3.00 p.m. on Tuesday, 14 September 2010 until 12 noon on Wednesday, 15 September 2010 if he fails to comply fully with this Order and lodge with the Clerk all the documents contained and reiterated in this Order for arbitration by the independent legal arbiter, provided that if the documents are subsequently lodged with the Clerk at any time during the period of suspension, the suspension will immediately cease to have effect.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

9 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

10 PRODUCTION OF DOCUMENTS — PROVISION OF VARIOUS DOCUMENTS FOR ASSESSMENT BY INDEPENDENT LEGAL ARBITER — Debate continued on the question, That this House demands that the Leader of the Government provide various documents for assessment by the independent legal arbiter and suspends the Leader of the Government if he fails to comply fully with the Order (*for full text of motion, see item no. 8*).

On the motion of Mr Finn, the debate was adjourned until later this day.

11 BUSINESS POSTPONED —

Ordered — That the consideration of Order of the Day, General Business, No. 2, be postponed until later this day.

Ordered — That the consideration of Notice of Motion, General Business, No. 106, be postponed until later this day.

12 HUMAN RIGHTS IN BURMA — Ms Pennicuik moved, That this House —

- (1) notes the United Nations (UN) Special Rapporteur report on the Situation of Human Rights in Myanmar, March 2010, which documents "a pattern of gross and systematic violation of human rights which has been in place for many years and still continues";
- (2) notes that the Special Rapporteur states those violations "may entail categories of crimes against humanity or war crimes under the terms of the Statute of the International Criminal Court";
- (3) notes the Special Rapporteur recommends that "UN institutions may consider the possibility to establish a commission of inquiry with a specific fact finding mandate to address the question of international crimes";
- (4) notes that on 9 March 2010 the Burmese regime announced the election laws for the forthcoming election based on the 2008 constitution that —
 - (a) exclude political activists who have been arrested, Buddhist monks and nuns and public servants from standing for election;
 - (b) prevents the National League for Democracy (NLD), headed by Aung San Suu Kyi, and winners of the country's last election, from registering if Aung San Suu Kyi remains a party member; and

- (c) annuls the results of the 1990 election, which saw the NLD win more than 80 per cent of the vote;
- (5) notes that on 10 March 2010 the United States of America Assistant Secretary of State, Dr Philip Crowley, said that the United States of America would not accept the results of the Burmese election "given the tenor of the election laws that they've put forward, there's no hope that this election will be credible";
- (6) welcomes the Australian Government's indication that it would support investigating possible options for a United Nations commission of inquiry;
- (7) reiterates its support for human rights and democracy in Burma;
- (8) calls for the release of each of the 2,100 political prisoners in Burma;
- (9) condemns the 2008 constitution as anti-democratic; and
- (10) calls on all governments to refuse to accept the results of the Burmese elections scheduled to be held later this year unless all political prisoners are unconditionally released and a new democratic constitution is introduced that would permit the full participation of all political parties and individuals and would respect the will of the Burmese people.

Debate ensued.

Question — put and agreed to.

- 13 LAW REFORM COMMITTEE REFERENCE — VICTORIA POLICE MEMORANDUMS OF UNDERSTANDING** — Mr D.M. Davis moved, That this House requires the Law Reform Committee to inquire into, consider and report by 30 September 2010, concurrently with the inquiry referred to it by the Legislative Council on 24 March 2010 concerning the Memorandums of Understanding at the Wonthaggi/Kilcunda desalination plant and other construction projects, on the many Memorandums of Understanding signed by Victoria Police with various organisations in recent years.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber	Ms Darveniza
Mrs Coote	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Leane
Mr Drum	Mr Lenders
Mr Finn	Mr Madden (<i>Teller</i>)
Mr Guy	Ms Mikakos
Mr Hall	Mr Murphy
Ms Hartland	Mr Pakula (<i>Teller</i>)
Mr Kavanagh	Ms Pulford
Mr Koch (<i>Teller</i>)	Mr Scheffer
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue	Mr Tee
Ms Pennicuik	Ms Tierney
Mrs Petrovich (<i>Teller</i>)	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

- 14 FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE REFERENCE — END-OF-LIFE MEDICAL TREATMENT** — Ms Hartland moved, That this House requires the Family and Community Development Committee to inquire into, consider and report on the provisions of

the *Medical Treatment Act 1988* relating to end-of-life medical treatment and palliative care options, with particular regard to —

- (a) whether those provisions are sufficient to meet contemporary community expectations;
- (b) whether those provisions are sufficient to prevent end of life suffering;
- (c) whether those provisions continue to facilitate and support best practice;
- (d) input from a variety of stakeholders and the community; and
- (e) whether to make recommendations to the Attorney-General to refer any matter to the Victorian Law Reform Commission.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 12	NOES, 27
Mr Atkinson	Ms Broad
Mr Barber	Mr Dalla-Riva
Mrs Coote	Ms Darveniza
Mr D.M. Davis	Mr Drum
Mr P.R. Davis	Mr Eideh
Mr Hall (<i>Teller</i>)	Mr Elasmarr
Ms Hartland (<i>Teller</i>)	Mr Finn
Mr Koch	Mr Guy
Ms Lovell	Ms Huppert
Mr O'Donohue	Mr Jennings
Ms Pennicuik	Mr Kavanagh (<i>Teller</i>)
Mr Rich-Phillips	Mrs Kronberg (<i>Teller</i>)
	Mr Leane
	Mr Lenders
	Mr Madden
	Ms Mikakos
	Mr Murphy
	Mr Pakula
	Mrs Petrovich
	Ms Pulford
	Mr Scheffer
	Mr Smith
	Mr Somyurek
	Mr Tee
	Ms Tierney
	Mr Viney
	Mr Vogels

Question negatived.

- 15 PRODUCTION OF DOCUMENTS — PROVISION OF VARIOUS DOCUMENTS FOR ASSESSMENT BY INDEPENDENT LEGAL ARBITER** — Debate resumed on the question, That this House demands that the Leader of the Government provide various documents for assessment by the independent legal arbiter and suspends the Leader of the Government if he fails to comply fully with the Order (*for full text of motion, see item no. 8*).

Business having been interrupted at 9.57 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Ms Tierney.

- 16 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.26 p.m., adjourned until tomorrow.

No. 187 — Thursday, 2 September 2010

1 The President took the Chair and read the Prayer.

2 **PAPERS —**

DRUGS AND CRIME PREVENTION COMMITTEE — ASSAULTS IN PUBLIC PLACES —

Mrs Coote presented a Report from the Drugs and Crime Prevention Committee on Strategies to Reduce Assaults in Public Places in Victoria (including Appendices), together with Transcripts of Evidence.

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

Mrs Coote moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — SOIL CARBON SEQUESTRATION — Mr Murphy presented a Report from the Environment and Natural Resources Committee on Soil Carbon Sequestration in Victoria (including Appendices), together with Transcripts of Evidence.

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

Mr Murphy moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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:

Building Act 1993 — No. 82.

Mental Health Act 1986 — No. 81.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 81 and 82.

Water Act 1989 — Warrion Water Supply Protection Area Groundwater Management Plan 2010.

3 **MEMBERS' STATEMENTS —** Statements were made by Members pursuant to Standing Order 5.13.

4 **STATEMENTS ON REPORTS AND PAPERS —** Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

5 **BUSINESS POSTPONED —** Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

6 **PERSONAL SAFETY INTERVENTION ORDERS BILL 2010 —** Debate resumed on the question, That the Bill be now read a second time.

An amendment proposed to be moved in Committee by Ms Hartland was circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

7 **QUESTIONS —** Questions without notice were taken pursuant to Standing Order 8.04.

SOUTHERN CROSS RAILWAY STATION CCTV CAMERAS — Mr Pakula having given answers to a question and supplementary question without notice relating to CCTV cameras at Southern Cross Railway Station —

On the motion of Mr D.M. Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

QUESTIONS — Questions without notice continued.

8 PERSONAL SAFETY INTERVENTION ORDERS BILL 2010 — Bill further considered in Committee of the whole.

Bill reported 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

9 LIQUOR CONTROL REFORM AMENDMENT BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole later this day.

10 PLANT BIOSECURITY BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

11 LIQUOR CONTROL REFORM AMENDMENT BILL 2010 — Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

12 LOCAL GOVERNMENT AND PLANNING LEGISLATION AMENDMENT BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

13 GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2010 — The Acting President read a Message from the Assembly acquainting the Council that they had agreed to the amendment made by the Council in this Bill.

14 ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2010 — The Acting President read a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.

15 CONFISCATION AMENDMENT BILL 2010 — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Confiscation Act 1997 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

16 EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010 — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 in relation to vocational education and training and other matters and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

17 JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2010 — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005, the Coroners Act 2008, the Corrections Act 1986, the Country Fire Authority Act 1958, the County Court Act 1958, the Crimes Act 1958, the Drugs, Poisons and Controlled Substances Act 1981, the Emergency Management Act 1986, the Gambling Regulation Act 2003, the Gambling Regulation Further Amendment Act 2009, the Guardianship and Administration Act 1986, the Infringements Act 2006, the Interpretation of Legislation Act 1984, the Legal Profession Act 2004, the Liquor Control Reform Act 1998, the Magistrates' Court Act 1989, the Metropolitan Fire Brigades Act 1958, the Prostitution Control Act 1994, the Serious Sex Offenders (Detention and Supervision) Act 2009, the Supreme Court Act 1986, the Victims of Crime Assistance Act 1996, the Victorian Civil and Administrative Tribunal Act 1998, and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

18 MARINE SAFETY BILL 2010 — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide for safe marine operations in Victoria and to consequentially amend the Marine Act 1988 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

19 OCCUPATIONAL LICENSING NATIONAL LAW BILL 2010 — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide for a national law to regulate the licensing of certain occupations and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden (for Mr Lenders), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

20 RESIDENTIAL TENANCIES AMENDMENT BILL 2010 — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Residential Tenancies Act 1997 in relation to certain occupier-owned movable dwellings, to provide for standards in rooming houses, to provide for a national residential tenancy database and to make other amendments to that Act, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Madden, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

21 BUSINESS POSTPONED — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 5 and 6, be postponed until later this day.

22 CONSUMER AFFAIRS LEGISLATION AMENDMENT (REFORM) BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Guy were circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time and ordered to be committed to a Committee of the whole later this day.

23 PRIVATE SECURITY AMENDMENT BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

24 CONSUMER AFFAIRS LEGISLATION AMENDMENT (REFORM) BILL 2010 — Bill committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

25 CONFISCATION AMENDMENT BILL 2010 — Mr Pakula (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

26 EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010 — Mr Pakula (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Koch (for Mr Hall), the debate was adjourned for one week.

27 JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2010 — Mr Pakula (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

28 MARINE SAFETY BILL 2010 — Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

29 OCCUPATIONAL LICENSING NATIONAL LAW BILL 2010 — Mr Pakula (for Mr Lenders) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

30 RESIDENTIAL TENANCIES AMENDMENT BILL 2010 — Mr Pakula (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Guy, the debate was adjourned for one week.

31 MINERAL RESOURCES AMENDMENT SUSTAINABLE DEVELOPMENT BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 9.58 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Barber.

- 32 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.26 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 188 — Friday, 3 September 2010

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — NEIGHBOURHOOD WATCH CRIME STATISTICS** — Mrs Coote presented a Petition bearing 159 signatures from certain citizens of Victoria requesting that the Government reverse its changes to Neighbourhood Watch crime statistics, so that statistics continue to be available on a street-by-street basis and not only by postcode.
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:
Alpine Resorts Co-ordinating Council — Minister's report of receipt of 2009-10 report.
- 4 **SITTING OF THE COUNCIL** — Mr Lenders moved, That the Council, at its rising, adjourn until Tuesday, 14 September 2010.
Question — put and agreed to.
- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.
- 6 **MINERAL RESOURCES AMENDMENT (SUSTAINABLE DEVELOPMENT) BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 7 **CLIMATE CHANGE BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.
Amendments proposed to be moved in Committee by Mr D.M. Davis were circulated.
Debate continued.
Business having been interrupted at 12 noon pursuant to Sessional Orders —
- 8 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 9 **CLIMATE CHANGE BILL 2010** — Debate continued on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and committed to a Committee of the whole.
House in Committee.
Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 10 **TRADITIONAL OWNER SETTLEMENT BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 4.00 p.m. pursuant to Standing Orders —

Mr Madden moved, That the sitting be extended for one hour.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Barber
 Ms Broad
 Ms Darveniza
 Mr Eideh
 Mr Elasmarr
 Ms Hartland
 Ms Huppert
 Mr Jennings
 Mr Kavanagh (*Teller*)
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Murphy (*Teller*)
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Mr Viney

NOES, 16

Mr Atkinson
 Mrs Coote (*Teller*)
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy (*Teller*)
 Mr Hall
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Mrs Petrovich
 Mr Rich-Phillips
 Mr Vogels

Question agreed to.

Mr Rich-Phillips moved, That the debate be adjourned for one week.

Debate ensued.

Question — put and agreed to.

11 ADJOURNMENT — Mr Lenders moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.46 p.m., adjourned until Tuesday, 14 September 2010.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 185, 186, 187 and 188

Tuesday, 31 August 2010

1 SUBORDINATE LEGISLATION AMENDMENT BILL 2010

Clause 1 — Pursuant to Standing Order 14.13(4), Mr Lenders moved —

1. Clause 2, line 4 after "Act" insert "(except section 39)".
2. Clause 2, after line 5 insert—
"(3) Section 39 comes into operation on 1 January 2013."
3. Insert the following new clause to follow clause 38—

"AA New section 16F inserted

After section 16E of the Principal Act insert—

'16F Instrument maker to ensure consolidated version of legislative instrument is available

- (1) Subject to subsection (3), as soon as practicable after a legislative instrument which amends an existing legislative instrument is published in the Government Gazette under section 16A, the instrument maker must ensure that an up to date consolidated version of the legislative instrument being amended by that amending legislative instrument is prepared incorporating those amendments.
- (2) The instrument maker must cause the up to date consolidated version of the legislative instrument prepared under subsection (1) to be—
 - (a) available for inspection by any person free of charge during office hours at—
 - (i) the principal office of the instrument maker; or
 - (ii) the Department of the responsible Minister in relation to the legislative instrument; and
 - (b) published on the Internet.
- (3) If the Governor in Council is the instrument maker, the responsible Minister must ensure that this section is complied with.
- (4) A failure to comply with this section does not affect the operation or effect of the amending legislative instrument published in the Government Gazette under section 16A."

Clause 1 — put and agreed to.

Clause 2 — Question — That amendments Nos. 1 and 2 moved by Mr Lenders be agreed to — put and agreed to.

Clause 2, as amended — put and agreed to.

Clauses 3 to 40 — put and agreed to.

New Clause — Question — That the new clause moved by Mr Lenders stand part of the Bill — put and agreed to.

Schedule 1 — put and agreed to.

Bill reported with amendments.

2 FIREARMS AND OTHER ACTS AMENDMENT BILL 2010

Clauses 1 to 28 — put and agreed to.

Clause 29 — Question — That Clause 29 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 36

Mr Atkinson
 Ms Broad (*Teller*)
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels (*Teller*)

NOES, 3

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

Question agreed to.

Clause 30 — Question — That Clause 30 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 36

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva (*Teller*)
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis

NOES, 3

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

Mr Drum
 Mr Eideh
 Mr Elasmarr (*Teller*)
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Question agreed to.

Clauses 31 to 34 — put and agreed to.

Clause 35 — Question — That Clause 35 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell

NOES, 4

Mr Barber (*Teller*)
 Ms Hartland
 Mr Kavanagh (*Teller*)
 Ms Pennicuik

Mr Madden
 Ms Mikakos
 Mr Murphy (*Teller*)
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Ms Pulford
 Mr Rich-Phillips (*Teller*)
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Question agreed to.

Clause 36 — put and agreed to.

Bill reported without amendment.

Thursday, 2 September 2010

1 PERSONAL SAFETY INTERVENTION ORDERS BILL 2010

Clauses 1 to 60 — put and agreed to.

Clause 61 — Ms Hartland moved —

1. Clause 61, line 9, omit "and" and insert "or".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

<p>AYES, 19</p> <p>Mr Atkinson Mr Barber Mrs Coote Mr Dalla-Riva (<i>Teller</i>) Mr D.M. Davis Mr P.R. Davis Mr Drum (<i>Teller</i>) Mr Finn Mr Guy Mr Hall Ms Hartland Mr Koch Mrs Kronberg Ms Lovell Mr O'Donohue Ms Pennicuik Mrs Petrovich Mr Rich-Phillips Mr Vogels</p>	<p>NOES, 19</p> <p>Ms Broad Ms Darveniza (<i>Teller</i>) Mr Eideh Mr Elasmarr Ms Huppert Mr Jennings Mr Kavanagh Mr Leane Mr Lenders Mr Madden Ms Mikakos Mr Murphy Mr Pakula Ms Pulford (<i>Teller</i>) Mr Scheffer Mr Somyurek Mr Tee Ms Tierney Mr Viney</p>
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The Ayes and Noes being equal, the amendment was negatived.

Clause 61 — put and agreed to.

Clauses 62 to 225 — put and agreed to.

Schedule 1 — put and agreed to.

Bill reported without amendment.

2 LIQUOR CONTROL REFORM AMENDMENT BILL 2010

Progress reported.

3 LIQUOR CONTROL REFORM AMENDMENT BILL 2010

Clauses 1 to 31 — put and agreed to.

Bill reported without amendment.

4 CONSUMER AFFAIRS LEGISLATION AMENDMENT (REFORM) BILL 2010

Clauses 1 to 22 — put and agreed to.

Clause 23 — Ms Pennicuik moved —

1. Clause 23, page 106, lines 16 to 19, omit "that the person engaging in that conduct, or a person involved in that conduct, pay damages of up to \$10 000 (or another prescribed amount)" and insert "for damages against the person engaging in that conduct or a person involved in that conduct".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)
Ms Hartland (*Teller*)
Ms Pennicuik

NOES, 33

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis (*Teller*)
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Guy
Mr Hall
Ms Huppert
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr Murphy
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Ms Pulford
Mr Rich-Phillips

Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney

Amendment negatived.

Clause 23 — put and agreed to.

Clauses 24 to 45 — put and agreed to.

Clause 46 — Question — That Clause 46 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 36

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Mr Leane (*Teller*)
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Ms Pulford
 Mr Rich-Phillips (*Teller*)
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

NOES, 3

Mr Barber (*Teller*)
 Ms Hartland (*Teller*)
 Ms Pennicuik

Question agreed to.

Clauses 47 to 56 — put and agreed to.

Clause 57 — Mr Guy moved —

1. Clause 57, line 9, omit all words and expressions on this line.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 18
Mr Atkinson	Ms Darveniza
Mr Barber	Mr Eideh
Mrs Coote	Mr Elasmarr
Mr Dalla-Riva	Ms Huppert
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Leane (<i>Teller</i>)
Mr Drum	Mr Lenders
Mr Finn	Mr Madden
Mr Guy	Ms Mikakos
Mr Hall (<i>Teller</i>)	Mr Murphy
Ms Hartland	Mr Pakula
Mr Koch	Ms Pulford
Mrs Kronberg (<i>Teller</i>)	Mr Scheffer
Ms Lovell	Mr Smith
Mr O'Donohue	Mr Somyurek
Ms Pennicuik	Mr Tee
Mrs Petrovich	Ms Tierney (<i>Teller</i>)
Mr Rich-Phillips	Mr Viney
Mr Vogels	

Amendment agreed to.

Mr Guy moved —

2. Clause 57, line 12, omit "20" and insert "10".
3. Clause 57, line 14, omit "20" and insert "10".

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 18
Mr Atkinson	Ms Darveniza (<i>Teller</i>)
Mr Barber	Mr Eideh (<i>Teller</i>)
Mrs Coote	Mr Elasmarr
Mr Dalla-Riva	Ms Huppert
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Leane
Mr Drum	Mr Lenders
Mr Finn	Mr Madden
Mr Guy	Ms Mikakos
Mr Hall	Mr Murphy
Ms Hartland	Mr Pakula
Mr Koch	Ms Pulford
Mrs Kronberg	Mr Scheffer
Ms Lovell	Mr Smith
Mr O'Donohue (<i>Teller</i>)	Mr Somyurek
Ms Pennicuik	Mr Tee
Mrs Petrovich (<i>Teller</i>)	Ms Tierney
Mr Rich-Phillips	Mr Viney
Mr Vogels	

Amendments agreed to.

Clause 57, as amended — put and agreed to.

Clauses 58 to 82 — put and agreed to.

Schedule — put and agreed to.

Bill reported with amendments.

Friday, 3 September 2010

1 CLIMATE CHANGE BILL 2010

Preamble — Consideration of Preamble postponed.

Clauses 1 to 66 — put and agreed to.

Heading to Clause 67 — Mr D.M. Davis moved —

1. Heading to clause 67, omit this heading and insert—
"Amendments relating to statutory policies and regulations".

Question — That the amendment be agreed to — put.

The Council divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis (*Teller*)
 Mr Drum
 Mr Finn
 Mr Guy (*Teller*)
 Mr Hall
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Mrs Petrovich
 Mr Rich-Phillips
 Mr Vogels

NOES, 21

Mr Barber
 Ms Broad
 Ms Darveniza
 Mr Eideh
 Mr Elasmar
 Ms Hartland
 Ms Huppert (*Teller*)
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee (*Teller*)
 Mr Viney

Amendment negated.

Clause 67 — Mr D.M. Davis moved —

2. Clause 67, line 23, before "After" insert "(1)".

Question — That the amendment be agreed to — put.

The Council divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva

NOES, 21

Mr Barber
 Ms Broad
 Ms Darveniza

Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmar (<i>Teller</i>)
Mr Drum	Ms Hartland
Mr Finn	Ms Huppert
Mr Guy	Mr Jennings
Mr Hall (<i>Teller</i>)	Mr Leane
Mr Kavanagh (<i>Teller</i>)	Mr Lenders
Mr Koch	Mr Madden
Mrs Kronberg	Ms Mikakos (<i>Teller</i>)
Ms Lovell	Mr Murphy
Mr O'Donohue	Mr Pakula
Mrs Petrovich	Ms Pennicuik
Mr Rich-Phillips	Ms Pulford
Mr Vogels	Mr Scheffer
	Mr Smith
	Mr Somyurek
	Mr Tee
	Mr Viney

Amendment negatived.

Clause 67 — put and agreed to.

Clauses 68 to 71 — put and agreed to.

Clause 72 — Mr D.M. Davis moved —

6. Clause 72, line 12, before "After" insert "(1)".

Question — That the amendment be agreed to — put.

The Council divided — The Deputy President in the Chair.

AYES, 17	NOES, 21
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmar
Mr Drum (<i>Teller</i>)	Ms Hartland
Mr Finn	Ms Huppert
Mr Guy	Mr Jennings
Mr Hall	Mr Leane (<i>Teller</i>)
Mr Kavanagh	Mr Lenders
Mr Koch	Mr Madden
Mrs Kronberg	Ms Mikakos
Ms Lovell	Mr Murphy
Mr O'Donohue	Mr Pakula
Mrs Petrovich (<i>Teller</i>)	Ms Pennicuik
Mr Rich-Phillips	Ms Pulford
Mr Vogels	Mr Scheffer
	Mr Smith
	Mr Somyurek (<i>Teller</i>)
	Mr Tee
	Mr Viney

Amendment negatived.

Clause 72 — put and agreed to.

Clauses 73 to 81 — put and agreed to.

Schedules 1 and 2 — put and agreed to.

Preamble — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 189, 190, 191 and 192

No. 189 — Tuesday, 14 September 2010

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - On 7 September 2010 —
 - Firearms and Other Acts Amendment Act 2010*
 - Personal Safety Intervention Orders Act 2010.*
 - On 14 September 2010 —
 - Climate Change Act 2010*
 - Energy and Resources Legislation Amendment Act 2010*
 - Gambling Regulation Amendment (Licensing) Act 2010*
 - Liquor Control Reform Amendment Act 2010*
 - Local Government and Planning Legislation Amendment Act 2010*
 - Mineral Resources Amendment (Sustainable Development) Act 2010*
 - Plant Biosecurity Act 2010*
 - Private Security Amendment Act 2010.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 4 **PETITION — WOODEND INTERSECTION SAFETY** — Mrs Petrovich presented a Petition bearing 730 signatures from certain citizens of Victoria requesting that the Government provide support and funding for VicRoads to undertake a safety study of the intersection at High Street and Anslow Street, Woodend.

Ordered to lie on the Table.
- 5 **PAPERS** —
 - SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Eideh presented Alert Digest No. 13 of 2010 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

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

- Agricultural Industry Development Act 1990 — Victorian Strawberry Industry Development Order 2010, pursuant to section 8(3) of the Act.
- Agriculture Victoria Services Pty Ltd — Report, 2009-10.

- Audit Act 1994 — Report on the Performance Audit of the Auditor-General and the Auditor-General's Office, August 2010.
- Crown Land (Reserves) Act 1978 —
 Minister's determination of intention to grant a lease at Albert Park Reserve, 6 September 2010.
 Minister's Order of 31 August 2010 giving approval to the granting of a lease at Albert Park Reserve.
- Dairy Food Safety Victoria — Minister's report of receipt of 2009-10 report.
- Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2009-10.
- Geoffrey Gardiner Dairy Foundation Limited — Report, 2009-10 (two papers).
- Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 86.
- Major Sporting Events Act 2009 — Major sporting event order of 7 September 2010 in relation to the 2010 UCI Road World Cycling Championships.
- Municipal Association of Victoria Insurance — Report, 2008-09.
- Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of 2009-10 report.
- Northern Victorian Fresh Tomato Industry Development Committee — Minister's report of receipt of 2009-10 report.
- Phytogene Pty Ltd — Minister's report of receipt of 2009-10 report.
- Planning and Environment Act 1987 —
 Cardinia Planning Scheme — Amendment C141.
 Notices of Approval of the following amendments to planning schemes:
 Cardinia Planning Scheme — Amendment C148.
 Frankston Planning Scheme — Amendment C48.
 Golden Plains Planning Scheme — Amendments C48, C49 and C56.
 Greater Dandenong Planning Scheme — Amendment C106.
 Knox Planning Scheme — Amendment C79.
 Melton Planning Scheme — Amendment C97.
 Mornington Peninsula Planning Scheme — Amendment C129.
 Stonnington Planning Scheme — Amendment C75.
 Victoria Planning Provisions — Amendment VC73.
- Primary Industries Department — Report, 2009-10.
- PrimeSafe — Minister's report of receipt of 2009-10 report.
- Road Management Act 2004 — Code of Practice for Worksite Safety – Traffic Management.
- Statutory Rules under the following Acts of Parliament:
 Court Security Act 1980 — No. 85.
 Electricity Safety Act 1998 — No. 86.
 Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 83.
 Victims of Crime Assistance Act 1996 — No. 84.
- Subordinate Legislation Act 1994 —
 Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 67, 83 and 84.
 Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 85 and 86.
- Surveyors Registration Board of Victoria — Minister's report of receipt of 2009-10 report.
- Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2009-10 report.
- VicForests — Report, 2009-10.

* * * * *

PROCLAMATION — A Proclamation of the Governor in Council fixing operative dates in respect of the following Act was laid on the Table by the Clerk:

Domestic Animals Amendment (Dangerous Dogs) Act 2010 — except section 17 — 1 September 2010; section 17 — 1 January 2011 (*Gazette No. S354, 31 August 2010*).

- 7 PRODUCTION OF DOCUMENTS — ADMITTED PATIENT CARE NATIONAL MINIMUM DATA SET AND HEALTH SERVICES INTEGRATED PERFORMANCE REPORTS** — The Clerk laid on the Table a letter from the Attorney-General in response to Resolutions of the Council of 1 September 2010 seeking the production of documents relating to data provided to the Federal Government according to the national health-care agreement for the admitted patient care national minimum data set and health services integrated performance reports, stating that —
- the Council's deadline of 14 September 2010 does not allow sufficient time for the Government to identify and assess documents relevant to the Orders; and
 - the Government will respond to the Council's resolutions as soon as possible.
- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 9 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.
- 10 TRADITIONAL OWNER SETTLEMENT BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Mr Rich-Phillips moved, That the consideration of the Bill in Committee of the whole be deferred for one week.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis (*Teller*)
 Mr Drum
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Kavanagh (*Teller*)
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips

NOES, 21

Mr Barber (*Teller*)
 Ms Broad
 Mr Eideh
 Mr Elasmarr
 Ms Hartland
 Ms Huppert
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos (*Teller*)
 Mr Murphy
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Jennings moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 17
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Mr Dalla-Riva
Mr Elasmar	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Ms Huppert	Mr Drum (<i>Teller</i>)
Mr Jennings	Mr Finn
Mr Leane	Mr Guy
Mr Lenders	Mr Hall
Mr Madden	Mr Kavanagh
Ms Mikakos	Mr Koch
Mr Murphy	Mrs Kronberg
Mr Pakula	Ms Lovell
Ms Pennicuik (<i>Teller</i>)	Mr O'Donohue
Ms Pulford	Mrs Petrovich
Mr Scheffer	Mr Rich-Phillips (<i>Teller</i>)
Mr Smith	Mr Vogels
Mr Somyurek	
Mr Tee (<i>Teller</i>)	
Ms Tierney	
Mr Viney	

Question agreed to.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 11 CONFISCATION AMENDMENT BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Ms Pennicuik.

- 12 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.25 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 190 — Wednesday, 15 September 2010

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

2 **PETITIONS** —

GEELONG GEOTHERMAL POWER PROJECT — Mr Kavanagh presented a Petition bearing 150 signatures from certain citizens of Victoria requesting that the Government do not allow geothermal development to proceed in the Gherang and Wensleydale communities and/or other populated areas in the State, owing to the inherent risks of such developments.

Ordered to lie on the Table.

* * * * *

NEIGHBOURHOOD WATCH CRIME STATISTICS — Mrs Peulich presented a Petition bearing 75 signatures from certain citizens of Victoria requesting that the Government

reverse its changes to Neighbourhood Watch crime statistics, so that statistics continue to be available on a street-by-street basis and not only by postcode.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

DINGLEY PRIMARY SCHOOL REBUILDING — Mrs Peulich presented a Petition bearing 1,083 signatures from certain citizens of Victoria requesting that the Government provide the necessary funding to fully rebuild the Dingley Primary School.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

MORDIALLOC CREEK — Mrs Peulich presented a Petition bearing 10 signatures from certain citizens of Victoria requesting that the Government take urgent action to improve the state of the Mordialloc Creek and its general amenity.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

BUS LANES — CENTRE DANDENONG ROAD, DINGLEY — Mrs Peulich presented a Petition bearing 15 signatures from certain citizens of Victoria requesting that the Government immediately cancel the proposed works for the construction of dedicated bus lanes on Centre Dandenong Road in Dingley Village.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

3 PAPERS —

CONSUMER UTILITIES ADVOCACY CENTRE — Mr Jennings (for Mr Madden) moved, by leave, That there be laid before this House a copy of the Report of the Consumer Utilities Advocacy Centre for the year 2009-10.

Question — put and agreed to.

The Report was presented by Mr Jennings and ordered to lie on the Table.

* * * * *

PARLIAMENTARY DEPARTMENTS — Mr Atkinson moved, by leave, That there be laid before this House a copy of the Report of —

- (1) the Clerk on the operations of the Department of the Legislative Council for the year 2009-10; and
- (2) the Secretary on the operations of the Department of Parliamentary Services for the year 2009-10.

Question — put and agreed to.

The Reports were presented by Mr Atkinson and ordered to lie on the Table.

* * * * *

LAW REFORM COMMITTEE — ACCESS BY DONOR-CONCEIVED PEOPLE TO INFORMATION ABOUT DONORS — Mr Scheffer presented an Interim Report from the Law Reform Committee on Access by Donor-Conceived People to Information about Donors (including an Appendix).

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

Mr Scheffer moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — REVIEW OF THE FINDINGS AND RECOMMENDATIONS OF THE AUDITOR-GENERAL'S REPORTS JULY – DECEMBER 2008 — Mr Rich-Phillips presented a Report from the Public Accounts and Estimates Committee on the Review of the Findings and Recommendations of the Auditor-General's Reports July – December 2008 (including Appendices), together with Transcripts of Evidence.

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

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

EDUCATION AND TRAINING COMMITTEE — POTENTIAL FOR DEVELOPING OPPORTUNITIES FOR SCHOOLS TO BECOME A FOCUS FOR HEALTHY COMMUNITY LIVING — Mr Elasmr presented a Report from the Education and Training Committee on the Potential for Developing Opportunities for Schools to become a Focus for Healthy Community Living (including Appendices), together with Transcripts of Evidence.

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

Mr Elasmr moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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, 2009-10.

Auditor-General's reports on —

Delivery of Nurse-on-Call, September 2010.

Management of Prison Accommodation using Public Private Partnerships, September 2010.

Barwon Regional Waste Management Group — Minister's report of receipt of 2009-10 report.

Budget Sector — Financial Report, 2009-10, incorporating Quarterly Financial Report for the period ended 30 June 2010.

Calder Regional Waste Management Group — Minister's report of receipt of 2009-10 report.

CenITex — Report, 2009-10.

Central Murray Regional Waste Management Group — Minister's report of receipt of 2009-10 report.

Commissioner for Environmental Sustainability — Minister's report of receipt of 2009-10 report.

Corangamite Catchment Management Authority — Report, 2009-10.

Dandenong Development Board — Minister's report of receipt of 2009-10 report.

Desert Fringe Regional Waste Management Group — Minister's report of receipt of 2009-10 report.

East Gippsland Catchment Management Authority — Report, 2009-10.

Emergency Services Superannuation Board — Report, 2009-10.

Energy Safe Victoria — Report, 2009-10.

Film Victoria — Report, 2009-10.

Gippsland Regional Waste Management Group — Minister's report of receipt of 2009-10 report.

Glenelg Hopkins Catchment Management Authority — Report, 2009-10.

Goulburn Broken Catchment Management Authority — Report, 2009-10.

Goulburn Valley Regional Waste Management Group — Minister's report of receipt of 2009-10 report.

Grampians Regional Waste Management Group — Minister's report of receipt of 2009-10 report.

Heritage Council of Victoria — Minister's report of receipt of 2009-10 report.
Highlands Regional Waste Management Group — Minister's report of receipt of 2009-10 report.
Justice Department — Report, 2009-10.
Mallee Catchment Management Authority — Report, 2009-10.
Melbourne and Olympic Parks Trust — Report, 2009-10.
Melbourne Market Authority — Report, 2009-10.
Mildura Regional Waste Management Group — Minister's report of receipt of 2009-10 report.
Mornington Peninsula Regional Waste Management Group — Minister's report of receipt of 2009-10 report.
Murray Valley Citrus Board — Minister's report of receipt of 2009-10 report.
National Parks Act 1975 — Report on the working of the Act, 2009-10.
National Parks Advisory Council — Report, 2009-10.
North Central Catchment Management Authority — Report, 2009-10.
North East Catchment Management Authority — Report, 2009-10.
North East Regional Waste Management Group — Minister's report of receipt of 2009-10 report.
Parliamentary Contributory Superannuation Fund — Report, 2009-10.
Phillip Island Nature Park — Report, 2009-10.
Port Phillip and Westernport Catchment Management Authority — Report, 2009-10.
Residential Tenancies Bond Authority — Report, 2009-10.
Rolling Stock (Victoria-VL) Pty Ltd — Report, 2009-10.
Rolling Stock (VL-1) Pty Ltd — Minister's report of receipt of 2009-10 report.
Rolling Stock (VL-2) Pty Ltd — Minister's report of receipt of 2009-10 report.
Rolling Stock (VL-3) Pty Ltd — Minister's report of receipt of 2009-10 report.
Rolling Stock Holdings (Victoria) Pty Ltd — Report, 2009-10.
Royal Botanic Gardens Board — Report, 2009-10.
South West Regional Waste Management Group — Minister's report of receipt of 2009-10 report.
State Sport Centres Trust — Report, 2009-10.
Trust for Nature (Victoria) — Report, 2009-10.
Victorian Catchment Management Council — Report, 2009-10.
Victorian Coastal Council — Report, 2009-10.
Victorian Commission for Gambling Regulation — Report, 2009-10.
Victorian Curriculum and Assessment Authority — Report, 2009-10.
Victorian Environmental Assessment Council — Report, 2009-10.
Victorian Institute of Teaching — Report, 2009-10.
Victorian Rail Track — Report, 2009-10.
Victorian Registration and Qualifications Authority — Report, 2009-10.
Victorian Skills Commission — Report, 2009-10.
Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2009-10 report.
Victorian Veterans Council — Minister's report of receipt of 2009-10 report.
VITS LanguageLink — Report, 2009-10.
West Gippsland Catchment Management Authority — Report, 2009-10.
Wimmera Catchment Management Authority — Report, 2009-10.

- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 **BUSINESS POSTPONED** — Ordered — That the Notices of Motion, General Business, and Orders of the Day, General Business, Nos. 1 to 7 inclusive, be postponed until later this day.
- 6 **PENINSULA LINK PROJECT** — Debate resumed on the question, That the Linking Melbourne Authority cease all work on the Peninsula Link project until such time as a final design for the road is publicly available and the preliminary design is altered so as to —
 - (1) avoid encroaching on any part of the Westerfield property, with reference to the recommendations in the Environmental Effects Statement report;

- (2) avoid to the greatest extent possible the Pines Flora and Fauna reserve, either by re-routing the roadway or tunnelling under the Reserve;
- (3) minimise and impact on the other flora and fauna reserves; and
- (4) rehabilitate areas already “accidentally” destroyed by the contractor, Abigroup.

Question — put.

The Council divided — The President in the Chair.

<p>AYES, 3</p> <p>Mr Barber</p> <p>Ms Hartland (<i>Teller</i>)</p> <p>Ms Pennicuik (<i>Teller</i>)</p>	<p>NOES, 36</p> <p>Mr Atkinson</p> <p>Ms Broad (<i>Teller</i>)</p> <p>Mrs Coote</p> <p>Mr Dalla-Riva</p> <p>Mr D.M. Davis</p> <p>Mr P.R. Davis</p> <p>Mr Drum</p> <p>Mr Eideh</p> <p>Mr Elasmarr</p> <p>Mr Finn (<i>Teller</i>)</p> <p>Mr Guy</p> <p>Mr Hall</p> <p>Ms Huppert</p> <p>Mr Jennings</p> <p>Mr Koch</p> <p>Mr Kavanagh</p> <p>Mrs Kronberg</p> <p>Mr Leane</p> <p>Mr Lenders</p> <p>Ms Lovell</p> <p>Mr Madden</p> <p>Ms Mikakos</p> <p>Mr Murphy</p> <p>Mr O'Donohue</p> <p>Mr Pakula</p> <p>Mrs Petrovich</p> <p>Mrs Peulich</p> <p>Ms Pulford</p> <p>Mr Rich-Phillips</p> <p>Mr Scheffer</p> <p>Mr Smith</p> <p>Mr Somyurek</p> <p>Mr Tee</p> <p>Ms Tierney</p> <p>Mr Viney</p> <p>Mr Vogels</p>
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Question negatived.

- 7 GOVERNMENT (POLITICAL) ADVERTISING BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 9 GOVERNMENT (POLITICAL) ADVERTISING BILL 2010** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill transmitted to the Assembly with a Message requesting their agreement.

- 10 SCHOOL STUDENT SUPPORT** — Mr Kavanagh moved, That this House acknowledges the responsibility of all Victorian Governments to provide for and contribute towards the education of all school-age Victorians regardless of who owns the schools that they attend and that the level of Government support for all Victorian school students should be reflective of student need and not the proprietorship of the educational institution.

Debate ensued.

On the motion of Mr Hall, the debate was adjourned until the next day of meeting.

- 11 VIOLENCE ON PUBLIC TRANSPORT** — Debate resumed on the question, That this House expresses its serious concern at the terrible series of incidents of unprovoked violence on, or in the vicinity of, Victorian public transport and believes that after eleven years in power the Brumby Labor Government should have done more to prevent this violence and further believes that —

- (1) Victorian commuters have a right to travel on public transport in safety;
- (2) increased numbers of Victorian police must be deployed to patrol public transport;
- (3) increased numbers of Victoria Police Protective Services Officers have a key role in ensuring the safety of commuters; and
- (4) Victoria Police Protective Services officers should be on each and every metropolitan and major regional railway station from 6.00 p.m. until the last train at night, seven days a week.

Question — put.

The Council divided — The President in the Chair.

AYES, 16	NOES, 18
Mr Atkinson	Ms Broad
Mrs Coote	Mr Eideh
Mr Dalla-Riva (<i>Teller</i>)	Mr Elasmarr
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Lenders (<i>Teller</i>)
Mr Guy	Mr Madden (<i>Teller</i>)
Mr Hall	Ms Mikakos
Mr Koch	Mr Murphy
Mrs Kronberg	Mr Pakula
Ms Lovell	Ms Pulford
Mrs Petrovich (<i>Teller</i>)	Mr Scheffer
Mrs Peulich	Mr Smith
Mr Rich-Phillips	Mr Somyurek
Mr Vogels	Mr Tee
	Ms Tierney
	Mr Viney

Question negatived.

- 12 PRODUCTION OF DOCUMENTS — PROVISION OF VARIOUS DOCUMENTS FOR ASSESSMENT BY INDEPENDENT LEGAL ARBITER** — Debate resumed on the question, That this House demands that the Leader of the Government provide various documents for assessment by the independent legal arbiter and suspending the Leader of the Government if he fails to comply fully with the Order (for full text of motion, see Minutes No. 185, item number 8).

Ms Lovell, moved, as amendments —

1. In paragraph (5), omit “8 September 2010” and insert “22 September 2010”.
2. In paragraph (6), omit “8 September 2010” and insert “22 September 2010”.

3. In paragraph (7)(b), omit "8 September 2010" and insert "22 September 2010".
4. In paragraph (8), omit "3.00 p.m. on Tuesday, 14 September 2010 until 12 noon on Wednesday, 15 September 2010" and insert "2.00 p.m. on Tuesday, 5 October 2010 until 12 noon on Wednesday, 6 October 2010".

Debate ensued.

Question — That the amendments be agreed to — put and agreed to.

Question — That this House —

- (1) notes the continued failure of the Leader of the Government to provide documents sought by the Legislative Council under Sessional Order 21;
- (2) notes in particular the failure of the Government to fully comply with:
 - (a) the Council's resolution of 28 May 2008, and subsequent resolution of 5 May 2010 seeking access to the document used by the Auditor-General in his report on planning for water infrastructure in Victoria;
 - (b) the Council's resolution of 29 October 2008 seeking a copy of ministerial briefings on transport and subsequent resolutions of 11 March 2009, 24 February 2010 and 5 May 2010;
 - (c) the Council's resolution of 11 March 2009 seeking a copy of information relating to renewable energy feed in tariffs and subsequent resolutions of 14 October 2009, 24 February 2010 and 5 May 2010;
 - (d) the Council's resolution of 1 April 2009 seeking a copy of documents relating to the impact of the Carbon Pollution Reduction Scheme on the Victorian Economy held by the Department of Premier and Cabinet, the Department of Sustainability and Environment and the Department of Primary Industries and subsequent resolutions of 11 November 2009, 24 February 2010 and 5 May 2010;
 - (e) the Council's resolution of 1 April 2009 seeking a copy of documents relating to the Victorian State Government's policy of extending clearway times and the subsequent resolution of 14 October 2009, 24 February 2010 and 5 May 2010;
 - (f) the Council's resolution of 6 May 2009 seeking a copy of documents relating to the impact of the Carbon Pollution Reduction Scheme on the Victorian Economy held by the Department of Treasury and Finance and subsequent resolutions of 11 November 2009, 24 February 2010 and 5 May 2010;
 - (g) the Council's resolution of 6 May 2009 seeking a copy of documents relating to the company Better Place and subsequent resolutions of 14 October 2009, 24 February 2010 and 5 May 2010;
 - (h) the Council's resolution of 3 June 2009 seeking a copy of all submissions made to the review of Alpine resorts and subsequent resolutions of 14 October 2009, 24 February 2010 and 5 May 2010;
 - (i) the Council's resolution of 24 June 2009 seeking copies of all gateway review documents related to the desalination plant project and subsequent resolutions of 24 February 2010 and 5 May 2010 and notes the dispute over the number of documents relevant to the request;
 - (j) the Council's resolution of 24 June 2009 seeking copies of all documents and communications held by the Government in relation to the extension of licence for the number of gaming tables at Crown Casino and subsequent resolutions on 14 October 2009, 24 February 2010 and 5 May 2010;
 - (k) the Council's resolution of 29 July 2009 seeking copies of all documents relating to the placement of carbon trading institutes or institutions in Victoria and subsequent resolutions on 14 October 2009, 24 February 2010 and 5 May 2010;
 - (l) the Council's resolution of 12 August 2009 seeking a copy of all meeting notes, minutes of meetings and diary notes of Government ministers and senior bureaucrats in the departments of Treasury and Finance, Sustainability and Environment (including the Office of Water) and Innovation, Industry and Regional Development (including Major Projects Victoria) concerning tenders for the desalination project and lobbyists including staff of Hawker Britton, including Mr David White, and InsideOut Strategic, including Mr Philip Staindl, and

- including briefings on water projects and desalination (including speech notes for ministers appearing at or visiting the Progressive Business organisation) and subsequent resolutions of 24 February 2010 and 5 May 2010;
- (m) the Council's resolution of 14 October 2009 seeking copies of all documents relating to the Working Victoria and Shine advertising campaigns and subsequent resolutions on 24 February 2010 and 5 May 2010;
 - (n) the Council's resolution of 11 November 2009 seeking copies of all documents relating to Government consideration of proposals for the export of brown coal and subsequent resolution on 24 February 2010 and 5 May 2010;
 - (o) the Council's resolution of 25 November 2009 seeking copies of minutes and agendas of financial/audit and/or investment committees of Victorian health services and subsequent resolutions on 24 February 2010 and 5 May 2010 and rejects the governments claim that they do not hold any relevant;
 - (p) the Council's resolution of 24 March 2010 seeking a copy all documents relating to the review completed by Dr Mike Vertigan into the Victorian Funds Management Corporation's payment of bonuses to executives; and
 - (q) the Council's resolution of 5 May 2010 seeking a copy of several reports commissioned by the Department of Human Services;
- (3) accepts that genuine cabinet documents should remain with the Executive Government but is of the view that the Government's continued refusal to release many key documents is a deliberate attempt to cover up negative or damaging information;
- (4) notes that the Leader of the Government has already been censured by this House for not complying with a number of the Council's resolutions;
- (5) demands that the Leader of the Government, as the representative of the Government in the Legislative Council, lodge with the Clerk by 12 noon on Wednesday, 22 September 2010 for assessment by the independent legal arbiter a copy of —
- (a) Water Infrastructure documents — PricewaterhouseCoopers, DSE Water Industry Governance Review, draft report, prepared for DSE, Melbourne, 2006;
 - (b) Solar Feed in Tariffs documents —
 - document listed as number 9, "Brief to Minister for Energy and Resources (16 April 2008)";
 - document listed as number 15, "Briefing to office of the Minister for Energy and Resources (18 November 2008)";
 - document listed as number 16, "Brief to Minister for Energy and Resources (21 November 2008)";
 - document listed as number 17, "Briefing to the office of the Minister for Energy and Resources (15 December 2008)";
 - document listed as number 38, "Brief to Minister for Energy and Resources (6 June 2007)";
 - document listed as number 39, "Brief to Minister for Environment, Water and Climate Change (6 June 2007)";
 - document listed as number 40, "Brief to Minister for Environment and Climate Change (2 October 2007)";
 - document listed as number 41, "Brief to Minister for Environment and Climate Change (31 January 2008)";
 - document listed as number 42, "Brief to Premier (16 October 2007)";
 - document listed as number 43, "Brief to Premier (9 November 2007)";
 - document listed as number 44, "Brief to Premier (19 December 2007)";
 - document listed as number 58, "Briefing by DIIRD";
 - document listed as number 63, "Brief to Treasurer (6 February 2008)"; and
 - resource documents, assessments and analysis used in the preparation of document listed as number six, "Business Impact Assessment prepared for and considered by Cabinet";
 - (c) Ministerial Transport Briefings documents —

- document listed as number 1 (Schedule A: Public Transport Tender Documents), “Tender Returnables – Melbourne Metropolitan Train Franchise”;
 - document listed as number 2 (Schedule A: Public Transport Tender Documents), “Tender Returnables – Melbourne Metropolitan Tram Franchise”;
 - document listed as number 3 (Schedule A: Public Transport Tender Documents), “Melbourne Metropolitan Train Franchise Interactive Tender Guide for ITT process”;
 - document listed as number 4 (Schedule A: Public Transport Tender Documents), “Melbourne Metropolitan Tram Franchise Interactive Tender Guide for ITT process”;
 - document listed as number 1 (Schedule B: Ministerial briefing documents), “(a) ‘Taxi policy initiatives’ (MBN011023) dated 2 April 2008”;
 - document listed as number 2 (Schedule B: Ministerial briefing documents), “(c) ‘Registration and licensing system funding options’ (MBN011037) dated 3 April 2008”;
 - document listed as number 3 (Schedule B: Ministerial briefing documents), “(d) ‘Eastlink – ConnectEast DRP Underwriting Agreement – Novation’ (MBN011047) dated 3 April 2008”;
 - document listed as number 4 (Schedule B: Ministerial briefing documents), “(f) ‘To advise the Minister of the status of AusLink 2 projects identified as candidates for the commencement of expenditure ahead of 2009/10 2013/14’ (MBN011055) dated 8 April 2008”;
 - document listed as number 5 (Schedule B: Ministerial briefing documents), “(g) ‘Metropolitan rail franchising (MR3) Market Engagement Trip’ (MBN011059) dated 10 April 2008”;
 - document listed as number 6 (Schedule B: Ministerial briefing documents), “(h) ‘Media interest and progress with Grade separation study’(re Springvale road Nunawading level crossing) (MBN011065) dated 10 April 2008”;
 - document listed as number 7 (Schedule B: Ministerial briefing documents), “(i) ‘Meeting with the CEO of the Bus Proprietors’ (MBN011091) dated 15 April 2008”;
 - document listed as number 8 (Schedule B: Ministerial briefing documents), “(j) ‘2009 Fare Changes Strategy overview’ (MBN011116) dated 22 April 2008”;
 - document listed as number 9 (Schedule B: Ministerial briefing documents), “(l) ‘Geelong and Frankston taxi depots’ (MBN011141) dated 28 April 2008”;
 - document listed as number 10 (Schedule B: Ministerial briefing documents), “(m) ‘Status of the regional pilot of the NTS’ (MBN011146) dated 29 April 2008”; and
 - document listed as number 11 (Schedule B: Ministerial briefing documents), “(n) ‘M1 Heads of Agreement’ (MBN011159) dated 30 April 2008”;
- (d) Carbon Pollution Reduction Scheme (DPC, DSE, DPI) documents —
- document listed as number 1, “Brief to Minister for Energy and Resources (21 January 2009)”;
 - document listed as number 9, “Brief to Minister for Energy and Resources (March 2009)”;
 - document listed as number 10, “Brief to Minister for Energy and Resources (March 2009)”;
 - document listed as number 11, “Briefing note (19 March 2009)”;
 - document listed as number 12, “Brief to Minister for Energy and Resources (6 March 2009)”;
 - document listed as number 13, “Brief to Minister for Energy and Resources (27 February 2009)”;
 - document listed as number 14, “Brief to Minister for Energy and Resources (27 February 2009)”;

- document listed as number 15, “Brief for Minister for Energy and Resources (9 February 2009)”;
- document listed as number 16, “Brief to Minister for Energy and Resources (15 January 2009)”;
- document listed as number 17, “Brief to Minister for Energy and Resources (November 2008)”;
- document listed as number 18, “Brief to Minister for Energy and Resources (25 November 2008)”;
- document listed as number 19, “Brief to Minister for Energy and Resources (20 November 2008)”;
- document listed as number 20, “Brief to Minister for Energy and Resources (14 November 2008)”;
- document listed as number 21, “Brief to Minister for Energy and Resources (21 October 2008)”;
- document listed as number 22, “Brief to Minister for Agriculture (11 September 2008)”;
- document listed as number 23, “Report by KPMG (August 2008)”;
- document listed as number 24, “Brief to Secretary, Department of Primary Industries (DPI)(13 February 2009)”;
- document listed as number 25, “Brief to Minister for Energy and Resources (29 September 2008)”;
- document listed as number 26, “Brief to Minister for Environment and Climate Change (17 July 2008)”;
- document listed as number 27, “Brief to Minister for Environment and Climate Change (25 July 2008)”;
- document listed as number 28, “Brief to Minister for Environment and Climate Change (4 August 2008)”;
- document listed as number 29, “Brief to Minister for Environment and Climate Change (5 August 2008)”;
- document listed as number 30, “Brief to Minister for Environment and Climate Change (28 August 2008)”;
- document listed as number 32, “DSE Discussion Paper”;
- document listed as number 33, “Brief to Minister for Environment and Climate Change (4 September 2008)”;
- document listed as number 34, “DSE Discussion Paper”;
- document listed as number 36, “Brief to Minister for Environment and Climate Change (14 October 2008)”;
- document listed as number 37, “Brief to Secretary, Department of Sustainability and Environment (DSE) (24 October 2008)”;
- document listed as number 39, “Brief to Minister for Environment and Climate Change (31 October 2008)”;
- document listed as number 40, “DSE and DPI comments on Draft Climate Change Green Paper”;
- document listed as number 41, “Brief to Minister for Environment and Climate Change (25 November 2008)”;
- document listed as number 42, “Brief to Minister for Environment and Climate Change (10 December 2008)”;
- document listed as number 43, “Paper on CPRS White Paper (19 January 2009)”;
- document listed as number 44, “Brief to Secretary, DSE (22 January 2009)”;
- document listed as number 46, “DSE Discussion paper”;
- document listed as number 47, “Brief to Minister for Environment and Climate Change (11 March 2009)”;

- document listed as number 48, “Brief to Minister for Environment and Climate Change (10 March 2009)”;
- document listed as number 49, “Brief to Minister for Environment and Climate Change (18 March 2009)”;
- document listed as number 50, “Brief to Minister for Environment and Climate Change (23 March 2009)”;
- document listed as number 51, “Brief to Minister for Environment and Climate Change (24 March 2009)”;
- document listed as number 52, “Internal DSE Briefing (25 March 2009)”;
- document listed as number 53, “Brief to Minister for Environment and Climate Change (26 March 2009)”;
- document listed as number 54, “Internal DSE Briefing (26 March 2009)”;
- document listed as number 56, “Internal DSE brief (21 August 2008)”;
- document listed as number 57, “Briefing on natural resource management (December 2008)”;
- document listed as number 58, “Report by George Wilkenfeld and Associates (March 2009)”;
- document listed as number 59, “Internal DSE Evaluation (13 February 2009)”;
- document listed as number 60, “Report by Deloitte (March 2009)”;
- document listed as number 61, “Brief to Premier (19 August 2008)”;
- document listed as number 63, “Brief to Premier (4 August 2008)”;
- document listed as number 65, “Brief to Premier (15 August 2008)”;
- document listed as number 66, “Brief to Secretary, Department of Premier and Cabinet (25 August 2008)”;
- document listed as number 67, “Brief to Premier (29 August 2008)”;
- document listed as number 68, “Brief to Premier (9 September 2008)”;
- document listed as number 69, “Brief to Premier (4 September 2008)”;
- document listed as number 71, “Brief to Premier (13 October 2008)”;
- document listed as number 73, “Brief to Premier (2 January 2009)”;
- document listed as number 74, “Brief to Premier (12 December 2008)”;
- document listed as number 75, “Brief to Premier (16 December 2008)”;
- document listed as number 76, “Brief to Premier (2 January 2009)”;
- document listed as number 77, “Brief to Premier (29 January 2009)”;
- document listed as number 78, “Brief to Premier (30 March 2009)”;
- document listed as number 79, “Brief to Premier (29 October 2008)”;
- document listed as number 80, “Brief to Premier (12 December 2008)”;
- document listed as number 81, “Brief to Premier (2 September 2008)”;
- document listed as number 82, “Brief to Minister for Environment and Climate Change (undated)”;
- document listed as number 83, “CPRS paper (September 2008)”;
- document listed as number 85, “Report by Victoria University of Technology (February 2009)”;
- document listed as number 86, “Brief to Premier (3 March 2009)”;
- document listed as number 103, “Council for the Australian Federation (CAF) Senior Officials Meeting speaking points (8 April 2009)”;
- document listed as number 104, “CAF Senior Officials Meeting speaking points (8 April 2009)”;
- document listed as number 105, “Council of Australian Government (COAG) Senior Officials Meeting speaking points (19 March 2009)”;
- document listed as number 106, “CPRS Paper (August 2008)”;
- document listed as number 107, “CAF Paper (28 August 2008)”;
- document listed as number 108, “CAF speaking points (11 September 2008)”;

- document listed as number 109, “CAF meeting speaking points (3 September 2008)”;
 - document listed as number 110, “CAF meeting speaking points (9 September 2008)”;
 - document listed as number 111, “CAF Senior Officials Meeting speaking points (8 September 2008)”;
 - document listed as number 112, “COAG Senior Officials Meeting speaking points (12 November 2008)”;
- (e) Clearways documents —
- document listed as number 1, “Brief to Minister for Roads and Ports (undated)”;
 - document listed as number 2, “Memorandum of advice to VicRoads (undated)”;
 - document listed as number 3, “Briefing on Keeping Melbourne Moving (17 April 2009)”;
 - document listed as number 4, “Brief to Minister for Roads and Ports (29 August 2008)”;
 - document listed as number 5, “Brief to Minister for Roads and Ports (17 June 2008)”;
 - document listed as number 6, “Brief to Minister for Roads and Ports (undated)”;
 - document listed as number 7, “Brief to Minister for Roads and Ports (12 November 2008)”;
 - document listed as number 8, “Report by Meyrick and Associates (2008)”;
 - document listed as number 9, “Letter from the Victorian Government Solicitors Office (VGSO) to Department of Infrastructure (27 March 2008)”;
 - document listed as number 10, “Brief to Minister for Roads and Ports (1 March 2008)”;
 - document listed as number 11, “Email from VicRoads to the Office of the Minister for Roads and Ports (15 April 2008)”;
 - document listed as number 12, “Brief to Minister for Roads and Ports (9 May 2008)”;
 - document listed as number 13, “Ministerial Briefing (23 May 2008)”;
 - document listed as number 14, “Brief to Minister for Roads and Ports (21 May 2008)”;
 - document listed as number 15, “Memorandum of Advice to Department of Transport (DOT) (4 June 2008)”;
 - document listed as number 16, “Brief to Minister for Roads and Ports (5 June 2008)”;
 - document listed as number 17, “Email from DOT to Auspoll (22 July 2008)”;
 - document listed as number 18, “Brief to Minister for Roads and Ports (12 September 2008)”;
 - document listed as number 19, “Memorandum of advice to VicRoads (29 September 2008)”;
 - document listed as number 20, “Legal advice from VicRoads (13 October 2008)”;
 - document listed as number 21, “Email from VicRoads (13 October 2008)”;
 - document listed as number 22, “Brief to Minister for Roads and Ports (2 October 2008)”;
 - document listed as number 23, “Brief to Minister for Roads and Ports (9 November 2008)”;
 - document listed as number 24, “Brief to Minister for Roads and Ports (9 December 2008)”;
 - document listed as number 25, “Brief to Minister for Roads and Ports (29 February 2009)”;
 - document listed as number 26, “Brief to Minister for Roads and Ports (31 December 2008)”;

- document listed as number 27, “Email from VicRoads to DOT (19 January 2009)”;
- document listed as number 28, “Letter from VicRoads to DOT (10 February 2009)”;
- document listed as number 29, “Letter from Moreland City Council to DOT (2 February 2009)”;
- document listed as number 30, “Brief to Minister for Roads and Ports (10 February 2009)”;
- document listed as number 31, “Brief to Minister for Roads and Ports (18 February 2001)”;
- document listed as number 32, “Letter from VicRoads to DOT (5 March 2009)”;
- document listed as number 33, “Internal DOT email with attachment (2 November 2007)”;
- document listed as number 34, “Email from Department of Premier and Cabinet (DPC) to DOT (1 February 2009)”;
- document listed as number 35, “Brief to Minister for Roads and Ports (9 September 2008)”;
- document listed as number 36, “Brief to Minister for Local Government (17 June 2008)”;
- document listed as number 37, “Brief to Minister for Local Government (24 July 2008)”;
- document listed as number 38, “Email from Department of Planning and Community Development (DPCD) to VicRoads (1 September 2008)”;
- document listed as number 39, “Email from VicRoads to DPCD (3 September 2008)”;
- document listed as number 40, “Email from VicRoads to DPCD (4 September 2008)”;
- document listed as number 41, “Internal DPCD email with attachment (5 September 2008)”;
- document listed as number 42, “Email chain from DPCD to VicRoads (25 September 2008)”;
- document listed as number 43, “Brief to Minister for Local Government (1 October 2008)”;
- document listed as number 44, “Brief to Minister for Local Government (22 October 2008)”;
- document listed as number 45, “Internal DPCD email with attachment (5 November 2008)”;
- document listed as number 46, “Brief to Minister for Local Government (28 November 2008)”;
- document listed as number 47, “Ministerial Debrief (05 December 2008)”;
- document listed as number 48, “Brief to Minister for Local government (21 January 2009)”;
- document listed as number 49, “Brief to Minister for Local Government (17 February 2009)”;
- document listed number 50, “Brief to Minister for Local Government (5 March 2009)”;
- document listed as number 51, “Brief to Premier (19 February 2009)”;
- document listed as number 52, “Brief to Premier (19 February 2009)”;
- document listed as number 53, “Brief to Premier (25 January 2008)”;
- document listed as number 54, “Project Review Committee business case (25 January 2008)”;
- document listed as number 55, “Brief to Premier (15 January 2008)”;
- document listed as number 56, “Brief to Premier (11 January 2008)”;

- document listed as number 57, “Brief to Premier (28 December 2007)”;
- document listed as number 58, “Brief to Minister for Roads and Ports (9 November 2007)”;
- document listed as number 59, “Brief to Premier (28 December 2007)”;
- document listed as number 60, “Brief to Premier (13 August 2008)”;
- document listed as number 61, “Email from DOT to DPC (26 May 2008)”;
- document listed as number 62, “Brief to Premier (17 August 2007)”;
- document listed as number 63, “Brief to Premier (30 March 2009)”;
- (f) CPRS (DTF) documents —
 - document listed as number 1, “Brief to the Treasurer (15 August 2008)”;
 - document listed as number 2, “Brief to the Treasurer (3 September 2008)”;
 - document listed as number 3, “Brief to the Treasurer (21 November 2008)”;
 - document listed as number 4, “Brief to the Treasurer (11 December 2008)”;
 - document listed as number 5, “Brief to the Treasurer (16 January 2009)”;
 - document listed as number 6, “Brief to the Treasurer (5 April 2009)”;
 - document listed as number 7, “Brief to the Treasurer (9 April 2009)”;
 - document listed as number 8, “Brief to the Treasurer (13 February 2009)”;
 - document listed as number 9, “Brief to the Treasurer (15 December 2008)”;
 - document listed as number 10, “DTF Presentation (10 December 2008)”;
 - document listed as number 11, “Briefing to the Treasurer (undated)”;
 - document listed as number 13, “Briefing to the Treasurer on a cabinet Submission”;
 - document listed as number 14, “Brief to the Treasurer (4 August 2008)”;
 - document listed as number 16, “Paper for Heads of Treasury Intergovernmental meeting (undated)”;
 - document listed as number 17, “Paper for Heads of Treasury Intergovernmental meeting (undated)”;
 - document listed as number 18, “Briefing to the Treasurer (undated)”;
 - document listed as number 19, “Brief to the Treasurer (1 October 2008)”;
 - document listed as number 20, “Brief to the Treasurer (5 September 2008)”;
 - document listed as number 21, “Briefing to the Treasurer (undated)”;
 - document listed as number 22, “Brief to the Treasurer (25 August 2008)”;
 - document listed as number 23, “Brief to the Treasurer (2 October 2008)”;
 - document listed as number 24, “Briefing by DTF (undated)”;
 - document listed as number 25, “Brief to the Treasurer (6 April 2009)”;
 - document listed as number 26, “Brief to the Treasurer (16 July 2008)”;
 - document listed as number 27, “Brief to the Treasurer (15 July 2008)”;
 - document listed as number 28, “Brief to the Treasurer (15 December 2008)”;
 - document listed as number 30, “Brief to the Treasurer (18 July 2008)”;
 - document listed as number 31, “Brief to the Treasurer (undated)”;
 - document listed as number 32, “Report commissioned by the Department of Innovation, Industry and Regional Development (March 2009)”;
 - document listed as number 33, “Brief to the Treasurer (undated)”;
 - document listed as number 34, “Brief to the Treasurer (10 February 2009)”;
 - document listed as number 35, “Brief to the Treasurer (13 February 2009)”;
- (g) Better Place documents —
 - document listed as number 1, “Outcomes of CAF Meeting (12 September 2008)”;
 - document listed as number 2, “Background Briefing/Report prepared by motor vehicle company for Minister for Sustainability and Environment”;
 - document listed as number 3, “Brief to Minister for Innovation (2 February 2009)”;

- document listed as number 4, “Report of Alternate Vehicle Fuel Technologies IDC containing Cabinet Material”;
- document listed as number 8, “Hand Written Notes from meeting with commercial motor vehicle company (undated)”;
- document numbered 9, “Company Application for funding (14 September 2007)”;
- document numbered 10, “Company Business Plan (14 September 2007)”;
- document numbered 11, “Departmental Internal Email Chain (26 November 2007)”;
- document numbered 12, “Draft Brief to Minister for Industry and Trade”;
- document numbered 13, “Presentation prepared by commercial company (11 July 2008)”;
- document numbered 14, “Internal Departmental Email (14 August 2008), Attaching notes of meeting with commercial company (11 July 2008)”;
- document numbered 15, “Hand Written Notes from meeting with commercial company (11 July 2008)”;
- document numbered 16, “Brief to Premier (22 July 2008)”;
- document numbered 17, “Brief to Premier (13 August 2008)”;
- document numbered 18, “Summary of Meeting between Government and commercial company (13 August 2008)”;
- document numbered 19, “Brief of commercial company (September 2008)”;
- document numbered 20, “Speaking points & brief for CAF SOM Meeting (3 September 2008)”;
- document numbered 21, “Speaking points & brief for CAF Meeting (3 September 2008)”;
- document numbered 22, “CAF Meeting submission (4 September 2008)”;
- document numbered 23, “Hand written Notes from meeting with commercial company (20 October 2008)”;
- document number 24, “Draft Media Release, from Minister for Environment and Climate Change (23 October 2008)”;
- document numbered 25, “Brief to Minister for Energy and Resources (28 October 2008)”;
- document numbered 26, “Draft report prepared by commercial company (17 November 2008)”;
- document numbered 27, “Departmental Email Chain containing commercial information (3 December 2008)”;
- document numbered 28, “Minutes of Alternate Vehicle Fuel Technologies IDC (4 December 2008)”;
- document numbered 29, “Minutes of Alternate Vehicle Fuel Technologies IDC (4 December 2008) attaching cover email (5 January 2009) and document reference list”;
- document numbered 30, “Hand Written Notes from meeting with commercial company (19 January 2009)”;
- document numbered 31, “Brief to Minister for Innovation (23 January 2009)”;
- document numbered 32, “Departmental Email chain (29 January 2009)”;
- document numbered 33, “Departmental Email chain (10 February 2009)”;
- document numbered 34, “Departmental Email (23 February 2009). Attaching Draft Agreement”;
- document numbered 35, “Draft Version of agreement (16 March 2009)”;
- document numbered 36, “Draft Version of agreement with annotations (16 March 2009)”;
- document numbered 37, “Draft Version of agreement with annotations (16 March 2009)”;

- document numbered 38, “Departmental Email chain containing information provided by commercial company (17 March 2009)”;
 - document numbered 39, “Departmental Email attaching Department Newsletter including Cabinet material (March 2009)”;
 - document numbered 40, “Departmental Email containing information from commercial company (25 March 2009)”;
 - document numbered 41, “Departmental Email (1 April 2009. Attaching excerpt from Brief to Minister)”;
 - document numbered 42, “Departmental Email Chain containing information from commercial company (8 April 2009)”;
 - document numbered 43, “Letter from motor vehicle company (20 April 2009)”;
 - document numbered 44, “Hand Written Notes from Meeting with commercial company (27 April 2009)”;
 - document numbered 45, “Hand Written Notes from Meeting with commercial company (27 April 2009)”;
 - document numbered 46, “Email attaching Final Agreement with annotations (27 April 2009)”;
 - document numbered 47, “Email containing information from dealings with commercial company (3 May 2009)”;
 - document numbered 48, “File note attaching email and draft brief containing information from commercial company (6 May 2009)”;
 - document numbered 49, “Final Grant Agreement (10 May 2009)”;
 - document numbered 50, “Departmental Email chain containing information regarding CAF Meeting (12 May 2009)”;
 - document numbered 51, “Email listing applicants for funding (27 April 2009)”;
 - document numbered 52, “Email from commercial company (21 April 2009)”;
 - document numbered 53, “brief to Premier (21 October 2008)”;
- (h) Alpine Resorts documents — Mt Baw Baw Alpine Resort Management Board Corporate Plan 2007-2010;
- (i) Carbon Trading Institutes and Institutions documents —
- document listed as number 1, “Business Case prepared by the Victorian Government (April 2009)”;
 - document listed as number 2, “Brief to Minister for Financial Services regarding carbon market option with attachments (June 2009)”;
 - document listed as number 3, “Brief to Minister for Financial Services regarding carbon market option with attachments (March 2009)”;
 - document listed as number 4, “Brief to Minister for Financial Services regarding carbon market option with attachments (December 2008)”;
 - document listed as number 5, “Brief to Minister for Financial Services regarding carbon market taskforce with attachments (December 2008)”;
 - document listed as number 6, “Brief to minister for Financial Services regarding carbon market taskforce (December 2008)”;
 - document listed as number 7, “Report by KPMG regarding carbon market options (July 2009)”;
 - document listed as number 8, “Report by Allens Consulting regarding carbon market options (November 2008)”;
 - document listed as number 9, “Report by Allens Consulting regarding carbon market options (December 2008)”;
 - document listed as number 10, “Report by Point Carbon regarding carbon market options (23 March 2009)”;
 - document listed as number 11, “Brief to Minister for Financial Services regarding carbon market taskforce (14 May 2009)”;

- document listed as number 12, “Presentation by Farrier Swier Consulting regarding carbon market options (13 February 2009)”;
- document listed as number 13, “Presentation by Farrier Swier Consulting regarding carbon market options (11 March 2009)”;
- document listed as number 14, “Brief to Minister for Financial Services regarding carbon market options (June 2009)”;
- document listed as number 15, “Internal DIIRD file note regarding carbon market options (April 2009)”;
- document listed as number 16, “Internal DIIRD Report regarding carbon market options (21 April 2009)”;
- document listed as number 17, “Internal DIIRD file note regarding carbon market options (April 2009)”;
- document listed as number 19, “Brief to Secretary, DIIRD regarding carbon market options (25 December 2008)”;
- document listed as number 20, “Internal DIIRD file note regarding carbon market options (17 April 2009)”;
- document listed as number 21, “PPQ prepared for Minister for Industry and Trade (undated)”;
- document listed as number 22, “Internal DIIRD Presentation regarding financial services strategy (15 January 2009)”;
- document listed as number 23, “PPQ prepared for Minister for Financial Services (17 April 2009)”;
- document listed as number 24, “PPQ prepared for Minister for Financial Services (27 January 2009)”;
- document listed as number 25, “PPQ prepared for Minister for Financial Services (2 June 2009)”;
- document listed as number 26, “Internal DIIRD Briefing Notes regarding carbon market options (29 December 2008)”;
- document listed as number 27, “Presentation by the Premier regarding carbon market options (18 December 2008)”;
- document listed as number 28, “Brief to Premier regarding carbon market taskforce (20 October 2008)”;
- document listed as number 29, “Brief to Premier regarding carbon market taskforce (17 December 2008)”;
- document listed as number 30, “Brief to Premier regarding carbon market taskforce (17 December 2008)”;
- document listed as number 31, “Agenda, ‘Premier’s Carbon Market Meeting’, with attachments regarding carbon market options (18 December 2008)”;
- document listed as number 32, “Premier’s Presentation regarding carbon market options with speaking points (18 December 2008)”;
- document listed as number 33, “Brief to Secretary, DPC regarding carbon market options (23 December 2008)”;
- document listed as number 34, “Draft letter to Prime Minister from Premier (January 2009)”;
- document listed as number 35, “Draft Brief to Premier regarding carbon market options (January 2009)”;
- document listed as number 36, “Draft letter to Prime Minister (29 January 2009)”;
- document listed as number 37, “Draft letter to Prime Minister (February 2009)”;
- document listed as number 38, “Internal DPC file note regarding carbon market options (February 2009)”;
- document listed as number 41, “Draft business case prepared by Victorian government (25 February 2009)”;

- document listed as number 42, "Draft messages from Premier and Minister for Financial Services for business case (27 February 2009)";
- document listed as number 43, "Brief to Premier regarding carbon market options (2 March 2009)";
- document listed as number 44, "Brief to Secretary, DPC regarding carbon market options (4 March 2009)";
- document listed as number 45, "Presentation to Premier regarding carbon market option (13 March 2009)";
- document listed as number 46, "Brief to Secretary, DPC regarding carbon market options (13 March 2009)";
- document listed as number 47, "Brief to Premier regarding carbon market options (16 March 2009)";
- document listed as number 48, "Internal DPC evaluation regarding carbon market options and timelines (24 March 2009)";
- document listed as number 49, "Draft Media Release (April 2009)";
- document listed as number 50, "Draft letter to Prime Minister from Premier (April 2009)";
- document listed as number 51, "DIIRD Work Plan regarding carbon market options (27 March 2009)";
- document listed as number 52, "Brief to Premier regarding carbon market options (7 April 2009)";
- document listed as number 53, "Agenda and action notes from Carbon Market Taskforce meeting (16 April 2009)";
- document listed as number 54, "DIIRD Draft Questions and Answers document regarding carbon market options (16 April 2009)";
- document listed as number 55, "Brief to Premier regarding carbon market options (21 April 2009)";
- document listed as number 57, "Draft brief to Premier regarding carbon market options (28 April 2009)";
- document listed as number 58, "Brief to Premier regarding carbon market options (28 April 2009)";
- document listed as number 60, "Draft Brief to Premier regarding carbon market options (5 May 2009)";
- document listed as number 61, "Brief to Premier regarding carbon market options (7 May 2009)";
- document listed as number 62, "Internal DPC file note regarding carbon market options (18 June 2009)";
- document listed as number 63, "Brief to Premier regarding carbon market options (9 July 2009)";
- document listed as number 66, "DIIRD Presentation regarding financial services strategy (3 April 2009)";
- document listed as number 73, "Internal DPC Meeting Notes from carbon market taskforce (16 April 2008)";
- document listed as number 74, "Internal DPC Meeting notes from carbon market taskforce (17 October 2008)";
- document listed as number 75, "Draft message from Premier regarding carbon market options, for business case (2009)";
- document listed as number 76, "Draft message from Minister for Financial Services regarding carbon market options, for business case (2009)";
- document listed as number 77, "Draft DIIRD Discussion and Consultation Paper regarding carbon market options (November 2008)";
- document listed as number 78, "Draft Report from Allens Consulting regarding carbon market options (November 2008)";

- document listed as number 79, “Agenda ‘Melbourne Carbon Market Taskforce’ with attachments and annotations (10 December 2009)”; and
- document listed as number 81, “Draft PPQ prepared for the Treasurer (October 2008)”;
- (j) Working Victoria and Shine documents —
 - document listed as number 4, “Research Report (9 September 2009)”;
 - document listed as number 6, “Brief to the Secretary, DPC (13 August 2009)”;
 - document listed as number 8, “Brief to the Premier (23 July 2009)”;
 - document listed as number 9, “Brief to the Secretary, DPC (20 July 2009)”;
 - document listed as number 10, “Research Report (July 2009)”;
 - document listed as number 11, “Research Summary of Results (July 2009)”;
 - document listed as number 12, “Brief to the Secretary, DPC (17 June 2009)”;
 - document listed as number 13, “Research Presentation (6 June 2009)”;
 - document listed as number 14, “Advertising Brief (4 May 2009)”;
 - document listed as number 15, “Letter and Advertising Brief Response (4 May 2009)”;
 - document listed as number 16, “Advertising Brief Response (4 May 2009)”;
 - document listed as number 17, “Advertising Brief Response (4 May 2009)”;
 - document listed as number 18, “Advertising Brief Response (4 May 2009)”;
 - document listed as number 21, “Research Report (1 May 2009)”;
 - document listed as number 22, “Research Report (1 May 2009)”;
 - document listed as number 23, “Research Report (1 May 2009)”;
 - document listed as number 24, “Research Report (1 May 2009)”;
 - document listed as number 25, “DPC Advertising Brief (1 May 2009)”;
 - document listed as number 26, “Brief to the Premier (21 April 2009)”;
 - document listed as number 27, “Research Report Presentation (1 April 2009)”;
 - document listed as number 28, “Draft Research Report (undated)”;
 - document listed as number 29, “Research Report (undated)”;
 - document listed as number 30, “Brief to the Minister for Regional and Rural Development (15 August 2009)”;
 - document listed as number 31, “Briefing to the Minister for Education (31 July 2008)”;
 - document listed as number 33, “Advertising Application (1 June 2009)”;
 - document listed as number 34, “Research Presentation (1 July 2009)”; and
 - document listed as number 35, “Advertising Application (undated)”;
- (k) Brown coal documents —
 - document dated 22 January 2009, “Presentation by Exergen”;
 - document dated 20 February 2009, “Map prepared by Exergen”;
 - document dated 5 February 2009, “Email from Exergen to DIIRD”;
 - document dated 6 February 2009, “Email from DIIRD to Exergen”;
 - document dated 20 February 2009, “Further draft timeline”;
 - document dated 24 February 2009, “Brief from DIIRD to the Minister for Industry and Trade”;
 - document dated 25 February 2009, “Presentation by Exergen”;
 - document undated, “Notes by DPI”;
 - document undated, “Hand drawn diagram by DPI”;
 - document undated, “Internal presentation by DPI”;
 - document dated 15 April 2009, “Draft DIIRD brief to Minister for Industry and Trade”;
 - document dated 21 April 2009, “Presentation by Exergen”;

- document dated 21 April 2009, “Brief from DIIRD to the Minister for Regional and Rural Development”;
- document dated 1 May 2009, “Email from Exergen to DIIRD”;
- document dated 7 May 2009, “Email from Exergen to DIIRD”;
- document dated 12 May 2009, “Internal DIIRD email”;
- document dated 25 May 2009, “Email from DPI to DIIRD”;
- document dated 26 May 2009, “Interdepartmental brief by DPI”;
- document dated 29 May 2009, “Letter from Exergen to DIIRD”;
- document dated 29 May 2009, “Presentation by Exergen to DPI”;
- document undated, “Timeline, prepared by DPI”;
- document dated 2 June 2009, “Brief to Premier by DPC”;
- document dated 26 June 2009, “Legal advice from external legal provider”;
- document dated 7 July 2009, “Presentation by Exergen”;
- document dated 10 July 2009, “Brief from the Energy Sector Development Division to Minister for Energy and Resources”;
- document dated 13 July 2009, “Outline re ‘Coal Allocation Options – Exergen’ by DPI”;
- document dated 16 July 2009, “Legal advice by external legal provider”;
- document dated 16 July 2009, “Letter from Exergen to Minister”;
- document dated 20 July 2009, “Internal DPI brief”;
- document dated 20 July 2009, “Legal advice by internal legal advisor”;
- document dated 20 July 2009, “Letter from Exergen to DIIRD”;
- document dated 30 July 2009, “Email from Exergen to DPI”;
- document dated 4 August 2009, “Internal email chain from DPI to DTF”;
- document dated 14 August 2009, “Internal DTF email”;
- document dated 17 August 2009, “DIIRD Ministerial Brief”;
- document dated 20 August 2009, “Presentation by Exergen to Minister Pakula”;
- document undated, “Presentation by Exergen”;
- document dated 3 September 2009, “Email from DSE to DPC”;
- document dated 7 September 2009, “Brief to Premier”;
- document dated 7 September 2009, Internal DSE email”;
- document dated 9 September 2009, “Legal advice by external legal provider”;
- document undated, “List of questions for Exergen and DPI”;
- document dated 11 September 2009, “Internal DTF email”;
- document undated, “Draft questions prepared by DPC with annotations”;
- document dated 14 September 2009, “PPQ by DIIRD”;
- document dated 15 September 2009, “Email chain between DTF, DPI and DPC”;
- document undated, “Brief for Premier re meeting”;
- document dated 20 July 2009, “Email from DPI to DTF”;
- document dated 25 September 2009, “Draft Discussion Paper by DIIRD”;
- document dated 26 September 2009, “Brief from Energy and Resources to the Minister for Energy and Resources”;
- document dated 28 September 2009, “Letter to Exergen from Minister for Energy and Resources”;
- document 30 September 2009, “Email from DPI to DTF and other government representatives”;
- document dated 2 October 2009, “Letter from Exergen to Minister”;
- document dated 2 October 2009, “Emails between DPC and other government representatives”;
- document dated 2 October 2009, “Emails between DPC and other government representatives”;

- document dated 6 October 2009, “Emails from DTF to DPI and other government representatives”;
 - document dated 8 October 2009, “Letter from Exergen to DPI, attaching responses to Minister’s further questions”;
 - document dated 8 October 2009, “Internal DSE email”;
 - document dated 9 October 2009, “DPC brief to Premier”;
 - document undated, “Draft answers by DPI to questions prepared by DPC”;
 - document undated, “Further draft answers by DPI to questions prepared by DPC”;
 - document dated 13 October 2009, “DSE internal email chain”;
 - document dated 14 October 2009, “Draft PPQ by DIIRD”;
 - document dated 14 October 2009, “Email chain between DSE and EPA”; and
 - document dated 9 November 2009, “Draft PPQ by DIIRD”;
 - (l) Desalination Plant Gateway Review documents —
 - Report from gateway review team to Department of Sustainability and Environment, 'Gateway review 2 — business case' (23 May 2008); and
 - Report from gateway review team to Department of Sustainability and Environment, 'Gateway review 3 — readiness for market' (23 May 2008);
 - (m) Reports commissioned by the Department of Human Services —
 - document listed as number 1, “Evaluation – quality of life outcomes following Kew Residential Services redevelopment”;
 - document listed as number 2, “Respite provision for people with disability in southern metropolitan region”;
 - document listed as number 3, “Respite provision for people with disability in Gippsland region”; and
 - document listed as number 4, “Development of a strategic plan for respite services”;
- (6) insists that the Leader of the Government, as the representative of the Government in the Legislative Council, provide for assessment by the independent legal arbiter by 12 noon on Wednesday, 22 September 2010 —
- (a) the documents demanded by the resolution of the Council of 12 August 2009 seeking documents surrounding lobbying and lobbyists and meetings for the desalination plant tender and demanded also in subsequent resolutions and referred to in correspondence from the Attorney-General tabled on 8 June 2010;
 - (b) the documents demanded by the resolution of the Council of 24 March 2010 relating to the review completed by Dr Mike Vertigan into the Victorian Funds Management Corporation payment of bonuses to executives and referred to in correspondence from the Attorney-General tabled on 8 June 2010; and
 - (c) the documents demanded by the resolution of the Council of 25 November 2009 and subsequently on 25 February 2010 and 5 May 2010 relating to the spending of public monies by public hospitals and health services and rejects the Government's view that it does not have these documents;
- (7) requires the Clerk, upon receipt of the documents, to —
- (a) provide all documents on which the Government claims Executive Privilege to the independent legal arbiter for assessment; and
 - (b) notify all Members of the Council of the receipt of the documents, or if no documents are received by 4.00 p.m. on Wednesday, 22 September 2010, to notify all Members that no documents have been received; and
- (8) suspends the Leader of the Government from the service of the Council from 2.00 p.m. on Tuesday, 5 October 2010 until 12 noon on Wednesday, 6 October 2010 if he fails to comply fully with this Order and lodge with the Clerk all the documents contained and reiterated in this Order for arbitration by the independent legal arbiter, provided that if the documents are subsequently lodged with the Clerk at any time during the period of suspension, the suspension will immediately cease to have effect.

— put.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson
 Mr Barber
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Hartland
 Mr Koch
 Mr Kavanagh
 Mrs Kronberg (*Teller*)
 Ms Lovell (*Teller*)
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

NOES, 18

Ms Broad (*Teller*)
 Mr Eideh
 Mr Elasmar
 Ms Huppert
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr Pakula
 Ms Pulford
 Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney

Question agreed to.

- 13 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE CHAIR** — Mr D.M. Davis moved, That in accordance with Standing Order 18.03, this House requests the Legislative Assembly to grant leave to Mr Robert Stensholt, MP to appear before the Bar of the Council at 10.30 a.m. on Wednesday, 6 October 2010 to answer questions and to explain the circumstances surrounding his role and management of the Legislative Council references to the Public Accounts and Estimates Committee relating to the Public Finance and Accountability Bill 2009.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis (*Teller*)
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy (*Teller*)
 Mr Hall
 Mr Koch
 Mr Kavanagh
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

NOES, 21

Mr Barber
 Ms Broad
 Mr Eideh
 Mr Elasmar
 Ms Hartland
 Ms Huppert
 Mr Jennings (*Teller*)
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr Pakula (*Teller*)
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee

Ms Tierney
Mr Viney

Question negatived.

14 BUSINESS POSTPONED —

Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

15 TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL 2010 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Transport Accident Act 1986 and to make further amendments to the Accident Compensation Act 1985 and the Accident Compensation (WorkCover Insurance) Act 1993, to make consequential amendments to certain other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Lenders), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

16 ROAD LEGISLATION MISCELLANEOUS AMENDMENT BILL 2010 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the EastLink Project Act 2004, the Melbourne City Link Act 1995, the Road Management Act 2004, the Road Safety Act 1986 and to make amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Pakula), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

17 FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Fair Trading Act 1999 to apply the Australian Consumer Law as a law of Victoria and to make consequential amendments to that Act and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

18 CONFISCATION AMENDMENT BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole on the next day of meeting.

19 FIRE SERVICES COMMISSIONER BILL 2010 — The Acting President read a Message from the Assembly presenting *A Bill for an Act to establish the statutory position of the Fire Services Commissioner and to make related amendments to the Emergency Management Act 1986, the Country Fire Authority Act 1958, the Forests Act 1958 and the Metropolitan Fire Brigades Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

20 EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Hall.

- 21 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.
And then the Council, at 10.33 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 191 — Thursday, 16 September 2010

- 1** The President took the Chair and read the Prayer.
- 2 GOVERNMENT (POLITICAL) ADVERTISING BILL 2010** — The President read a Message from the Assembly acquainting the Council that they have rejected this Bill.
By leave, on the motion of Mr D.M. Davis, the Message was ordered to be taken into consideration forthwith.
Mr D.M. Davis moved, That the Council take note of the Assembly's message.
Debate ensued.
Question — put and agreed to.
- 3 PAPERS** —
- COUNTY COURT OF VICTORIA** — Mr Lenders (for Mr Madden) presented, by command of the Governor, the Report of the County Court of Victoria for the year 2008-09.
The Report was presented by Mr Lenders and ordered to lie on the Table.
* * * * *
- STATE CONCESSIONS AND HARDSHIP PROGRAMS** — Mr Lenders (for Mr Jennings) moved, by leave, That there be laid before this House a copy of the report of the State Concessions and Hardship Programs for 2008-09 and 2009-10.
Question — put and agreed to.
The Report was presented by Mr Lenders and ordered to lie on the Table.
* * * * *
- OFFICE OF THE PUBLIC ADVOCATE** — Mr Lenders (for Mr Madden) moved, by leave, That there be laid before this House a copy of the report of the Office of the Public Advocate for 2009-10.
Question — put and agreed to.
The Report was presented by Mr Lenders and ordered to lie on the Table.
* * * * *
- PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2010-2011 BUDGET ESTIMATES – PART THREE** — Ms Huppert presented a Report from the Public Accounts and Estimates Committee on 2010-11 Budget Estimates – Part Three (including Appendices), and Extracts from the Proceedings of the Committee.
Ordered to lie on the Table and the Report to be printed.
Ms Huppert moved, That the Council take note of the Report.
Debate ensued.
Question — put and agreed to.
* * * * *
- ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — STATE GOVERNMENT TAXATION AND DEBT** — Mr D.M. Davis presented a Report from the Economic Development and Infrastructure Committee on State Government Taxation and Debt (including Appendices), together with Transcripts of Evidence.
Ordered to lie on the Table and the Report to be printed.
Mr D.M. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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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:

- Accident Compensation Conciliation Service — Report, 2009-10.
- Adult Parole Board of Victoria — Report, 2009-10.
- Alexandra District Hospital — Report, 2009-10.
- Alfred Health — Report, 2009-10.
- Alpine Health — Report, 2009-10.
- Anderson's Creek Cemetery Trust — Minister's report of receipt of report for the period ending 28 February 2010.
- Austin Health — Report, 2009-10.
- Australian Centre for the Moving Image — Report, 2009-10.
- Australian Grand Prix Corporation — Report, 2009-10.
- Bairnsdale Regional Health Service — Report, 2009-10 (two papers).
- Ballarat General Cemeteries Trust — Minister's report of receipt of 2009-10 report.
- Ballarat Health Services — Report, 2009-10.
- Barwon Health — Report, 2009-10.
- Barwon Region Water Corporation — Report, 2009-10.
- Bass Coast Regional Health — Report, 2009-10.
- Beaufort and Kipton Health Service — Report, 2009-10.
- Beechworth Health Service — Report, 2009-10.
- Benalla and District Memorial Hospital — Report, 2009-10 (two papers).
- Bendigo Cemeteries Trust — Minister's report of receipt of 2009-10 report.
- Bendigo Health Care Group — Report, 2009-10 (two papers).
- Boort District Health — Report, 2009-10 (two papers).
- Building Commission — Report, 2009-10.
- Calvary Health Care Bethlehem Limited — Report, 2009-10 (two papers).
- Casterton Memorial Hospital — Report, 2009-10.
- Castlemaine Health — Report, 2009-10 (two papers).
- Central Gippsland Health Service — Report, 2009-10.
- Central Gippsland Region Water Corporation — Report, 2009-10.
- Central Highlands Region Water Corporation — Report, 2009-10.
- Cheltenham and Regional Cemeteries Trust — Report for the period ended 28 February 2010.
- Child Safety Commissioner — Report, 2009-10.
- Chinese Medicine Registration Board of Victoria — Minister's report of receipt of 2009-10 report.
- Chiropractors Registration Board of Victoria — Minister's report of receipt of 2009-10 report.
- City West Water Limited — Report, 2009-10.
- Cobram District Health — Report, 2009-10.
- Cohuna District Hospital — Report, 2009-10.
- Colac Area Health — Report, 2009-10.
- Coliban Region Water Corporation — Report, 2009-10.
- Commissioner for Law Enforcement Data Security — Report, 2009-10.
- Community Visitors — Report, 2009-10.
- Confiscation Act 1997 — Asset Confiscation Operations, Report to the Attorney-General, 2009-10.
- Consumer Affairs Victoria — Report, 2009-10.
- Coronial Council of Victoria — Report, 2009-10.
- Coroners Court of Victoria — Report, 2009-10.
- Country Fire Authority — Report, 2009-10.
- Dental Health Services Victoria — Report, 2009-10 (two papers).
- Dental Practice Board of Victoria — Minister's report of receipt of 2009-10 report.
- Disability Services Commissioner — Report, 2009-10.

Djerriwarrh Health Services — Report, 2009-10 (two papers).
Dunmunkle Health Services — Report, 2009-10.
East Gippsland Region Water Corporation — Report, 2009-10.
East Grampians Health Service — Report, 2009-10 (two papers).
East Wimmera Health Service — Report, 2009-10.
Eastern Health — Report, 2009-10.
Echuca Regional Health — Report, 2009-10 (two papers).
Edenhope and District Memorial Hospital — Report, 2009-10.
Education and Early Childhood Development Department — Report, 2009-10.
Emerald Tourist Railway Board — Report, 2009-10.
Emergency Services Telecommunications Authority — Report, 2009-10.
Environment Protection Authority — Report, 2009-10.
Essential Services Commission — Report, 2009-10.
Fawkner Crematorium and Memorial Park — Report for the period ended 28 February 2010.
Fed Square Pty Ltd — Report, 2009-10.
Food Safety Council — Report, 2009-10.
Forensic Leave Panel — Report, 2009.
Freedom of Information Act 1982 — Report of Attorney-General on the operation of the Act, 2009-10.
Geelong Cemeteries Trust — Report, 2009-10.
Geelong Performing Arts Centre Trust — Report, 2009-10.
Gippsland and Southern Rural Water Corporation — Report, 2009-10.
Gippsland Southern Health Service — Report, 2009-10.
Goulburn Valley Health — Report, 2009-10 (two papers).
Goulburn Valley Region Water Corporation — Report, 2009-10.
Goulburn-Murray Rural Water Corporation — Report, 2009-10.
Grampians Wimmera Mallee Water Corporation — Report, 2009-10.
Greyhound Racing Victoria — Report, 2009-10.
Growth Areas Authority — Report, 2009-10.
Harness Racing Victoria — Report, 2009-10.
Health Department — Report, 2009-10.
Health Purchasing Victoria — Minister's report of receipt of 2009-10 report.
Health Services Commissioner — Report, 2009-10.
Heathcote Health — Report, 2009-10 (two papers).
Hepburn Health Service — Report, 2009-10 (two papers).
Hesse Rural Health Service — Report, 2009-10.
Heywood Rural Health — Report, 2009-10 (three papers).
Housing Agencies Registrar — Minister's report of receipt of 2009-10 report.
Human Services Department — Report, 2009-10.
Inglewood and Districts Health Service — Report, 2009-10.
Innovation, Industry and Regional Development Department — Report, 2009-10.
Judicial College of Victoria — Report, 2009-10.
Keilor Cemetery Trust — Minister's report of receipt of report for the period ended 28 February 2010.
Kerang District Health — Report, 2009-10 (two papers).
Kilmore and District Hospital — Report, 2009-10.
Kooweerup Regional Health Service — Report, 2009-10 (two papers).
Kyabram and District Health Service — Report, 2009-10 (two papers).
Kyneton District Health Service — Report, 2009-10 (two papers).
Latrobe Regional Hospital — Report, 2009-10.
Legal Practitioners Liability Committee — Report, 2009-10.
Legal Services Board — Report, 2009-10.
Legal Services Commissioner — Report, 2009-10.
Library Board of Victoria — Report, 2009-10.
Lilydale Cemeteries Trust — Minister's report of receipt of report for the period ended 28 February 2010.

Lorne Community Hospital — Report, 2009-10 (two papers).
Lower Murray Urban and Rural Water Corporation — Report, 2009-10.
Maldon Hospital — Minister's report of receipt of 2009-10 report.
Mallee Track Health and Community Service — Report, 2009-10 (two papers).
Mansfield District Hospital — Report, 2009-10 (two papers).
Maryborough District Health Service — Report, 2009-10 (two papers).
Medical Practitioners Board of Victoria — Report for the period 1 October 2009 to 30 June 2010.
Medical Radiation Practitioners Board of Victoria — Minister's report of receipt of 2009-10 report.
Melbourne Convention and Exhibition Trust — Report, 2009-10.
Melbourne Health — Report, 2009-10.
Melbourne Water Corporation — Report, 2009-10.
Members of Parliament (Register of Interests) Act 1978 — Summary of Returns — June 2010 and Summary of Variations notified between 24 June 2010 and 14 September 2010.
Mental Health Review Board (incorporating the Psychosurgery Review Board of Victoria) — Report 2009-10.
Mercy Public Hospitals Incorporated — Report, 2009-10 (two papers).
Metropolitan Fire and Emergency Services Board — Report, 2009-10.
Metropolitan Waste Management Group — Report, 2009-10.
Mildura Cemetery Trust — Minister's report of receipt of 2009-10 report.
Moyness Health Services — Report, 2009-10.
Museums Board of Victoria — Report, 2009-10.
Nathalia District Hospital — Report, 2009-10 (two papers).
National Gallery of Victoria Trustees — Report, 2009-10.
Necropolis Springvale Trustees — Report for the period ended 28 February 2010.
North East Region Water Corporation — Report, 2009-10.
Northeast Health Wangaratta — Report, 2009-10.
Northern Health — Report, 2009-10.
Numurkah District Health Service — Report, 2009-10.
Nurses Board of Victoria — Report, 2009-10.
Office of Police Integrity — Report, 2009-10.
Omeo District Health — Report, 2009-10 (two papers).
Optometrists Registration Board of Victoria — Minister's report of receipt of 2009-10 report.
Orbost Regional Health — Report, 2009-10.
Osteopaths Registration Board of Victoria — Minister's report of receipt of 2009-10 report.
Otway Health and Community Services — Report, 2009-10.
Parks Victoria — Report, 2009-10.
Peninsula Health — Report, 2009-10.
Peter MacCallum Cancer Centre — Report, 2009-10.
Pharmacy Board of Victoria — Minister's report of receipt of 2009-10 report.
Physiotherapists Registration Board of Victoria — Minister's report of receipt of 2009-10 report.
Planning and Community Development Department — Report, 2009-10.
Plumbing Industry Commission — Report, 2009-10.
Podiatrists Registration Board of Victoria — Minister's report of receipt of 2009-10 report.
Police Appeals Board — Report, 2009-10.
Port of Hastings Corporation — Report, 2009-10.
Port of Melbourne Corporation — Report, 2009-10.
Portland District Health — Report, 2009-10 (two papers).
Premier and Cabinet Department — Report, 2009-10.
Preston Cemetery Trust — Minister's report of receipt of report for the period ending 28 February 2010.
Professional Standards Council — Report, 2009-10 (two papers).
Psychologists Registration Board of Victoria — Minister's report of receipt of 2009-10 report.

Public Prosecutions Office — Report, 2009-10.
Queen Elizabeth Centre — Report, 2009-10 (two papers).
Queen Victoria Women's Centre — Minister's report of receipt of 2009-10 report.
Racing Integrity Commissioner's Office — Report 2009-10.
Radiation Advisory Committee — Report, 2009-10.
Regional Development Victoria — Report, 2009-10.
Roads Corporation (VicRoads) — Report, 2009-10.
Robinvale District Health Services — Report, 2009-10 (two papers).
Rochester and Elmore District Health Service — Report, 2009-10.
Royal Children's Hospital — Report, 2009-10.
Royal Victorian Eye and Ear Hospital — Report, 2009-10.
Royal Women's Hospital — Report, 2009-10.
Rural Finance Corporation of Victoria — Report, 2009-10.
Rural Northwest Health — Report, 2009-10.
Sentencing Advisory Council — Report, 2009-10.
Seymour District Memorial Hospital — Report, 2009-10.
Shrine of Remembrance Trustees — Minister's report of receipt of 2009-10 report.
Small Business Commissioner's Office — Report, 2009-10.
South East Water Limited — Report, 2009-10.
South Gippsland Hospital — Report, 2009-10.
South Gippsland Region Water Corporation — Report, 2009-10.
South West Healthcare — Report, 2009-10 (two papers).
Southern and Eastern Integrated Transport Authority — Report, 2009-10.
Southern Health — Report, 2009-10.
Special Investigations Monitor's Office — Report, 2009-10.
St. Vincent's Hospital (Melbourne) Limited — Report, 2009-10 (two papers).
State Electricity Commission of Victoria — Report, 2009-10.
State Owned Enterprise for Irrigation Modernisation in Northern Victoria — Report, 2009-10.
State Services Authority — Report, 2009-10.
State Trustees Limited — Report, 2009-10.
Statutory Rules under the following Acts of Parliament:
 Electoral Act 2002 — No. 87.
 Health Services Act 1988 — No. 88.
 Libraries Act 1988 — No. 89.
 Transport (Compliance and Miscellaneous) Act 1983 — No. 90.
Stawell Regional Health — Report, 2009-10.
Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 87, 88, 89 and 90.
Sustainability and Environment Department — Report, 2009-10.
Sustainability Victoria — Report, 2009-10.
Swan Hill District Health — Report, 2009-10 (two papers).
Tallangatta Health Service — Report, 2009-10 (two papers).
Templestowe Cemetery Trust — Minister's report of receipt of report for the period ending 28 February 2010.
Terang and Mortlake Health Service — Report, 2009-10 (two papers).
Timboon and District Healthcare Service — Report, 2009-10.
Tourism Victoria — Report, 2009-10.
Transport Accident Commission — Report, 2009-10.
Transport Department — Report, 2009-10.
Transport Ticketing Authority — Report, 2009-10.
Treasury and Finance Department — Report, 2009-10.
Treasury Corporation of Victoria — Report, 2009-10.
Tweddle Child and Family Health Service — Minister's report of receipt of 2009-10 report.
Upper Murray Health and Community Services — Report, 2009-10 (two papers).
V/Line Passenger Corporation — Report, 2009-10.
V/Line Passenger Pty Ltd — Report, 2009-10.

Victoria Law Foundation — Report, 2009-10.
 Victoria Legal Aid — Report, 2009-10.
 Victoria Police — Report, 2009-10.
 Victoria State Emergency Service Authority — Report, 2009-10.
 Victorian Arts Centre Trust — Report, 2009-10.
 Victorian Assisted Reproduction Treatment Authority — Minister's report of receipt of 2009-10 report.
 Victorian Civil and Administrative Tribunal — Report, 2009-10.
 Victorian Competition and Efficiency Commission — Report 2009-10.
 Victorian Electoral Commission — Report, 2009-10.
 Victorian Equal Opportunity and Human Rights Commission — Report, 2009-10.
 Victorian Funds Management Corporation — Report, 2009-10.
 Victorian Government Purchasing Board — Report, 2009-10.
 Victorian Health Promotion Foundation — Report, 2009-10.
 Victorian Industry Participation Policy — Report, 2009-10.
 Victorian Institute of Forensic Medicine — Report, 2009-10.
 Victorian Institute of Forensic Mental Health — Report, 2009-10.
 Victorian Managed Insurance Authority — Report, 2009-10.
 Victorian Multicultural Commission — Report, 2009-10.
 Victorian Privacy Commissioner's Office — Report, 2009-10.
 Victorian Regional Channels Authority — Report, 2009-10.
 Victorian Urban Development Authority — Report, 2009-10.
 Victorian WorkCover Authority — Report, 2009-10.
 Wannon Region Water Corporation — Report, 2009-10.
 Water Industry Act 1994 — Report on major water users, 2009-10, for City West Water Limited, South East Water Limited and Yarra Valley Water Limited, pursuant to section 77A of the Act.
 West Gippsland Healthcare Group — Report, 2009-10.
 West Wimmera Health Service — Report, 2009-10.
 Western District Health Service — Report, 2009-10.
 Western Health — Report, 2009-10.
 Western Region Water Corporation — Report, 2009-10.
 Westernport Region Water Corporation — Report, 2009-10.
 Wimmera Health Care Group — Report, 2009-10 (two papers).
 Wyndham Cemeteries Trust — Minister's report of receipt of report for the period ending 28 February 2010.
 Yarra Valley Water Limited — Report, 2009-10.
 Yarram and District Health Service — Report, 2009-10 (two papers).
 Yarrawonga District Health Service — Report, 2009-10.
 Yea and District Memorial Hospital — Report, 2009-10 (two papers).
 Young Farmers' Finance Council — Report, 2009-10.
 Youth Parole and Youth Residential Boards — Report, 2009-10.
 Zoological Parks and Gardens Board — Report, 2009-10 (two papers).

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
Business having been interrupted at 12 noon pursuant to Sessional Orders —
- 6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 7 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers continued to be made by Members pursuant to Standing Order 9.10.
- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 8, 9, 13 to 19, 23 and 25 to 27 be postponed until later this day.

- 9 CARDINIA PLANNING SCHEME AMENDMENT C141** — Mr Madden moved, That pursuant to section 46AH of the *Planning and Environment Act 1987*, Cardinia Planning Scheme Amendment C141 be ratified.
Debate ensued.
Question — put and agreed to.
- 10 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 to 4 inclusive, be postponed until later this day.
- 11 PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009** — Bill committed to a Committee of the whole.
House in Committee.
The Deputy President reported progress and asked leave to sit again.
Bill to be again considered in Committee of the whole later this day.
- 12 EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for a National Law to regulate education and care services for children and for other purposes* and requesting the agreement of the Council.
On the motion of Mr Lenders, the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 13 CONFISCATION AMENDMENT BILL 2010** — Bill further considered in Committee of the whole.
Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.
- 14 EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.
Amendments proposed to be moved in Committee by Mr Hall were circulated.
Debate continued.
Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.
Debate continued.
Question — put and agreed to.
Bill read a second time and ordered to be committed to a Committee of the whole later this day.
- 15 JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and committed to a Committee of the whole.
House in Committee.
Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.
Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.
- 16 EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010** — Bill committed to a Committee of the whole.
House in Committee.
The Deputy President reported progress and asked leave to sit again.
Bill to be again considered in Committee of the whole later this day.
- 17 CONFISCATION AMENDMENT BILL 2010** — The Acting President read a Message from the Assembly informing the Council that they had disagreed with the amendments made by the Council in this Bill.

Ordered — That the Message be taken into consideration forthwith.

The amendments disagreed with by the Assembly were read and are as follows:

AMENDMENT NO 1

Clause 5, line 5, after "proceeds of" insert "certain".

AMENDMENT NO 2

Clause 64, after line 16 insert—

- '(2) In section 139A(1)(e) of the Principal Act, for "institutions." **substitute** "institutions; and".
- (3) After section 139A(1)(e) of the Principal Act **insert**—
 - "(f) the number of restraining orders and civil forfeiture restraining orders made in respect of property on application by or on behalf of the Chief Commissioner of Police; and
 - (g) the number of forfeiture orders made under Division 1 of Part 3 on application by or on behalf of the Chief Commissioner of Police and the estimated value of the property that is forfeited in each case."
- (4) After section 139A(2)(e) of the Principal Act **insert**—
 - "(ea) the number of restraining orders and civil forfeiture restraining orders made in respect of property on application by the law enforcement agency; and
 - (eb) the number of forfeiture orders made under Division 1 of Part 3 on application by the law enforcement agency and the estimated value of the property that is forfeited in each case; and"
- (5) After section 139A(2) of the Principal Act **insert**—
 - "(2A) As soon as practicable after the end of each financial year, the DPP must submit a report to the Minister that includes the following information—
 - (a) the number of restraining orders and civil forfeiture restraining orders made in respect of property on application by the DPP; and
 - (b) the number of forfeiture orders made under Division 1 of Part 3 on application by the DPP and the estimated value of the property that is forfeited in each case; and
 - (c) the number of forfeitures occurring under Division 2 of Part 3 and the estimated value of the property that is forfeited in each case; and
 - (d) the number of civil forfeiture orders made under Division 2 of Part 4 and the estimated value of the property that is forfeited in each case."
- (6) In section 139A(3) of the Principal Act, for "(1) and (2)" **substitute** "(1), (2) and (2A)".'

Mr Pakula (for Mr Madden) moved, That the Council insist on Amendment No. 1 with which the Assembly have disagreed.

Question — put and agreed to.

Mr Pakula (for Mr Madden) moved, That the Council does not insist on Amendment No. 2 with which the Assembly have disagreed.

Debate ensued.

Question — put and agreed to.

Bill returned to the Assembly with a Message acquainting them that that Council insists on an amendment disagreed with by the Assembly and does not insist on the remaining amendment.

18 JUDICIAL COMMISSION OF VICTORIA BILL 2010 — The Acting President read a Message from the Assembly presenting *A Bill for an Act to establish the Judicial Commission of Victoria and to amend the Children, Youth and Families Act 2005, the Constitution Act 1975, the Coroners Act 2008, the County Court Act 1958, the Magistrates' Court Act 1989, the Supreme Court Act 1986 and the Victorian Civil and Administrative Tribunal Act 1998, to repeal the Judicial College of Victoria Act 2001 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Lenders (for Mr Madden), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 19 ROAD SAFETY AMENDMENT (HOON DRIVING) BILL 2010** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986 to make further provision regarding the impoundment, immobilisation and forfeiture of motor vehicles, to amend the Melbourne City Link Act 1995 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Lenders (for Mr Pakula), the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 20 FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.
- Mr Lenders moved, That the Bill be now read a second time.
- On the motion of Mr Rich-Phillips (for Mr Guy), the debate was adjourned for one week.
- 21 ROAD LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010** — Mr Lenders (for Mr Pakula) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.
- Mr Lenders moved, That the Bill be now read a second time.
- On the motion of Mr Koch, the debate was adjourned for one week.
- 22 FIRE SERVICES COMMISSIONER BILL 2010** — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.
- Mr Lenders moved, That the Bill be now read a second time.
- On the motion of Mr Koch (for Mr Dalla-Riva), the debate was adjourned for one week.
- 23 EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010** — Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.
- Mr Lenders moved, That the Bill be now read a second time.
- On the motion of Ms Lovell, the debate was adjourned for one week.
- 24 ROAD SAFETY AMENDMENT (HOON DRIVING) BILL 2010** — Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.
- Mr Pakula moved, That the Bill be now read a second time.
- On the motion of Mr Koch, the debate was adjourned for one week.
- 25 TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL 2010** — Mr Pakula laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Pakula, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.
- Mr Pakula moved, That the Bill be now read a second time.
- Mr Pakula made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
- On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 26 CONSUMER AFFAIRS LEGISLATION AMENDMENT (REFORM) BILL 2010** — The Acting President read a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.

27 JUDICIAL COMMISSION OF VICTORIA BILL 2010 — Mr Pakula (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Pakula, the second reading speech was incorporated into Hansard.

Mr Pakula moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

28 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.21 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 192 — Friday, 17 September 2010

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

SELECT COMMITTEE ON TRAIN SERVICES — Mr Atkinson presented the Final Report from the Select Committee on Train Services (including an Appendix), together with Transcripts of Evidence.

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

Mr Atkinson moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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

Altona Memorial Park Trust — Report for the period ended 28 February 2010.

International Fibre Centre — Minister's report of receipt of 2009-10 report.

Terrorism (Community Protection) Act 2003 — Report under section 13 and section 13ZR of the Act, 2009-10.

3 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

4 **EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010** — Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

5 **MARINE SAFETY BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

An amendment proposed to be moved in Committee by Mr Rich-Phillips was circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 6 OCCUPATIONAL LICENSING NATIONAL LAW BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

STATE TAXATION — Mr Lenders having given an answer to a supplementary question without notice relating to State taxation —

On the motion of Mr Atkinson, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

QUESTIONS — Questions without notice continued.

- 8 RESIDENTIAL TENANCIES AMENDMENT BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill without amendment.

- 9 SITTING OF THE COUNCIL** — Mr Pakula moved, That the Council, at its rising, adjourn until Tuesday, 5 October 2010.

Question — put and agreed to.

- 10 ADJOURNMENT** — Mr Pakula moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 2.19 p.m., adjourned until Tuesday, 5 October 2010.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 189, 190, 191 and 192

Tuesday, 14 September 2010

1 TRADITIONAL OWNER SETTLEMENT BILL 2010

Preamble — Consideration of Preamble postponed.

Clauses 1 to 11 — put and agreed to.

Clause 12 — Mr Rich-Phillips moved —

1. Clause 12, page 14, after line 5 insert—

"(10) A land agreement does not take effect in relation to—

- (a) public land within the meaning of paragraph (b) or (c) of the definition of **public land** in section 11; or
- (b) land that is permanently reserved under the **Crown Land (Reserves) Act 1978** and that is public land within the meaning of paragraph (a) or (e) of the definition of **public land** in section 11—

unless ratified by Parliament in accordance with section 91."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum (*Teller*)
Mr Finn
Mr Guy
Mr Hall
Mr Kavanagh
Mr Koch
Mrs Kronberg
Ms Lovell (*Teller*)
Mr O'Donohue
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips

NOES, 21

Mr Barber
Ms Broad
Mr Eideh
Mr Elasmar (*Teller*)
Ms Hartland
Ms Huppert
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Mr Murphy
Mr Pakula
Ms Pennicuik
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney (*Teller*)
Mr Viney

Amendment negated.

Clause 12 — put and agreed to.

Clauses 13 to 29 — put and agreed to.

Clause 30 — Mr Rich-Phillips moved —

2. Clause 30, page 32, after line 22 insert—

"(5) A land use activity agreement does not take effect in relation to—

- (a) public land within the meaning of paragraph (b) or (c) of the definition of **public land** in section 3; or
- (b) land that is permanently reserved under the **Crown Land (Reserves) Act 1978** and that is public land within the meaning of paragraph (a) or (e) of the definition of **public land** in section 3—

unless ratified by Parliament in accordance with section 91."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy
 Mr Hall
 Mr Kavanagh
 Mr Koch (*Teller*)
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue (*Teller*)
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips

NOES, 21

Mr Barber
 Ms Broad
 Mr Eideh
 Mr Elasmarr
 Ms Hartland
 Ms Huppert
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr Pakula
 Ms Pennicuik
 Ms Pulford (*Teller*)
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney (*Teller*)

Amendment negatived.

Clause 30 — put and agreed to.

Clauses 31 to 147 — put and agreed to.

Postponed Preamble — put and agreed to.

Bill reported without amendment.

Wednesday, 15 September 2010

1 GOVERNMENT (POLITICAL) ADVERTISING BILL 2010

Clauses 1 to 12 — put and agreed to.

Bill reported without amendment.

2 CONFISCATION AMENDMENT BILL 2010

Clauses 1 to 4 — put and agreed to.

Clause 5 — Ms Pennicuik moved —

1. Clause 5, line 5, after "proceeds of " insert "certain".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Atkinson
 Mr Barber
 Mr Dalla-Riva (*Teller*)
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Hartland
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich (*Teller*)
 Mr Rich-Phillips
 Mr Vogels

NOES, 18

Ms Broad
 Mr Eideh
 Mr Elasmarr
 Ms Huppert
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Murphy (*Teller*)
 Mr Pakula
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney (*Teller*)

Amendment agreed to.

Ms Pennicuik moved —

2. Clause 5, lines 7 and 8, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put and negatived.

Clause 5, as amended — put and agreed to.

Clauses 6 to 63 — put and agreed to.**Clause 64** — Ms Pennicuik moved —

4. Clause 64, after line 16 insert—

'(2) In section 139A(1)(e) of the Principal Act, for "institutions." **substitute** "institutions; and".

(3) After section 139A(1)(e) of the Principal Act **insert**—

"(f) the number of restraining orders and civil forfeiture restraining orders made in respect of property on application by or on behalf of the Chief Commissioner of Police and the value of the property that is restrained in each case; and

(g) the number of forfeiture orders made under Division 1 of Part 3 on application by or on behalf of the Chief Commissioner of Police and the value of the property that is forfeited in each case.".

(4) After section 139A(2)(e) of the Principal Act **insert**—

"(ea) the number of restraining orders and civil forfeiture restraining orders made in respect of property on application by the law enforcement agency and the value of the property that is restrained in each case; and

(eb) the number of forfeiture orders made under Division 1 of Part 3 on application by the law enforcement agency and the value of the property that is forfeited in each case; and".

(5) After section 139A(2) of the Principal Act **insert**—

"(2A) As soon as practicable after the end of each financial year, the DPP must submit a report to the Minister that includes the following information—

(a) the number of restraining orders and civil forfeiture restraining orders made in respect of property on application by the DPP and the value of the property that is restrained in each case; and

- (b) the number of forfeiture orders made under Division 1 of Part 3 on application by the DPP and the value of the property that is forfeited in each case; and
 - (c) the number of forfeitures occurring under Division 2 of Part 3 and the value of the property that is forfeited in each case; and
 - (d) the number of civil forfeiture orders made under Division 2 of Part 4 and the value of the property that is forfeited in each case."
- (6) In section 139A(3) of the Principal Act, for "(1) and (2)" **substitute** "(1), (2) and (2A)".'

Ms Pennicuik moved, That the Chair report Progress and ask leave to sit again.

Question — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr (<i>Teller</i>)
Mr D.M. Davis	Ms Huppert
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Madden
Mr Hall (<i>Teller</i>)	Ms Mikakos
Ms Hartland (<i>Teller</i>)	Mr Murphy
Mr Kavanagh	Mr Pakula
Mr Koch	Ms Pulford
Mrs Kronberg	Mr Scheffer
Ms Lovell	Mr Smith
Mr O'Donohue	Mr Somyurek
Ms Pennicuik	Mr Tee
Mrs Petrovich	Ms Tierney (<i>Teller</i>)
Mrs Peulich	Mr Viney
Mr Rich-Phillips	
Mr Vogels	

Question agreed to.

Progress reported.

Thursday, 16 September 2010

1 PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009

Clause 1 — Consideration of Clause 1 postponed.

Progress reported.

2 CONFISCATION AMENDMENT BILL 2010

Clause 64 — Debate continued on amendment No. 4 moved by Ms Pennicuik —

4. Clause 64, after line 16 insert—

'(2) In section 139A(1)(e) of the Principal Act, for "institutions." **substitute** "institutions; and".

(3) After section 139A(1)(e) of the Principal Act **insert**—

"(f) the number of restraining orders and civil forfeiture restraining orders made in respect of property on application by or on behalf of the Chief Commissioner of Police and the value of the property that is restrained in each case; and

- (g) the number of forfeiture orders made under Division 1 of Part 3 on application by or on behalf of the Chief Commissioner of Police and the value of the property that is forfeited in each case."
- (4) After section 139A(2)(e) of the Principal Act **insert**—
 "(ea) the number of restraining orders and civil forfeiture restraining orders made in respect of property on application by the law enforcement agency and the value of the property that is restrained in each case; and
 (eb) the number of forfeiture orders made under Division 1 of Part 3 on application by the law enforcement agency and the value of the property that is forfeited in each case; and"
- (5) After section 139A(2) of the Principal Act **insert**—
 "(2A) As soon as practicable after the end of each financial year, the DPP must submit a report to the Minister that includes the following information—
 (a) the number of restraining orders and civil forfeiture restraining orders made in respect of property on application by the DPP and the value of the property that is restrained in each case; and
 (b) the number of forfeiture orders made under Division 1 of Part 3 on application by the DPP and the value of the property that is forfeited in each case; and
 (c) the number of forfeitures occurring under Division 2 of Part 3 and the value of the property that is forfeited in each case; and
 (d) the number of civil forfeiture orders made under Division 2 of Part 4 and the value of the property that is forfeited in each case."
- (6) In section 139A(3) of the Principal Act, for "(1) and (2)" **substitute** "(1), (2) and (2A)".'

Mr Rich-Phillips moved, as amendments to amendment No. 4 moved by Ms Pennicuik —

1. In proposed subclause (3), in paragraph (f) omit "and the value of the property that is restrained in each case".
2. In proposed subclause (3), in paragraph (g) before "value" insert "estimated".
3. In proposed subclause (4), in paragraph (ea) omit "and the value of the property that is restrained in each case".
4. In proposed subclause (4), in paragraph (eb) before "value" insert "estimated".
5. In proposed subclause (5), in paragraph (a) omit "and the value of the property that is restrained in each case".
6. In proposed subclause (5), in paragraph (b) before "value" insert "estimated".
7. In proposed subclause (5), in paragraph (c) before "value" insert "estimated".
8. In proposed subclause (5), in paragraph (d) before "value" insert "estimated".

Question — That the amendments moved by Mr Rich-Phillips to amendment No. 4 moved by Ms Pennicuik be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Ms Broad
Mr Barber (<i>Teller</i>)	Mr Eideh
Mrs Coote	Mr Elasmarr
Mr Dalla-Riva	Ms Huppert
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Leane
Mr Drum	Mr Lenders
Mr Finn	Mr Madden
Mr Guy	Ms Mikakos
Mr Hall	Mr Murphy
Ms Hartland	Mr Pakula
Mr Kavanagh	Ms Pulford (<i>Teller</i>)
Mr Koch	Mr Scheffer (<i>Teller</i>)
Mrs Kronberg	Mr Smith
Ms Lovell	Mr Somyurek
Mr O'Donohue	Mr Tee
Ms Pennicuik	Ms Tierney
Mrs Petrovich	Mr Viney

Mr Rich-Phillips
Mr Vogels (*Teller*)

Amendments agreed to.

Question — That amendment No.4 moved by Ms Pennicuik, as amended, be agreed to — put.
The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Atkinson
Mr Barber
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Finn (*Teller*)
Mr Guy (*Teller*)
Mr Hall
Ms Hartland
Mr Kavanagh
Mr Koch
Mrs Kronberg
Ms Lovell
Mr O'Donohue
Ms Pennicuik
Mrs Petrovich
Mr Rich-Phillips
Mr Vogels

NOES, 18

Ms Broad
Mr Eideh
Mr Elasmarr
Ms Huppert
Mr Jennings
Mr Leane (*Teller*)
Mr Lenders
Mr Madden
Ms Mikakos (*Teller*)
Mr Murphy
Mr Pakula
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney

Amended amendment agreed to.

Clause 64, as amended — put and agreed to.

Clauses 65 to 71 — put and agreed to.

Bill reported with amendments.

3 JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2010

Clauses 1 and 2 — put and agreed to.

Clause 3 — Consideration of Clause 3 postponed.

Clauses 4 to 44 — put and agreed to.

Clause 45 — Question — That Clause 45 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 33

Mr Atkinson
Ms Broad (*Teller*)
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr

NOES, 4

Mr Barber
Ms Hartland (*Teller*)
Mr Kavanagh (*Teller*)
Ms Pennicuik

Mr Guy
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Koch (*Teller*)
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Question agreed to.

Clauses 46 to 70 — put and agreed to.

Postponed Clause 3 — put and agreed to.

Bill reported without amendment.

4 EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010

Clauses 1 and 2 — put and agreed to.

Clause 3 — Ms Pennicuik moved —

1. Clause 3, lines 15 to 21, omit all words and expressions on these lines and insert—
 - (ii) the student is 20 years of age or older on 1 January in the year the study is undertaken, and the study is required by the student in his or her current or prospective employment or to re-enter the workforce, whether or not the study leads to the same or a higher level of vocational education and training qualification already obtained by the student—".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

<p>AYES, 19</p> <p>Mr Atkinson Mr Barber Mrs Coote Mr D.M. Davis Mr P.R. Davis Mr Drum Mr Guy Mr Hall Ms Hartland (<i>Teller</i>) Mr Kavanagh</p>	<p>NOES, 17</p> <p>Ms Broad Mr Eideh Mr Elasmarr Ms Huppert Mr Jennings Mr Leane Mr Lenders Mr Madden Ms Mikakos (<i>Teller</i>) Mr Murphy</p>
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Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue (*Teller*)
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

Mr Pakula
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney (*Teller*)

Amendment agreed to.

Clause 3, as amended — put and agreed to.

Clauses 4 and 5 — put and agreed to.

Clause 6 — Ms Pennicuik moved —

5. Clause 6, page 9, lines 1 to 6, omit all words and expressions on these lines and insert—
 "(ii) quality assurance, business management, institutional governance, law, finance and industry;
 and".

Question — That the amendment be agreed to — put and agreed to.

Clause 6, as amended — put and agreed to.

Clauses 7 to 48 — put and agreed to.

Clause Heading to Clause 49 — Mr Hall moved —

1. Clause heading to clause 49, omit "**Schedule 5**" and insert "**regulation-making powers**".

Question — That the amendment be agreed to — put and agreed to.

Clause Heading to Clause 49, as amended — put and agreed to.

Clause 49 — Mr Hall moved —

2. Clause 49, page 66, after line 31 insert—
 '() After section 5.10.2(4) of the **Education and Training Reform Act 2006** insert—
 "(5) The regulations may be disallowed in whole or in part by resolution of either House of
 Parliament in accordance with the requirements of section 23 of the **Subordinate
 Legislation Act 1994**".'

Question — That the amendment be agreed to — put and agreed to.

Clause 49, as amended — put and agreed to.

Clauses 50 to 52 — put and agreed to.

Clause 53 — Ms Pennicuik moved —

9. Clause 53, line 30, after "experience" insert ", evenly balanced between them,".

Question — That the amendment be agreed to — put and negatived.

Clause 53 — put and agreed to.

Clause 54 — put and agreed to.

Clauses 55 and 56 — Consideration of Clauses 55 and 56 postponed.

Clause 57 — Question — That Clause 57 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18
 Ms Broad
 Mr Eideh (*Teller*)

NOES, 18
 Mr Atkinson
 Mr Barber

Mr Elasmarr	Mrs Coote
Ms Huppert	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis (<i>Teller</i>)
Mr Kavanagh	Mr Drum
Mr Leane	Mr Guy
Mr Lenders	Mr Hall
Mr Madden	Ms Hartland
Ms Mikakos	Mr Koch
Mr Murphy	Mrs Kronberg
Mr Pakula	Ms Lovell (<i>Teller</i>)
Mr Scheffer	Mr O'Donohue
Mr Smith	Ms Pennicuik
Mr Somyurek	Mrs Petrovich
Mr Tee	Mrs Peulich
Ms Tierney (<i>Teller</i>)	Mr Rich-Phillips
Mr Viney	Mr Vogels

The Ayes and Noes being equal, the question was negatived.
Clause omitted.

Clause 58 — Question — That Clause 58 stand part of the Bill — put and negatived.
Clause omitted.

Clauses 59 and 60 — put and agreed to.

Progress reported.

Friday, 17 September 2010

1 EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010

Progress having been reported on 16 September 2010 —

Clauses 61 to 69 — put and agreed to.

Clause 70 — Consideration of clause 70 postponed.

Clauses 71 to 73 — put and agreed to.

Schedule — Consideration of Schedule postponed.

Postponed Clause 55 — Mr Pakula moved —

1. Clause 55, lines 28 to 32 and page 77, lines 1 to 4, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Ms Broad	Mr Atkinson
Mr Eideh	Mr Barber
Mr Elasmarr (<i>Teller</i>)	Mr Dalla-Riva
Ms Huppert	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Finn (<i>Teller</i>)
Mr Madden	Mr Guy (<i>Teller</i>)

Ms Mikakos	Mr Hall
Mr Murphy	Ms Hartland
Mr Pakula	Mr Kavanagh
Ms Pulford	Mr Koch
Mr Scheffer	Mrs Kronberg
Mr Smith	Ms Lovell
Mr Somyurek (<i>Teller</i>)	Mr O'Donohue
Mr Tee	Ms Pennicuik
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Rich-Phillips
	Mr Vogels

Amendment negatived.

Ms Pennicuik moved —

10. Clause 55, page 77, lines 1 to 4, after "consistent with," omit all words and expressions on these lines and insert "and is designed to facilitate, the carrying out of the functions referred to in subsections (1) and (2).".
11. Clause 55, page 77, after line 4 insert—
 - (4) The board of an institute must use any revenue generated by engaging in the type of commercial activity referred to in subsection (3) for the purposes of carrying out its functions under subsections (1) and (2).".

Question — That the amendments be agreed to — put and agreed to.

Question — That Clause 55, as amended, stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Atkinson
 Mr Barber
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy
 Mr Hall
 Ms Hartland
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Ms Pennicuik
 Mrs Petrovich (*Teller*)
 Mrs Peulich
 Mr Rich-Phillips (*Teller*)
 Mr Vogels

NOES, 18

Ms Broad
 Mr Eideh
 Mr Elasmarr
 Ms Huppert
 Mr Jennings
 Mr Leane (*Teller*)
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr Pakula
 Ms Pulford (*Teller*)
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney

Question agreed to.

Postponed Clause 56 — put and agreed to.

Postponed Clause 70 — Mr Hall moved —

5. Clause 70, lines 24 to 34 and page 89, lines 1 to 22, omit all words and expressions on these lines.
6. Clause 70, page 89, line 23, omit "(6)" and insert "(4)".
7. Clause 70, page 89, line 23, omit "60" and insert "58".

8. Clause 70, page 89, line 30, omit "60" and insert "58".

9. Clause 70, page 89, line 32, omit "(7)" and insert "(5)".

Question — That the amendments be agreed to — put and agreed to.
Clause 70, as amended — put and agreed to.

Postponed schedule — Mr Hall moved —

10. Schedule, line 2, omit "71" and insert "69".

Question — That the amendment be agreed to — put and agreed to.
Schedule, as amended — put and agreed to.

Bill reported with amendments.

2 MARINE SAFETY BILL 2010

Clauses 1 to 308 — put and agreed to.

Clause 309 — Mr Rich-Phillips moved —

1. Clause 309, page 274, after line 22 insert—

"() The regulations may be disallowed in whole or in part by resolution of either House of Parliament in accordance with the requirements of section 23 of the **Subordinate Legislation Act 1994**."

Question — That the amendment be agreed to — put.
The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum (*Teller*)
Mr Finn
Mr Guy
Mr Koch (*Teller*)
Mrs Kronberg
Ms Lovell
Mr O'Donohue
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

NOES, 21

Mr Barber
Ms Broad
Mr Eideh
Mr Elasmarr
Ms Hartland (*Teller*)
Ms Huppert
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Mr Murphy
Mr Pakula
Ms Pennicuik
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee (*Teller*)
Ms Tierney
Mr Viney

Amendment negatived.
Clause 309 — put and agreed to.

Clauses 310 to 421 — put and agreed to.

Schedules 1 to 3 — put and agreed to.

Bill reported without amendment.

2 RESIDENTIAL TENANCIES AMENDMENT BILL 2010

Clauses 1 to 174 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 193, 194 and 195

No. 193 — Tuesday, 5 October 2010

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
 - On 21 September 2010 —
Traditional Owner Settlement Act 2010.
 - On 28 September 2010 —
Consumer Affairs Legislation Amendment (Reform) Act 2010
Justice Legislation Further Amendment Act 2010
Marine Safety Act 2010
Occupational Licensing National Law Act 2010
Residential Tenancies Amendment Act 2010.
- 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:
 - Architects Registration Board of Victoria — Minister's report of receipt of 2009-10 report.
 - Auditor-General's Office — Report, 2009-10.
 - Auditor-General's reports on —
 - Soil Health Management, October 2010.
 - Sustainable Management of Victoria's Groundwater Resources, October 2010.
 - The Department of Human Services' Role in Emergency Recovery, October 2010.
 - Parliamentary Committees Act 2003 — Government Response to the Education and Training Committee's Report on Skills Shortages in the Rail Industry.
 - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
 - Bayside Planning Scheme — Amendments C75 Part 1 and C76.
 - Boroondara Planning Scheme — Amendment C115.
 - Brimbank Planning Scheme — Amendment C136.
 - Campaspe Planning Scheme — Amendment C79.
 - Cardinia Planning Scheme — Amendment C100.
 - Glen Eira Planning Scheme — Amendment C74.
 - Greater Bendigo Planning Scheme — Amendment C89 Part 1.
 - Greater Dandenong Planning Scheme — Amendment C101.
 - Greater Geelong Planning Scheme — Amendment C236.
 - Greater Shepparton Planning Scheme — Amendments C111 and C146.
 - Kingston Planning Scheme — Amendment C95.

- Maroondah Planning Scheme — Amendment C78.
 Moira Planning Scheme — Amendment C66.
 Monash Planning Scheme — Amendment C92.
 Moreland Planning Scheme — Amendments C85 and C105.
 Mornington Peninsula Planning Scheme — Amendments C117, C146 and C148.
 Mount Alexander Planning Scheme — Amendment C41.
 Stonnington Planning Scheme — Amendments C84 and C122.
 Surf Coast Planning Scheme — Amendment C60.
 Victoria Planning Provisions — Amendments VC63 and VC71.
 Whitehorse Planning Scheme — Amendments C83, C114 and C128.
 Whittlesea Planning Scheme — Amendment C144.
 Wodonga Planning Scheme — Amendment C76.
 Wyndham Planning Scheme — Amendment C131.
 Yarra Planning Scheme — Amendments C85 and C132.
 Professional Standards Act 2003 — Report on the Review of the Act, September 2010.
 Project Development and Construction Management Act 1994 —
 Nomination order, application order and a statement of reasons for making a
 nomination order, 21 September 2010 (three papers).
 Public Record Office Victoria — Report, 2009-10.
 Special Investigations Monitor's Office — Report for the period 1 January 2010 to 30 June
 2010, pursuant to section 30Q of the Surveillance Devices Act 1999.
 Statutory Rules under the following Acts of Parliament:
 Infringements Act 2006 — No. 92.
 Occupational Health and Safety Act 2004 — No. 93.
 Retail Leases Act 2003 — No. 91.
 Subordinate Legislation Act 1994 — No. 94.
 Transport (Compliance and Miscellaneous) Act 1983 — No. 95.
 Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in
 respect of Statutory Rule Nos. 92, 93 and 95.
 Victoria Police — Chief Commissioner — Report under section 96 of the Drugs, Poisons
 and Controlled Substances Act 1981, 2009.

* * * * *

PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:

- Education and Training Reform Amendment Act 2010 — Sections 5 to 9 and 60 — 22
 September 2010 (*Gazette No. S385, 22 September 2010*).
 Gambling Regulation Amendment (Licensing) Act 2010 — Part 1, Part 2 (except sections
 6, 7, 10 to 12, 20, 22, 29 to 31, 33, 42, 46 to 48 and 56 to 61) and Parts 3 to 6 — 15
 September 2010; sections 56 to 61 — 1 December 2010; sections 6, 7, 10 to 12, 42
 and 46 to 48 — 1 January 2011 (*Gazette No. S372, 14 September 2010*).
 Local Government and Planning Legislation Amendment Act 2010 — 24 September 2010
 (*Gazette No. G38, 23 September 2010*).
 Primary Industries Legislation Amendment Act 2010 — except sections 18, 31, 33, 43(4)
 and 45 — 1 October 2010 (*Gazette No. G39, 30 September 2010*).
 Traditional Owner Settlement Act 2010 — 23 September 2010 (*Gazette No. S382, 22
 September 2010*).
 Workplace Rights Advocate (Repeal) Act 2009 — Sections 5 to 7 — 1 October 2010
 (*Gazette No. G39, 30 September 2010*).

4 BUSINESS OF THE COUNCIL — Mr D.M. Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 6 October 2010:

- (1) the Notice of Motion given this day by Ms Pennicuik, relating to amendments to the Standing Orders and to establish Council Standing Committees;
- (2) the Notice of Motion given this day by Mr D.M. Davis, relating to amendments to the Standing Orders;

- (3) Order of the Day No. 7, resumption of debate on the motion moved by Mr Kavanagh regarding the education of Victorian school-age students;
- (4) Notice of Motion No. 129, standing in the name of Ms Hartland, relating to services for aged pensioners;
- (5) Notice of Motion No. 122, standing in the name of Ms Pennicuik, relating to the establishment of an independent body to scrutinise custodial services;
- (6) the Notice of Motion given this day by Mr Guy, to revoke an item in Amendment VC71 to the Victoria Planning Provisions;
- (7) Notice of Motion No. 110, standing in the name of Mr Rich-Phillips, relating to utility prices;
- (8) Notice of Motion No. 121, standing in the name of Mr D.M. Davis, relating to the extension of sittings on Wednesdays; and
- (9) the Notice of Motion given this day by Mr D.M. Davis, relating to amendments to the Standing Orders to establish Council Standing Committees.

Question — put and agreed to.

- 5 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.
- 6 EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Ms Lovell moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until —

- (1) there has been adequate time for proper consultation on the contents of the Bill with the community and with affected stakeholders; and
- (2) the assessment tool and the regulations are finalised and fully costed.”.

Debate ensued.

Question — That the reasoned amendment moved by Ms Lovell be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16	NOES, 21
Mr Atkinson	Mr Barber
Mrs Coote (<i>Teller</i>)	Ms Broad
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Ms Hartland
Mr Finn	Ms Huppert
Mr Guy	Mr Jennings
Mr Hall	Mr Leane
Mr Koch	Mr Lenders
Mrs Kronberg	Mr Madden
Ms Lovell (<i>Teller</i>)	Ms Mikakos
Mr O’Donohue	Mr Murphy
Mrs Petrovich	Mr Pakula
Mrs Peulich	Ms Pennicuik
Mr Rich-Phillips	Ms Pulford
Mr Vogels	Mr Scheffer (<i>Teller</i>)
	Mr Smith
	Mr Somyurek
	Mr Tee
	Ms Tierney (<i>Teller</i>)
	Mr Viney

Amendment negatived.

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

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

House in Committee.

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole later this day.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 9 STANDING ORDERS** — Mr Viney moved, by leave, That the Standing Orders be suspended to the extent necessary to enable the notices of motion given this day regarding amendments to the Standing Orders by Ms Pennicuik, Mr D.M. Davis (excepting the notice of motion seeking to incorporate some Sessional Orders into the Standing Orders) and Mr Viney to be debated cognately tomorrow under "Special Business" and that the debate take precedence over General and Government Business.
- Question — put and agreed to.
- 10 SUSPENSION OF LEADER OF THE GOVERNMENT** — The President advised the House that the various documents required to be lodged with the Clerk pursuant to the Resolution of the Council of 15 September 2010 have not been lodged with him. Pursuant to the terms of the Resolution, the Leader of the Government is therefore suspended from the service of the Council until 12 noon tomorrow.
- 11 JUDICIAL COMMISSION OF VICTORIA BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Mr Rich-Phillips moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this Bill be withdrawn and redrafted to —

- (1) provide for the outcome of further consultation regarding —
 - (a) streamlining the structure of the board of the Commission; and
 - (b) retaining a separate Judicial College of Victoria; and
- (2) ensure the powers of the Attorney-General do not undermine the independence of the Judicial Commission."

Debate ensued.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Question — That the reasoned amendment moved by Mr Rich-Phillips be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 18
Mr Barber	Ms Broad
Mr Atkinson	Mr Eideh
Mrs Coote (<i>Teller</i>)	Mr Elasmarr
Mr Dalla-Riva	Ms Huppert
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Kavanagh (<i>Teller</i>)
Mr Finn	Mr Leane
Mr Guy	Mr Madden
Mr Hall	Ms Mikakos
Ms Hartland	Mr Murphy
Mr Koch	Mr Pakula
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Donohue	Mr Smith
Ms Pennicuik	Mr Somyurek
Mrs Petrovich	Mr Tee (<i>Teller</i>)
Mrs Peulich	Ms Tierney

Mr Rich-Phillips (*Teller*)

Mr Viney

The Ayes and Noes being equal, the amendment was negatived.

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

The Council divided — The President in the Chair.

AYES, 21

NOES, 15

Mr Barber

Mrs Coote

Ms Broad

Mr Dalla-Riva

Mr Eideh

Mr D.M. Davis

Mr Elasmarr

Mr P.R. Davis

Ms Hartland

Mr Finn (*Teller*)

Ms Huppert

Mr Guy

Mr Jennings

Mr Hall (*Teller*)

Mr Kavanagh

Mr Koch

Mr Leane (*Teller*)

Mrs Kronberg

Mr Madden

Ms Lovell

Ms Mikakos

Mr O'Donohue

Mr Murphy

Mrs Petrovich

Mr Pakula

Mrs Peulich

Ms Pennicuik

Mr Rich-Phillips

Ms Pulford

Mr Vogels

Mr Scheffer

Mr Smith

Mr Somyurek (*Teller*)

Mr Tee

Ms Tierney

Mr Viney

Question agreed to.

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

House in Committee.

Bill reported with amendments, the Report was adopted.

Mr Madden moved That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

Interruption of Division —

Mr P.R. Davis moved, by leave, That so much of the Standing Orders be suspended so as to permit the President to direct that the Bill be re-listed on the Notice Paper and for the third reading question to be put again on the next day of meeting.

Question — put and agreed to.

12 ROAD SAFETY AMENDMENT (HOON DRIVING) BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Koch were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported with an amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with an amendment and requesting their agreement.

13 EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010 — Bill further considered in Committee of the whole.

Bill reported with an amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with an amendment and requesting their agreement.

14 TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported with amendments, 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.

Bill returned to the Assembly with a Message acquainting them that the Council have agreed to the Bill with amendments and requesting their agreement.

15 FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Barber were circulated.

Debate continued.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Barber.

16 EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010 — The President read a Message from the Assembly acquainting the Council that they had agreed to some of the amendments made in the Bill by the Council, agreed to others each with an amendment with which agreement is requested and disagreed with the remaining amendments.

Ordered — That the Message be taken into consideration on the next day of meeting.

17 CONFISCATION AMENDMENT BILL 2010 — The President read a Message from the Assembly acquainting the Council that they had agreed to the amendment in this Bill made and insisted on by the Council.

18 EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010 — The President read a Message from the Assembly acquainting the Council that they had agreed to the amendment made by the Council in this Bill.

19 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.31 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 194 — Wednesday, 6 October 2010

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

CITY OF CASEY RATE INCREASE — Mrs Peulich presented a Petition bearing 156 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the

City of Casey increasing its rates by 11.6 per cent to pay \$100 million for compensation in response to the Brookland Greens Estate methane gas leak.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

BUS LANES — CENTRE DANDENONG ROAD — Mrs Peulich presented a Petition bearing 63 signatures from certain citizens of Victoria requesting that the Government immediately cancel the proposed works for the construction of dedicated bus lanes on Centre Dandenong Road in Dingley Village.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

ORRONG ROAD DEVELOPMENT — Mrs Coote presented a Petition bearing 338 signatures from certain citizens of Victoria requesting that the Minister for Planning refuse permission for the planned high rise development at 590 Orrong Road, Armadale and that the Minister allow the future of this development to be decided by the City of Stonnington and the local community.

Ordered to lie on the Table.

* * * * *

SOCIAL HOUSING — Mrs Coote presented a Petition bearing 10 signatures from certain citizens of Victoria requesting that the Minister for Planning reject the proposed social housing development at 973 Nepean Highway and Corbie Street, Bentleigh.

Ordered to lie on the Table.

* * * * *

NEIGHBOURHOOD WATCH CRIME STATISTICS — Mrs Coote presented a Petition bearing 79 signatures from certain citizens of Victoria requesting that the Government reverse its changes to Neighbourhood Watch crime statistics, so that statistics continue to be available on a street-by-street basis and not only by postcode.

Ordered to lie on the Table.

3 PAPERS —

SUPREME COURT JUDGES — Mr Madden presented, by command of the Governor, the Report of the Supreme Court Judges for the year 2009-10.

The Report was presented by Mr Madden and ordered to lie on the Table.

* * * * *

MAGISTRATES' COURT — Mr Madden presented, by command of the Governor, the Report of the Magistrates' Court of Victoria for the year 2009-10.

The Report was presented by Mr Madden and ordered to lie on the Table.

* * * * *

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION — CHILD PROTECTION PROGRAM — Mr Viney presented a Report from the Standing Committee on Finance and Public Administration on the performance of the Department of Human Services' Child Protection Program (including Appendices and Transcripts of Evidence).

Ordered to lie on the Table and to be printed.

Mr Viney moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

DRUGS AND CRIME PREVENTION COMMITTEE — IMPACT OF DRUG-RELATED OFFENDING ON FEMALE PRISONER NUMBERS — Ms Mikakos presented an Interim Report from the Drugs and Crime Prevention Committee on the Impact of Drug Related Offending on Female Prisoner Numbers (including Appendices), together with Transcripts of Evidence.

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

Ms Mikakos moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — PUBLIC HOUSING — Mr Scheffer presented a Report from the Family and Community Development Committee on the Adequacy and Future Directions of Public Housing in Victoria (including Appendices), together with Transcripts of Evidence.

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

Mr Scheffer moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — FARMERS' MARKETS — Mr Elasmr presented a Report from the Outer Suburban/Interface Services and Development Committee on Farmers' Markets (including Appendices), together with Transcripts of Evidence.

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

Mr Elasmr moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

LAW REFORM COMMITTEE — SECURITY INFORMATION GATHERING — Mr Scheffer presented a Report from the Law Reform Committee on Arrangements for Security and Security Information Gathering for State Government Construction Projects (including Extracts from the Proceedings of the Committee and a Minority Report).

Ordered to lie on the Table and to be printed.

Mr Scheffer moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Mr Eideh presented Alert Digest No. 14 of 2010 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

* * * * *

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

Albury Wodonga Health — Report, 2009-10.

Ambulance Victoria — Report, 2009-10.

Auditor-General's reports on —

Access to Ambulance Services, October 2010.

Management of the Freight Network, October 2010.

Security of Infrastructure Control Systems for Water and Transport, October 2010.

Melbourne Recital Centre — Report, 2009-10 (two papers).

Ombudsman — Report on the Investigation into conditions at the Melbourne Youth Justice Precinct, October 2010.

Parliamentary Committees Act 2003 —

Government Response to the Outer Suburban/Interface Services and Development Committee Report on Sustainable Development of Agribusiness in Outer-Suburban Melbourne.

Government Response to the Public Accounts and Estimates Committee's Report on the 2008-09 Financial and Performance Outcomes.

Government Response to the Public Accounts and Estimates Committee's Report on the Review of the findings and recommendations of the Auditor-General's reports tabled March 2008-August 2008.

Special Investigations Monitor —

Report 2009-10, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004.

Report 2009-10, pursuant to section 131T of the Fisheries Act 1995.

Report 2009-10, pursuant to section 74P of the Wildlife Act 1975.

Statutory Rules under the following Acts of Parliament:

Children's Services Act 1996 — No. 96.

Environment Protection Act 1970 — No. 98.

Local Government Act 1989 — No. 99.

Prostitution Control Act 1994 — No. 97.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 96 and 99.

Victims of Crime Assistance Tribunal — Report, 2009-10.

Victorian Law Reform Commission — Report on Protection Applications in the Children's Court.

4 PRODUCTION OF DOCUMENTS — ALCOHOL RELATED RESEARCH BY THE SOCIAL RESEARCH CENTRE — The Clerk laid on the Table the following documents received in accordance with the Resolution of the Council of 5 May 2010 seeking the production of certain Alcohol Related Research by the Social Research Centre:

- (1) Department of Health Victorian Alcohol Social Marketing Campaign, Stage 1: Exploratory Research Final Quantitative Report (November 2009); and
- (2) Victorian Drug and Alcohol Prevention Council, 2009 Victorian Youth Alcohol and Drug Survey, Final Report (May 2010).

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 STANDING ORDERS OF THE COUNCIL — Pursuant to an Order of the Council on 5 October 2010 —

- (1) Mr Viney moved, That the Standing Orders of the Legislative Council be amended as follows:

1. Omit Chapter 24 (Standing Orders 24.01 to 24.20 inclusive) and insert —

“CHAPTER 24

STANDING AND SELECT COMMITTEES

Standing Committees

24.01 Appointment of Standing Committees

At the commencement of each Parliament subsequently, legislative and reference standing committees shall be appointed as follows:

- (1) Economy and Infrastructure

Legislation Committee
References Committee

- (2) Environment and Planning
Legislation Committee
References Committee
- (3) Legal and Social Issues
Legislation Committee
References Committee

24.02 Functions

- (1) The Standing Committee on the Economy and Infrastructure will inquire into and report on any proposal, matter or thing concerned with agriculture, commerce, infrastructure, industry, major projects, public sector finances and transport.
- (2) The Standing Committee on the Environment and Planning will inquire into and report on any proposal, matter or thing concerned with the arts, coordination of government, environment, and planning the use, development and protection of land.
- (3) The Standing Committee on Legal and Social Issues will inquire into and report on any proposal, matter or thing concerned with community services, education, gaming, health, and law and justice.
- (4) (a) Legislation Committees may inquire into, hold public hearings, consider and report on any bills or draft bills referred to them by the Legislative Council, annual reports, estimates of expenditure or other documents laid before the Legislative Council in accordance with an Act, provided these are relevant to their functions.

(b) References committees may inquire into, hold public hearings, consider and report on other matters referred to them by the Legislative Council.
- (5) References concerning departments and agencies shall be allocated to the committees in accordance with a resolution of the Council allocating departments and agencies to the committees.

24.03 Appointment of Members

- (1) Each legislation and references committee will consist of 8 members, with 4 members from the Government Party nominated by the Leader of the Government in the Council, 3 members from the Opposition nominated by the Leader of the Opposition in the Council and 1 member from among the remaining members in the Council nominated jointly by minority groups and independent members.
- (2) (a) The committees to which minority groups and independent members make nominations shall be determined by agreement between the minority groups and independent members, and, in the absence of agreement being notified to the President, representation on a committee shall be determined by the Council.

(b) The allocation of places on the committees amongst minority groups and independent members shall be, as near as practicable, in proportion to their respective numbers in the Council.

24.04 Quorum

- (1) 5 Members of each committee will constitute a quorum of the committee.
- (2) Each committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.

24.05 Substitute Members

- (1) Members may be appointed as substitutes for other members on the legislative and reference standing committees in respect of particular matters before the committees.
- (2) On the nominations of the Leader of the Government in the Council, the Leader of the Opposition in the Council and minority groups and independent members, participating members may be appointed to the committees.
- (3) Participating members may participate in hearings of evidence and deliberations of the committees, and have all the rights of members of committees, but may not vote on any questions before the committees.
- (4) A participating member shall be taken to be a member of a committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.
- (5) If a member of a committee is unable to attend a meeting of the committee, that member may in writing to the chair of the committee appoint a participating member to act as a substitute member of the committee at that meeting. If the member is incapacitated or unavailable, a letter to the chair of a committee appointing a participating member to act as a substitute member of the committee may be signed on behalf of the member by the leader of the party or group on whose nomination the member was appointed to the committee.

24.06 Sub-committees

- (1) A committee may appoint sub-committees consisting of 3 or more of its Members, and refer to any such sub-committee any of the matters which the committee is empowered to consider.
- (2) At a meeting of a sub-committee two Members constitute a quorum.
- (3) A sub-committee will report to the committee as soon as practicable on each matter referred to that sub-committee.

24.07 Election of Chair and Deputy Chair

- (1) Each legislation committee shall elect as its Chair a member nominated by the Leader of the Government in the Council, and as its Deputy Chair a member nominated by the Leader of the Opposition in the Council or by a minority group or independent member.
- (2) Each references committee shall elect as its Chair a member nominated by the Leader of the Opposition in the Council or by a minority group or independent member, and as its Deputy Chair a member nominated by the Leader of the Government in the Council.

- (3) Members nominated as chairs and deputy chairs by the Leader of the Opposition or members of minority groups or independent members shall be determined by agreement between those groups and, in the absence of agreement duly notified to the President, any question of the allocation of chairs and deputy chairs shall be determined by the Council.
- (4) The Deputy Chair shall act as the chair of the committee when the member elected as Chair is absent from a meeting of the committee or the position of chair is temporarily vacant.
- (5) The Chair, or the Deputy Chair when acting as chair, may appoint another member of a committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

Procedure and Privileges Committees

24.08 Procedure Committee

- (1) At the commencement of each Parliament the Council will appoint a Procedure Committee to consider any matter regarding the practices and procedures of the House.
- (2) The committee may consider any matter referred to it by the Council or the President.
- (3) The committee shall consist of 7 Members with 4 Members to be the quorum.
- (4) The President will be the Chair of the committee and the committee will elect another Member of the committee to be the Deputy Chair.

24.09 Privileges Committee

- (1) At the commencement of each Parliament the Council will appoint a Privileges Committee to consider any matter regarding the privileges of the House referred to it by the Council.
- (2) The committee shall consist of 7 Members with 4 Members to be the quorum.
- (3) The committee will elect one of its Members to be the Chair of the Committee and one of its Members to be the Deputy Chair.

Select Committees

24.10 Appointment of Select Committees

- (1) The Council may appoint a Select Committee to consider matters referred by the House.
- (2) A motion for the appointment of a Select Committee will state the object of such committee.

24.11 Appointment of Members

- (1) A Select Committee will consist of not less than five nor, without leave of the Council, more than ten Members.

- (2) Notice will be given in the Council of the names of the Members that are proposed to be appointed to committees. Notice is not required of a motion for the appointment of Members if that motion immediately follows a resolution that has established a committee.
- (3) Members may be discharged from attending a Select Committee, and other Members added, after notice has been given.

24.12 Quorum

The quorum of every Select Committee will be fixed at the time of appointing such committee.

24.13 Election of Chair and Deputy Chair

- (1) Prior to the commencement of any other business, every Select Committee will elect one of its Members to be the Chair of the Committee and one of its Members to be Deputy Chair.
- (2) If the Chair and Deputy Chair are absent from any meeting the Members present may appoint any one of their number to be Chair for that meeting.

24.14 Sub-committees

- (1) A Select Committee may appoint a sub-committee of two or more of its Members to inquire into and report to the committee on any matter which the committee is empowered to examine, but may not take evidence unless the committee so decides in relation to each proposed witness.
- (2) At a meeting of a sub-committee two Members constitute a quorum.
- (3) A sub-committee will report to the Select Committee as soon as practicable on each matter referred to that sub-committee.

General Provisions Relating to Committees

24.15 Application of provisions

These general provisions relating to the operation of committees apply to all committees and sub-committees established by these Standing Orders, except where otherwise stated.

24.16 Meetings

- (1) A committee may not sit while the Council is actually sitting unless specifically empowered to do so by the Council.
- (2) A committee may adjourn from time to time and from place to place.
- (3) If a quorum of Members is not present within half an hour after the time fixed for the meeting of any committee, the meeting will lapse and the next meeting of the committee will be called by the Chair.
- (4) If at any time during the sitting of a committee the quorum of Members fixed by the Council is not present, the Secretary of the Committee will call the attention of the Chair to the fact, who will suspend the proceedings of the committee until a quorum is present, or adjourn the meeting to some future day.

24.17 Record of proceedings of committee

Minutes of proceedings must be taken of each meeting of a committee and must record —

- (a) the names of the Members who attended each meeting;
- (b) every motion or amendment proposed and the name of its mover; and
- (c) the divisions and the names of the Members voting for each side on a question, which must also be included in the committee's report to the Council.

24.18 Questions

- (1) In a Standing Committee, in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote.
- (2) In a Select Committee all questions will be decided by a majority of Members present.
- (3) In a Select Committee the Chair can vote only when there is an equality of votes.

24.19 Power to send for persons, documents and other things

A committee may send for persons, documents and other things.

24.20 Deliberative meetings

Committee deliberative meetings will always be conducted in private.

24.21 Advertising of terms of reference

Each committee will advertise the terms of reference for an inquiry and call for submissions and all such submissions received by the committee will be treated as public documents unless the committee otherwise orders.

24.22 Evidence

- (1) Unless otherwise determined by the committee, a transcript will be taken of all formal evidence.
- (2) The name of the Member asking each question of a witness under examination by any committee will be shown in the transcript of evidence.
- (3) Unless the Council or a committee otherwise determines, all evidence will be taken in public and may be published immediately.
- (4) A committee may take evidence in private.

24.23 Disclosure of submissions, evidence and other documents

- (1) A committee may authorise the publication of any documents, papers and submissions presented to it.
- (2) Evidence not taken in public and any documents, papers and submissions received by the committee which have not been authorised for publication will not be disclosed unless they have been reported to the Council.

24.24 Unreported evidence

Where a committee lapses or ceases to have legal existence before it can report to the Council, the evidence can be considered by any other committee appointed in the same or next Parliament inquiring into the same subject-matter.

24.25 Interim reports

A committee may report on its deliberations and present its minutes, evidence or other documents from time to time.

24.26 Chair to prepare draft report

The Chair of every committee will prepare the draft report for consideration by the committee.

24.27 Proceedings on consideration of draft report

- (1) The draft report will be printed and circulated to Members of a committee.
- (2) The report will be considered paragraph by paragraph or groups of paragraphs and a question put "That the paragraph [or paragraphs] or the paragraph or paragraphs (as amended) stand part of the report".
- (3) A Member may move amendments to a paragraph at the time it is under consideration.
- (4) After all paragraphs and appendices (if any) have been considered, the question will be put "That the draft report (or the draft report, as amended), be the Report of the Committee".
- (5) Any division on a question relating to the adoption of the draft report must be included in the Committee's report to the Council.

24.28 Minority report

When requested to do so by one or more Members of a committee, the committee will include with its report to the Council a minority report.

24.29 Report presented by Chair

The report of a committee will be tabled in the Council by the Chair of the committee and may be ordered to lie on the Table.

24.30 Resources

Each committee shall be provided with all necessary staff, facilities and resources and shall be empowered to appoint persons with specialist knowledge for the purposes of the committee, with the approval of the President.

24.31 List of Members

A list of Members serving on committees must be published in the Notice Paper."

2. Omit Chapter 16 (Standing Orders 16.01 to 16.22 inclusive).
3. In Standing Order 5.02, in sub-sections (1), (2) and (3), omit "At 8.00 p.m. Legislation Committee (if ordered)".

4. Omit Standing Order 5.03.
5. In Standing Order 14.11, omit "Legislation Committee," and insert "Standing or".
6. The Clerk be empowered to renumber the Standing Orders and correct any internal references as a consequence of these amendments.

(2) Mr Viney moved, That the Standing Orders of the Legislative Council be amended as follows:

1. Omit Standing Order 1.01 and insert the following new Standing Order in its place:

1.01 Opening of a new Parliament

On the first day of the meeting of a new Parliament the proceedings will be —

- (1) Members meet at the appointed time and place.
- (2) The Clerk reads the Proclamation convening Parliament.
- (3) The Usher of the Black Rod will then introduce to the Council Chamber a Commissioner from the Governor appointed to open Parliament.
- (4) The Clerk reads the Commission appointing the Commissioner to open Parliament.
- (5) The Commissioner will then inform Members that the Governor will at a future time outline the reasons for calling Parliament together, and request Members to proceed to the election of their President.
- (6) The Clerk will read the Commission for swearing Members, issued by the Governor to the Commissioner.
- (7) After the Commission has been read the Clerk will read the returns to the Writ for the election of Members to the Council.
- (8) Members elected pursuant to such Writ will then be sworn or affirmed as prescribed by the *Constitution Act 1975*.
- (9) The Commissioner will then retire from the Council Chamber.
- (10) The Council proceeds to the election of a President, following which the President takes the Chair and reads the Lord's Prayer.
- (11) The Council then elects a Deputy President.
- (12) The President informs the Council of the time that the President will present himself or herself to the Governor.
- (13) The sitting will then be suspended.

2. Omit Standing Order 1.04 and insert the following new Standing Order in its place:

1.04 Assembly summoned

The Governor will direct the Usher of the Black Rod to require the immediate attendance of the Assembly in the Council Chamber. Seats will be provided within the body of the Council Chamber for the Speaker and such other Members of the Assembly as determined by the President. Accommodation will be provided for other Members of the Assembly in the lower side galleries of the Chamber.

3. Omit Standing Orders 1.09 and 1.10 and insert the following new Standing Order in their place:

1.09 Business after the suspension of the sitting

When the Council meets after the suspension of the sitting, the following business will be conducted:

- (1) Questions.
 - (2) Formal business to re-assert and maintain the rights of the Council.
 - (3) The President reports the Speech of the Governor to the Council.
 - (4) A motion for the Address in Reply to the Governor's Speech pursuant to Standing Order 1.10.
 - (5) Any other business.
4. In Standing Order 1.11 –
 - (a) Omit sub-section (1).
 - (b) In sub-section (2) after "Speech" (where first occurring) insert "of the Governor".
 - (c) In sub-section (3), omit "urgency motions" and insert "motions of urgent public importance".
 5. In Standing Order 2.09, omit sub-section (1).
 6. In Standing Order 4.01, in paragraph (a) of sub-section (1), omit "and at 9.30 am in the final sitting week of the calendar year".
 7. Omit Standing Order 4.06 and insert the following new Standing Order in its place:

4.06 Interruption of debate

- (1) Unless a motion to adjourn has already been moved by a Minister pursuant to Standing Order 4.05, the President will interrupt the business before the House at 10.00 p.m. on Tuesday, Wednesday and Thursday and at 4.00 p.m. on Friday.
 - (2) If the House is in Committee of the whole the Deputy President will report progress and the President will then interrupt such business.
 - (3) If a division is taking place when business is due to be interrupted, it will be completed and the result announced before the President interrupts business.
 - (4) The President will have discretion to extend the time for a maximum of ten minutes to allow for the completion of a speech on a motion for the second reading of a Bill within the allocated time.
 - (5) The President will not be required to call the next speaker if a speaker completes his or her speech within three minutes prior to the time fixed for such interruption.
 - (6) Providing no further debate is proposed, the remaining questions in relation to any business subject to interruption may be put.
 - (7) Before proposing that the House do now adjourn pursuant to Standing Order 4.08 the President will read any Messages from the Assembly.
 - (8) Any Bills transmitted from the Assembly will be read a first time and their second reading made an Order of the Day for the next day of meeting unless the Council grants leave for the second reading to be proposed forthwith.
8. Omit Standing Order 4.08 and insert the following new Standing Order in its place:

4.08 Adjournment proposed by President

Unless the sitting is extended under Standing Order 4.07, the President will propose to the Council "That the House do now adjourn". Such question may not be amended.

9. Omit Standing Order 4.12.
10. In Standing Order 5.01, omit "1.11" and insert "1.10".
11. Omit Standing Order 5.03.
12. Omit Standing Order 5.05 and insert the following new Standing Order in its place:

5.04 Formal business defined

Formal business is deemed to include the presentation of petitions, the introduction and first reading of Bills, the presentation of papers, giving notices of motion and giving notice of intention to make a statement on a report or paper tabled in the Council.

13. In Standing Order 5.07 –
 - (a) in paragraph (a) of sub-section (2) omit "1.11" and insert "1.10"
 - (b) in paragraph (b) of sub-section (2) omit "5.09" and insert "5.08".
 - (c) in paragraph (c) of sub-section (2) omit "urgency motions" and insert "motions of urgent public importance".
14. Omit Standing Order 5.09 and insert the following new Standing Order in its place:

5.08 Special Business

Precedence will be given to —

- (a) a motion relating to a matter of privilege pursuant to Standing Order 21.01;
- (b) a motion of urgent public importance pursuant to Standing Order 6.09;
- (c) a motion for a vote of thanks of the Council;
- (d) a motion for leave of absence to a Member;
- (e) a motion relating to the qualification of a Member;
- (f) an Order of the Day for the consideration of a report of the Standing Orders Committee or, arising from any such report, a motion to vary or adopt Standing Orders of the Council; and

Any such business will be taken according to the sequence set out in this Standing Order.

15. In Standing Order 5.10, omit "22.01" and insert "21.01".
16. Omit Standing Order 5.12 and insert the following new Standing Order in its place:

5.11 Condolences

- (1) Precedence will ordinarily be given by courtesy to a motion of condolence in the event of the death of —
 - (a) a Member of the current Parliament; or

- (b) a past or present Governor, Premier, Presiding Officer, Minister, or party leader in either House.
 - (c) former Members of the Council, subject to the agreement of the party leaders.
 - (2) Precedence may be given by leave to a motion of condolence in the event of the death of a person who had previous distinguished service in Victoria.
 - (3) At the conclusion of a condolence motion, Members will be asked to rise in their places for one minute's silence as a mark of respect to the memory of the deceased.
 - (4) Unless otherwise ordered, the Council will then suspend its proceedings –
 - (a) for the remainder of the sitting in respect of a Member of the current Parliament; or
 - (b) for one hour, in respect of all other persons referred to in Standing Order 5.11(1)(b).
 - (5) The President will announce the death of former Members of the Council not referred to in Standing Order 5.11(1), and Members will rise in their places for one minute's silence as a mark of respect to the memory of the deceased.
 - (6) The President shall convey a message of sympathy from the House to the relatives of the deceased.
17. In Standing Order 6.07, omit "1.11" and insert "1.10".
18. In Standing Order 6.08, in sub-section (1), omit "A motion" and insert "When a motion has been moved, it".
19. In the heading to Standing Order 6.09, omit "Urgency motions" and insert "Motions of urgent public importance".
20. In Standing Order 6.09, omit sub-section (4).
21. In the heading to Standing Order 6.10, omit "urgency motions" and insert "motions of urgent public importance".
22. After Standing Order 6.12 insert the following new Standing Order:

6.13 Procedural motions

The time limit for procedural motions is prescribed by Standing Order 5.04. A procedural motion is defined as:

- (a) a motion for the postponement of an Order of the Day pursuant to Standing Order 6.12;
- (b) a motion for the discharge of an Order of the Day pursuant to Standing Order 6.14;
- (c) a motion for the revival of a dropped motion or Order of the Day pursuant to Standing Order 6.16;
- (d) a motion that the question be not now put pursuant to Standing Order 7.03;
- (e) a motion that an answer to a question or supplementary question without notice be taken into consideration pursuant to Standing Order 8.06;

- (f) a motion that a paper be printed pursuant to Standing Order 9.07;
- (g) a motion that a Member be now heard pursuant to Standing Order 12.04;
- (h) a motion that the debate be now adjourned pursuant to Standing Order 12.08;
- (i) a motion for the adoption of the report from the committee of the whole pursuant to Standing Order 14.15;
- (j) a motion to declare a Bill urgent pursuant to Standing Order 14.33;
- (k) a motion that the Chair report progress and ask leave to sit again pursuant to Standing Order 15.04.

23. Omit Standing Order 6.13 and insert the following new Standing Order in its place:

6.14 Discharge of Order of the Day

After an Order of the Day has been read, the Member in charge of the Order may move, without notice, that the Order be discharged.

24. In Standing Order 6.14, in sub-section (2), omit "initiated by Ministers" and insert "currently standing in a Minister's name".

25. After Standing Order 7.15 insert the following new Standing Order:

7.16 Multiple amendments

- (1) Leave may be given to a Member to move and debate multiple amendments to a question.
- (2) When multiple amendments have been moved, the question on each amendment will be put separately by the Chair unless leave is granted for them to be put together.

26. In Standing Order 8.02, in sub-section (5), omit "A question cannot be asked again if" and insert "A question cannot be asked again if during the previous six months of the same Session".

27. In Standing Order 8.04, omit "2.00 pm" and insert "the time prescribed by Standing Order 5.02".

28. In Standing Order 8.07, omit "or the Papers".

29. In Standing Order 8.11, in sub-section (3), omit "on Thursdays".

30. After Standing Order 8.12, insert the following new Standing Order:

8.13 Reinstatement of questions on notice to the Notice Paper

The President may direct that a question or part of a question on notice which has been answered be reinstated to the Notice Paper, if following a request of the Member asking the question, the President is of the opinion that the question has not been fully answered.

31. In Standing Order 9.09, omit "The Chair or other Member of the committee if the Chair is absent" and insert "A Member of the committee".

32. In Standing Order 9.10 –

- (a) In sub-section (1), omit “Following Members’ Statements on Thursdays and insert “At the time prescribed by Standing Order 5.02”.
- (b) In paragraph (a) of sub-section (2), omit “on a Thursday”.

33. After Standing Order 12.01 insert the following new Standing Order:

12.02 Acknowledgement of Chair

All Members when entering or leaving the Chamber or passing in front of the Chair will acknowledge the Chair.

34. Omit Standing Order 12.05 and insert the following new Standing Order:

12.06 Members’ speaking rights

- (1) A Member may speak once to a question or an amendment to a question before the Council except —
 - (a) in giving an explanation pursuant to Standing Order 12.07;
 - (b) in reply pursuant to Standing Order 12.08;
 - (c) at the Committee of the whole stage.
 - (2) The President may participate in debate and speak from a place allocated on the floor of the Chamber.
 - (3) When the President rises to speak in debate, the Deputy President will take the Chair.
35. In Standing Order 12.06, after “speech” insert “which has been misquoted or misunderstood”.
36. In Standing Order 12.08, in sub-section (1), after “Member” insert “, unless he or she has already made a substantial contribution to the debate,”.
37. In Standing Order 12.12, after “explain” omit “a” and insert “how he or she has been misrepresented or explain another”.
38. In Standing Order 12.15, after sub-section (5), insert the following new sub-section:
- (6) If the President is not satisfied that the pre-conditions have been met, the President will advise the Council and the matter will not proceed any further.

39. Omit Standing Orders 12.19 and 12.20 and insert the following new Standing Order in their place:

12.20 Unparliamentary expressions

- (1) No Member will use offensive words against either House of Parliament, any other Member of either House, the Sovereign, the Governor or the judiciary.
 - (2) No Member will make an accusation of improper motives or a personal reflection on any other Member of either House.
 - (3) If the President is of the opinion that words used in debate offend against this Standing Order, he or she may order the words to be withdrawn and may also require an apology.
40. In Standing Order 12.21 –
- (a) Omit “Orders 12.19 and” and insert “Order 12.20”.

(b) Omit sub-section (3).

41. After Standing Order 12.23, insert the following new Standing Order:

12.24 Cognate debate

- (1) Leave may be given for subjects which are related to be debated cognately.
- (2) At the conclusion of the cognate debate, the questions will be put separately, unless the Council determines that a single question be put by the Chair.
- (3) At the conclusion of the cognate second reading debate on Bills, the question "That the Bill be now read a second time" will be put separately for each Bill unless the Council determines that a single question be put.
- (4) The Committee of the whole Council and third reading stages of cognate Bills will be taken separately, unless the Council determines otherwise.

42. In the heading to Standing Order 13.02, omit "Withdrawal of Members" and insert "Disorderly conduct – Member ordered to withdraw".

43. Omit Standing Order 13.03 and insert the following new Standing Order in its place:

13.03 Disorderly conduct – Member named

- (1) A Member's conduct will be considered disorderly for —
 - (a) wilfully and persistently interrupting or making a disturbance during the sitting of the Council; or
 - (b) disorderly conduct; or
 - (c) using offensive words and refusing to withdraw the same or behaving offensively and refusing to make a satisfactory apology; or
 - (d) wilfully and persistently refusing to conform to the Standing Orders; or
 - (e) wilfully disregarding the authority of the Chair; or
 - (f) refusing to withdraw pursuant to Standing Order 13.02.
- (2) The President may require any Member offending under this Standing Order to make an explanation or apology.
- (3) The President may name any Member for disorderly conduct under this Standing Order.

44. Omit Standing Order 13.04 and insert the following new Standing Order in its place:

13.04 Procedure after Naming

- (1) If any Member is named by the President under Standing Order 13.03 the President will put the question "That such Member be suspended from the service of the Council during the remainder of the sitting (or for such period as the Council may think fit)".
- (2) The motion may not be amended, adjourned or debated.
- (3) Any Member suspended under this Standing Order will immediately withdraw from the Council Chamber.

45. Omit Standing Order 13.05 and insert the following new Standing Order in its place:

13.05 Consequences of suspension

- (1) A Member who is ordered to withdraw pursuant to Standing Order 13.02 or who is suspended pursuant to Standing Order 13.04 will not enter the Council Chamber or all its galleries during the period of the suspension.
- (2) This Standing Order does not deprive the Council of any other powers it may have to proceed against a Member.

46. After Standing Order 13.05 insert the following new Standing Order:

13.06 Discharge of suspension

The Council may on motion without notice and determined without amendment or debate discharge an order of suspension under Standing Order 13.04 if the Member makes a satisfactory apology in writing to the Council.

47. In Standing Order 14.06, after “Bill –” insert the following new paragraph (a):

- “(a) a Minister or Member in charge of the Bill will lay on the Table the statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006, if required;”.

48. In the heading to Standing Order 14.09, omit “Amendment” and insert “Reasoned amendment”.

49. In Standing Order 14.09, after sub-section (2), insert the following new sub-sections:

- (3) When debate on the reasoned amendment is concluded, the question “That the reasoned amendment moved by (Member) be agreed to” will be put.
- (4) If the question in sub-clause (3) is negatived, the question “That the Bill be now read a second time” will be put immediately.
- (5) If the question in sub-clause (3) is agreed to, the Bill will be regarded as having been rejected unless the reasoned amendment seeks to delay the passage of the Bill.

50. In Standing Order 14.11, in paragraph (a), omit “Legislation Committee,” and insert “Standing or”.

51. In Standing Order 14.12, in paragraph (b) of sub-section (1), after “clauses” insert “where they occur in the sequence of clauses”.

52. In Standing Order 14.13, in sub-section (5), omit “has been proposed to the Bill the question must be put “That the amendment”, and insert “(or amendments) have been proposed to the Bill the question must be put “That the amendment/s”.”.

53. After Standing Order 14.20, insert the following new Standing Order:

14.21 Bill rejected

When a Bill which originated in the Assembly is rejected by the Council a Message will be sent to the Assembly informing them accordingly.

54. In Standing Order 14.24, in sub-section (2), omit “acquainting” and insert “informing”.

55. Omit Standing Order 14.25 and insert the following new Standing Order in its place:

14.26 Bill returned to Assembly

When a Bill which originated in the Assembly has been passed by the Council and certified by the Clerk it will be returned to the Assembly with a Message informing the Assembly that the Council has —

- (a) agreed to the Bill without amendment; or
- (b) agreed to the Bill subject to the amendments contained in the schedule attached and the Assembly agreement to such amendments is requested.

56. After Standing Order 14.25, insert the following new Standing Order:

14.27 Assembly's consideration of Council amendments

- (1) Where a Bill is returned from the Assembly with a Message disagreeing with the amendments made by the Council, agreeing to the amendments with further amendments or making new amendments on the amendments, the amendments will be printed and a time fixed for taking the Message into consideration.
- (2) When the Council considers the Message from the Assembly it will —
 - (a) insist or not insist on its amendments;
 - (b) agree or not agree with any further amendments made by the Assembly; or
 - (c) defer further consideration of the Bill indefinitely, in which case the Bill lapses.

57. In Standing Order 14.27, omit "14.26" and insert "14.28".

58. In Standing Order 14.31, omit sub-section (4).

59. In Standing Order 14.33, in sub-section (2), omit "14.35" and insert "14.37" and omit "14.34" and insert "14.36".

60. In Standing Order 14.34, in sub-section (1), omit "14.33" and insert "14.35".

61. In Standing Order 14.35, in sub-section (1), omit "14.34" and insert "14.36".

62. In Standing Order 14.37, omit "14.32 to 14.36" and insert "14.34 to 14.38".

63. In Standing Order 15.01, omit sub-section (1).

64. In Standing Order 15.04, in sub-section (5), omit "Chair" and insert "Deputy President".

65. In Standing Order 18.06, in sub-section (1), omit "Clerk" and insert "Chair or Secretary".

66. In Standing Order 20.04, in sub-section (1), omit "at least 10 years earlier".

67. In the heading to Chapter 21, after "BROADCASTING" insert ", RECORDING AND PHOTOGRAPHY".

68. In Standing Order 21.01 —

- (a) In sub-section (2) after "stations" insert ", internet and other electronic media".
- (b) In sub-sections (2) and (4), omit "20.04(3)" and insert "19.04(3)".

69. In Standing Order 21.02 —

- (a) In sub-section (4), omit "conclusion of the prayer and must conclude on the adjournment of the Council" and insert "commencement of the prayer and must conclude on the adjournment of the Council or as soon as the Chair is vacated for a suspension of proceedings".
 - (b) In sub-section (6), after "recordings" (where second occurring) insert "and still photography".
 - (c) After sub-section (8), insert the following new sub-section:
 "(9) Any filming or photography of the public gallery is strictly prohibited at all times".
 - (d) In sub-section (9), after "operators" insert "and still photographers".
 - (e) Omit sub-section (10).
70. In Standing Order 22.02, in sub-section (1), after "person" insert "or organisation".
71. In Standing Order 22.03, in paragraph (b) of sub-section (1), after "person" insert "or organisation".
72. In Standing Order 22.04, in paragraph (a), after "person" insert "or organisation".
73. In Standing Order 22.05, in sub-paragraph (ii) of paragraph (b), after "person" insert "or organisation".
74. In Standing Order 25.04, in sub-section (1), omit "1.11 or 25.03" and insert "1.10 or 24.03".
75. The Clerk be empowered to renumber the Standing Orders and correct any internal references as a consequence of these amendments.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 8 STANDING ORDERS OF THE COUNCIL** — Pursuant to an Order of the Council on 5 October 2010 —
- (3) Ms Pennicuik moved, That the Standing Orders of the Legislative Council be amended as follows:

1. Omit Standing Order 1.01 and insert the following new Standing Order in its place:

1.01 Opening of a new Parliament

On the first day of the meeting of a new Parliament the proceedings will be —

- (1) Members meet at the appointed time and place.
- (2) The Clerk reads the Proclamation convening Parliament.
- (3) The Usher of the Black Rod will then introduce to the Council Chamber a Commissioner from the Governor appointed to open Parliament.
- (4) The Clerk reads the Commission appointing the Commissioner to open Parliament
- (5) The Commissioner will then inform Members that the Governor will at a future time outline the reasons for calling Parliament together, and request Members to proceed to the election of their President.
- (6) The Clerk will read the Commission for swearing Members, issued by the Governor to the Commissioner.
- (7) After the Commission has been read the Clerk will read the returns to the Writ for the election of Members to the Council.

- (8) Members elected pursuant to such Writ will then be sworn or affirmed as prescribed by the *Constitution Act 1975*.
- (9) The Commissioner will then retire from the Council Chamber.
- (10) The Council proceeds to the election of a President, following which the President takes the Chair and reads the Lord's Prayer.
- (11) The Council then elects a Deputy President.
- (12) The President informs the Council of the time that the President will present himself or herself to the Governor.
- (13) The sitting will then be suspended.

2. Omit Standing Order 1.04 and insert the following new Standing Order in its place:

1.04 Assembly summoned

The Governor will direct the Usher of the Black Rod to require the immediate attendance of the Assembly in the Council Chamber. Seats will be provided within the body of the Council Chamber for the Speaker and such other Members of the Assembly as determined by the President. Accommodation will be provided for other Members of the Assembly in the lower side galleries of the Chamber.

3. Omit Standing Orders 1.09 and 1.10 and insert the following new Standing Order in their place:

1.09 Business after the suspension of the sitting

When the Council meets after the suspension of the sitting, the following business will be conducted:

- (1) Questions.
- (2) Formal business to re-assert and maintain the rights of the Council.
- (3) The President reports the Speech of the Governor to the Council.
- (4) A motion for the Address in Reply to the Governor's Speech pursuant to Standing Order 1.10.
- (5) Any other business.

4. In Standing Order 1.11 –

- (a) Omit sub-section (1).
- (b) In sub-section (2) after "Speech" (where first occurring) insert "of the Governor".
- (c) In sub-section (3), omit "urgency motions" and insert "motions of urgent public importance".

5. In Standing Order 2.09, omit sub-section (1).

6. In Standing Order 4.01, in paragraph (a) of sub-section (1), omit "and at 9.30 am in the final sitting week of the calendar year".

7. Omit Standing Order 4.06 and insert the following new Standing Order in its place:

4.06 Interruption of debate

- (1) Unless a motion to adjourn has already been moved by a Minister pursuant to Standing Order 4.05, the President will interrupt the business

before the House at 10.00 p.m. on Tuesday, Wednesday and Thursday and at 4.00 p.m. on Friday.

- (2) If the House is in Committee of the whole the Deputy President will report progress and the President will then interrupt such business.
- (3) If a division is taking place when business is due to be interrupted, it will be completed and the result announced before the President interrupts business.
- (4) The President will have discretion to extend the time for a maximum of ten minutes to allow for the completion of a speech on a motion for the second reading of a Bill within the allocated time.
- (5) The President will not be required to call the next speaker if a speaker completes his or her speech within three minutes prior to the time fixed for such interruption.
- (6) Providing no further debate is proposed, the remaining questions in relation to any business subject to interruption may be put.
- (7) Before proposing that the House do now adjourn pursuant to Standing Order 4.08 the President will read any Messages from the Assembly.
- (8) Any Bills transmitted from the Assembly will be read a first time and their second reading made an Order of the Day for the next day of meeting unless the Council grants leave for the second reading to be proposed forthwith.

8. Omit Standing Order 4.08 and insert the following new Standing Order in its place:

4.08 Adjournment proposed by President

Unless the sitting is extended under Standing Order 4.07, the President will propose to the Council "That the House do now adjourn". Such question may not be amended.

9. Omit Standing Order 4.12.
10. In Standing Order 5.01, omit "1.11" and insert "1.10".
11. In Standing Order 5.02, in sub-sections (1), (2) and (3), omit "At 8.00 p.m. Legislation Committee (if ordered)".
12. Omit Standing Order 5.03.
13. Omit Standing Order 5.05 and insert the following new Standing Order in its place:

5.04 Formal business defined

Formal business is deemed to include the presentation of petitions, the introduction and first reading of Bills, the presentation of papers, giving notices of motion and giving notice of intention to make a statement on a report or paper tabled in the Council.

14. In Standing Order 5.07 –
 - (a) in paragraph (a) of sub-section (2) omit "1.11" and insert "1.10"
 - (b) in paragraph (b) of sub-section (2) omit "5.09" and insert "5.08".
 - (c) in paragraph (c) of sub-section (2) omit "urgency motions" and insert "motions of urgent public importance".

15. Omit Standing Order 5.09 and insert the following new Standing Order in its place:

5.08 Special Business

Precedence will be given to —

- (a) a motion relating to a matter of privilege pursuant to Standing Order 21.01;
- (b) a motion of urgent public importance pursuant to Standing Order 6.09;
- (c) a motion for a vote of thanks of the Council;
- (d) a motion for leave of absence to a Member;
- (e) a motion relating to the qualification of a Member;
- (f) an Order of the Day for the consideration of a report of the Standing Orders Committee or, arising from any such report, a motion to vary or adopt Standing Orders of the Council; and

Any such business will be taken according to the sequence set out in this Standing Order.

16. In Standing Order 5.10, omit “22.01” and insert “21.01”.

17. Omit Standing Order 5.12 and insert the following new Standing Order in its place:

5.11 Condolences

- (1) Precedence will ordinarily be given by courtesy to a motion of condolence in the event of the death of —
 - (a) a Member of the current Parliament; or
 - (b) a past or present Governor, Premier, Presiding Officer, Minister, or party leader in either House.
 - (c) former Members of the Council, subject to the agreement of the party leaders.
- (3) Precedence may be given by leave to a motion of condolence in the event of the death of a person who had previous distinguished service in Victoria.
- (3) At the conclusion of a condolence motion, Members will be asked to rise in their places for one minute’s silence as a mark of respect to the memory of the deceased.
- (4) Unless otherwise ordered, the Council will then suspend its proceedings –
 - (a) for the remainder of the sitting in respect of a Member of the current Parliament; or
 - (b) for one hour, in respect of all other persons referred to in Standing Order 5.11(1)(b).
- (5) The President will announce the death of former Members of the Council not referred to in Standing Order 5.11(1), and Members will rise in their places for one minute’s silence as a mark of respect to the memory of the deceased.
- (6) The President shall convey a message of sympathy from the House to the relatives of the deceased.

18. In Standing Order 6.07, omit “1.11” and insert “1.10”.

19. In Standing Order 6.08, in sub-section (1), omit "A motion" and insert "When a motion has been moved, it".
20. In the heading to Standing Order 6.09, omit "Urgency motions" and insert "Motions of urgent public importance".
21. In Standing Order 6.09, omit sub-section (4).
22. In the heading to Standing Order 6.10, omit "urgency motions" and insert "motions of urgent public importance".
23. After Standing Order 6.12 insert the following new Standing Order:

6.13 Procedural motions

The time limit for procedural motions is prescribed by Standing Order 5.04. A procedural motion is defined as:

- (a) a motion for the postponement of an Order of the Day pursuant to Standing Order 6.12;
 - (b) a motion for the discharge of an Order of the Day pursuant to Standing Order 6.14;
 - (c) a motion for the revival of a dropped motion or Order of the Day pursuant to Standing Order 6.16;
 - (d) a motion that the question be not now put pursuant to Standing Order 7.03;
 - (e) a motion that an answer to a question or supplementary question without notice be taken into consideration pursuant to Standing Order 8.06;
 - (f) a motion that a paper be printed pursuant to Standing Order 9.07;
 - (g) a motion that a Member be now heard pursuant to Standing Order 12.04;
 - (h) a motion that the debate be now adjourned pursuant to Standing Order 12.08;
 - (i) a motion for the adoption of the report from the committee of the whole pursuant to Standing Order 14.15;
 - (j) a motion to declare a Bill urgent pursuant to Standing Order 14.33;
 - (k) a motion that the Chair report progress and ask leave to sit again pursuant to Standing Order 15.04.
24. Omit Standing Order 6.13 and insert the following new Standing Order in its place:

6.14 Discharge of Order of the Day

After an Order of the Day has been read, the Member in charge of the Order may move, without notice, that the Order be discharged.

25. In Standing Order 6.14, in sub-section (2), omit "initiated by Ministers" and insert "currently standing in a Minister's name".
26. After Standing Order 7.15 insert the following new Standing Order:

7.16 Multiple amendments

- (1) Leave may be given to a Member to move and debate multiple amendments to a question.

- (2) When multiple amendments have been moved, the question on each amendment will be put separately by the Chair unless leave is granted for them to be put together.
27. In Standing Order 8.02, in sub-section (5), omit "A question cannot be asked again if" and insert "A question cannot be asked again if during the previous six months of the same Session".
28. In Standing Order 8.04, omit "2.00 pm" and insert "the time prescribed by Standing Order 5.02".
29. In Standing Order 8.07, omit "or the Papers".
30. In Standing Order 8.11, in sub-section (3), omit "on Thursdays".
31. After Standing Order 8.12, insert the following new Standing Order:

8.13 Reinstatement of questions on notice to the Notice Paper

The President may direct that a question or part of a question on notice which has been answered be reinstated to the Notice Paper, if following a request of the Member asking the question, the President is of the opinion that the question has not been fully answered.

32. In Standing Order 9.09, omit "The Chair of other Member of the committee if the Chair is absent" and insert "A Member of the committee".
33. In Standing Order 9.10 —
- (a) In sub-section (1), omit "Following Members' Statements on Thursdays and insert "At the time prescribed by Standing Order 5.02".
- (b) In paragraph (a) of sub-section (2), omit "on a Thursday".
34. After Standing Order 12.01 insert the following new Standing Order;

12.02 Acknowledgement of Chair

All Members when entering or leaving the Chamber or passing in front of the Chair will acknowledge the Chair.

35. Omit Standing Order 12.05 and insert the following new Standing Order:

12.06 Members' speaking rights

- (1) A Member may speak once to a question or an amendment to a question before the Council except —
- (a) in giving an explanation pursuant to Standing Order 12.07;
- (b) in reply pursuant to Standing Order 12.08;
- (c) at the Committee of the whole stage.
- (2) The President may participate in debate and speak from a place allocated on the floor of the Chamber.
- (3) When the President rises to speak in debate, the Deputy President will take the Chair.
36. In Standing Order 12.06, after "speech" insert "which has been misquoted or misunderstood".

37. In Standing Order 12.08, in sub-section (1), after “Member” insert “, unless he or she has already made a substantial contribution to the debate,”.
38. In Standing Order 12.12, after “explain” omit “a” and insert “how he or she has been misrepresented or explain another”.
39. In Standing Order 12.15, after sub-section (5), insert the following new sub-section:
 - (6) If the President is not satisfied that the pre-conditions have been met, the President will advise the Council and the matter will not proceed any further.
40. Omit Standing Orders 12.19 and 12.20 and insert the following new Standing Order in their place:

12.20 Unparliamentary expressions

- (1) No Member will use offensive words against either House of Parliament, any other Member of either House, the Sovereign, the Governor or the judiciary.
 - (2) No Member will make an accusation of improper motives or a personal reflection on any other Member of either House.
 - (3) If the President is of the opinion that words used in debate offend against this Standing Order, he or she may order the words to be withdrawn and may also require an apology.
41. In Standing Order 12.21 –
 - (a) Omit “Orders 12.19 and” and insert “Order 12.20”.
 - (b) Omit sub-section (3).

42. After Standing Order 12.23, insert the following new Standing Order:

12.24 Cognate debate

- (1) Leave may be given for subjects which are related to be debated cognately.
 - (2) At the conclusion of the cognate debate, the questions will be put separately, unless the Council determines that a single question be put by the Chair.
 - (3) At the conclusion of the cognate second reading debate on Bills, the question “That the Bill be now read a second time” will be put separately for each Bill unless the Council determines that a single question be put.
 - (4) The Committee of the whole Council and third reading stages of cognate Bills will be taken separately, unless the Council determines otherwise.
43. In the heading to Standing Order 13.02, omit “Withdrawal of Members” and insert “Disorderly conduct – Member ordered to withdraw”.
 44. Omit Standing Order 13.03 and insert the following new Standing Order in its place:

13.03 Disorderly conduct — Member named

- (1) A Member’s conduct will be considered disorderly for —
 - (a) wilfully and persistently interrupting or making a disturbance during the sitting of the Council; or
 - (b) disorderly conduct; or

- (c) using offensive words and refusing to withdraw the same or behaving offensively and refusing to make a satisfactory apology; or
 - (d) wilfully and persistently refusing to conform to the Standing Orders; or
 - (e) wilfully disregarding the authority of the Chair; or
 - (f) refusing to withdraw pursuant to Standing Order 13.02.
- (2) The President may require any Member offending under this Standing Order to make an explanation or apology.
 - (3) The President may name any Member for disorderly conduct under this Standing Order.

45. Omit Standing Order 13.04 and insert the following new Standing Order in its place:

13.04 Procedure after Naming

- (1) If any Member is named by the President under Standing Order 13.03 the President will put the question “That such Member be suspended from the service of the Council during the remainder of the sitting (or for such period as the Council may think fit)”.
- (2) The motion may not be amended, adjourned or debated.
- (3) Any Member suspended under this Standing Order will immediately withdraw from the Council Chamber.

46. Omit Standing Order 13.05 and insert the following new Standing Order in its place:

13.05 Consequences of suspension

- (1) A Member who is ordered to withdraw pursuant to Standing Order 13.02 or who is suspended pursuant to Standing Order 13.04 will not enter the Council Chamber or all its galleries during the period of the suspension.
- (2) This Standing Order does not deprive the Council of any other powers it may have to proceed against a Member.

47. After Standing Order 13.05 insert the following new Standing Order:

13.06 Discharge of suspension

The Council may on motion without notice and determined without amendment or debate discharge an order of suspension under Standing Order 13.04 if the Member makes a satisfactory apology in writing to the Council.

48. In Standing Order 14.06, after “Bill –“ insert the following new paragraph (a):

- “(a) a Minister or Member in charge of the Bill will lay on the Table the statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006, if required;”.

49. In the heading to Standing Order 14.09, omit “Amendment” and insert “Reasoned amendment”.

50. In Standing Order 14.09, after sub-section (2), insert the following new sub-sections:

- (3) When debate on the reasoned amendment is concluded, the question “That the reasoned amendment moved by (Member) be agreed to” will be put.

- (4) If the question in sub-clause (3) is negated, the question "That the Bill be now read a second time" will be put immediately.
 - (5) If the question in sub-clause (3) is agreed to, the Bill will be regarded as having been rejected unless the reasoned amendment seeks to delay the passage of the Bill.
51. In Standing Order 14.11, in paragraph (a), omit "Legislation Committee," and insert "Standing or".
 52. In Standing Order 14.12, in paragraph (b) of sub-section (1), after "clauses" insert "where they occur in the sequence of clauses".
 53. In Standing Order 14.13, in sub-section (5), omit "has been proposed to the Bill the question must be put "That the amendment", and insert "(or amendments) have been proposed to the Bill the question must be put "That the amendment/s".
 54. After Standing Order 14.20, insert the following new Standing Order:

14.21 Bill rejected

When a Bill which originated in the Assembly is rejected by the Council a Message will be sent to the Assembly informing them accordingly.

55. In Standing Order 14.24, in sub-section (2), omit "acquainting" and insert "informing".
56. Omit Standing Order 14.25 and insert the following new Standing Order in its place:

14.26 Bill returned to Assembly

When a Bill which originated in the Assembly has been passed by the Council and certified by the Clerk it will be returned to the Assembly with a Message informing the Assembly that the Council has —

- (a) agreed to the Bill without amendment; or
 - (b) agreed to the Bill subject to the amendments contained in the schedule attached and the Assembly agreement to such amendments is requested.
57. After Standing Order 14.25, insert the following new Standing Order:

14.27 Assembly's consideration of Council amendments

- (1) Where a Bill is returned from the Assembly with a Message disagreeing with the amendments made by the Council, agreeing to the amendments with further amendments or making new amendments on the amendments, the amendments will be printed and a time fixed for taking the Message into consideration.
 - (2) When the Council considers the Message from the Assembly it will —
 - (a) insist or not insist on its amendments;
 - (b) agree or not agree with any further amendments made by the Assembly; or
 - (c) defer further consideration of the Bill indefinitely, in which case the Bill lapses.
58. In Standing Order 14.27, omit "14.26" and insert "14.28".
 59. In Standing Order 14.31, omit sub-section (4).

60. In Standing Order 14.33, in sub-section (2), omit "14.35" and insert "14.37" and omit "14.34" and insert "14.36".
61. In Standing Order 14.34, in sub-section (1), omit "14.33" and insert "14.35".
62. In Standing Order 14.35, in sub-section (1), omit "14.34" and insert "14.36".
63. In Standing Order 14.37, omit "14.32 to 14.36" and insert "14.34 to 14.38".
64. In Standing Order 15.01, omit sub-section (1).
65. In Standing Order 15.04, in sub-section (5), omit "Chair" and insert "Deputy President".
66. Omit Chapter 16 (Standing Orders 16.01 to 16.22 inclusive).
67. In Standing Order 18.06, in sub-section (1), omit "Clerk" and insert "Chair or Secretary".
68. In Standing Order 20.04, in sub-section (1), omit "at least 10 years earlier".
69. In the heading to Chapter 21, after "BROADCASTING" insert ", RECORDING AND PHOTOGRAPHY".
70. In Standing Order 21.01 —
 - (a) in sub-section (2) after "stations" insert ", internet and other electronic media".
 - (b) In sub-sections (2) and (4), omit "20.04(3)" and insert "19.04(3)".
71. In Standing Order 21.02 —
 - (a) in sub-section (4), omit "conclusion of the prayer and must conclude on the adjournment of the Council" and insert "commencement of the prayer and must conclude on the adjournment of the Council or as soon as the Chair is vacated for a suspension of proceedings".
 - (b) In sub-section (6), after "recordings" (where second occurring) insert "and still photography".
 - (c) After sub-section (8), insert the following new sub-section:
 "(9) Any filming or photography of the public gallery is strictly prohibited at all times".
 - (d) In sub-section (9), after "operators" insert "and still photographers".
 - (e) Omit sub-section (10).
72. In Standing Order 22.02, in sub-section (1), after "person" insert "or organisation".
73. In Standing Order 22.03, in paragraph (b) of sub-section (1), after "person" insert "or organisation".
74. In Standing Order 22.04, in paragraph (a), after "person" insert "or organisation".
75. In Standing Order 22.05, in sub-paragraph (ii) of paragraph (b), after "person" insert "or organisation".
76. Omit Chapter 24 (Standing Orders 24.01 to 24.20 inclusive) and insert the following new Standing Orders in their place:

Standing Committees

24.01 Appointment of Standing Committees

At the commencement of each Parliament subsequently, legislative and reference standing committees shall be appointed as follows:

- (1) Economy and Infrastructure
Legislation Committee
References Committee
- (2) Environment and Planning
Legislation Committee
References Committee
- (3) Legal and Social Issues
Legislation Committee
References Committee

24.02 Functions

- (1) The Standing Committee on the Economy and Infrastructure will inquire into and report on any proposal, matter or thing concerned with agriculture, commerce, infrastructure, industry, major projects, public sector finances and transport.
- (2) The Standing Committee on the Environment and Planning will inquire into and report on any proposal, matter or thing concerned with the arts, coordination of government, environment, and planning the use, development and protection of land.
- (3) The Standing Committee on Legal and Social Issues will inquire into and report on any proposal, matter or thing concerned with community services, education, gaming, health, and law and justice.
- (4) (a) Legislation Committees may inquire into, hold public hearings, consider and report on any bills or draft bills referred to them by the Legislative Council, annual reports, estimates of expenditure or other documents laid before the Legislative Council in accordance with an Act, provided these are relevant to their functions.
(b) References committees may inquire into, hold public hearings, consider and report on other matters referred to them by the Legislative Council.
- (5) References concerning departments and agencies shall be allocated to the committees in accordance with a resolution of the Council allocating departments and agencies to the committees.

24.03 Appointment of Members

- (1) Each legislation and references committee will consist of 8 members, with 4 members from the Government Party nominated by the Leader of the Government in the Council, 3 members from the Opposition nominated by the Leader of the Opposition in the Council and 1 member from among the remaining members in the Council nominated jointly by minority groups and independent members.
- (2) (a) The committees to which minority groups and independent members make nominations shall be determined by agreement between the

minority groups and independent members, and, in the absence of agreement being notified to the President, representation on a committee shall be determined by the Council.

- (b) The allocation of places on the committees amongst minority groups and independent members shall be, as near as practicable, in proportion to their respective numbers in the Council.

24.04 Quorum

- (1) 5 Members of each committee will constitute a quorum of the committee.
- (2) Each committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.

24.05 Substitute Members

- (1) Members may be appointed as substitutes for other members on the legislative and reference standing committees in respect of particular matters before the committees.
- (2) On the nominations of the Leader of the Government in the Council, the Leader of the Opposition in the Council and minority groups and independent members, participating members may be appointed to the committees.
- (3) Participating members may participate in hearings of evidence and deliberations of the committees, and have all the rights of members of committees, but may not vote on any questions before the committees.
- (4) A participating member shall be taken to be a member of a committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.
- (5) If a member of a committee is unable to attend a meeting of the committee, that member may in writing to the chair of the committee appoint a participating member to act as a substitute member of the committee at that meeting. If the member is incapacitated or unavailable, a letter to the chair of a committee appointing a participating member to act as a substitute member of the committee may be signed on behalf of the member by the leader of the party or group on whose nomination the member was appointed to the committee.

24.06 Sub-committees

- (1) A committee may appoint sub-committees consisting of 3 or more of its Members, and refer to any such sub-committee any of the matters which the committee is empowered to consider.
- (2) At a meeting of a sub-committee two Members constitute a quorum.
- (3) A sub-committee will report to the committee as soon as practicable on each matter referred to that sub-committee.

24.07 Election of Chair and Deputy Chair

- (1) Each legislation committee shall elect as its Chair a member nominated by the Leader of the Government in the Council, and as its Deputy Chair a

member nominated by the Leader of the Opposition in the Council or by a minority group or independent member.

- (2) Each references committee shall elect as its Chair a member nominated by the Leader of the Opposition in the Council or by a minority group or independent member, and as its Deputy Chair a member nominated by the Leader of the Government in the Council.
- (3) Members nominated as chairs and deputy chairs by the Leader of the Opposition or members of minority groups or independent members shall be determined by agreement between those groups and, in the absence of agreement duly notified to the President, any question of the allocation of chairs and deputy chairs shall be determined by the Council.
- (4) The Deputy Chair shall act as the chair of the committee when the member elected as Chair is absent from a meeting of the committee or the position of chair is temporarily vacant.
- (5) The Chair, or the Deputy Chair when acting as chair, may appoint another member of a committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

Procedure and Privileges Committees

24.08 Procedure Committee

- (1) At the commencement of each Parliament the Council will appoint a Procedure Committee to consider any matter regarding the practices and procedures of the House.
- (2) The committee may consider any matter referred to it by the Council or the President.
- (3) The committee shall consist of 7 Members with 4 Members to be the quorum.
- (4) The President will be the Chair of the committee and the committee will elect another Member of the committee to be the Deputy Chair.

24.09 Privileges Committee

- (1) At the commencement of each Parliament the Council will appoint a Privileges Committee to consider any matter regarding the privileges of the House referred to it by the Council.
- (2) The committee shall consist of 7 Members with 4 Members to be the quorum.
- (3) The committee will elect one of its Members to be the Chair of the Committee and one of its Members to be the Deputy Chair.

Select Committees

24.10 Appointment of Select Committees

- (1) The Council may appoint a Select Committee to consider matters referred by the House.

- (2) A motion for the appointment of a Select Committee will state the object of such committee.

24.11 Appointment of Members

- (1) A Select Committee will consist of not less than five nor, without leave of the Council, more than ten Members.
- (2) Notice will be given in the Council of the names of the Members that are proposed to be appointed to committees. Notice is not required of a motion for the appointment of Members if that motion immediately follows a resolution that has established a committee.
- (3) Members may be discharged from attending a Select Committee, and other Members added, after notice has been given.

24.12 Quorum

The quorum of every Select Committee will be fixed at the time of appointing such committee.

24.13 Election of Chair and Deputy Chair

- (1) Prior to the commencement of any other business, every Select Committee will elect one of its Members to be the Chair of the Committee and one of its Members to be Deputy Chair.
- (2) If the Chair and Deputy Chair are absent from any meeting the Members present may appoint any one of their number to be Chair for that meeting.

24.14 Sub-committees

- (1) A Select Committee may appoint a sub-committee of two or more of its Members to inquire into and report to the committee on any matter which the committee is empowered to examine, but may not take evidence unless the committee so decides in relation to each proposed witness.
- (2) At a meeting of a sub-committee two Members constitute a quorum.
- (3) A sub-committee will report to the Select Committee as soon as practicable on each matter referred to that sub-committee.

General Provisions Relating to Committees

24.15 Application of provisions

These general provisions relating to the operation of committees apply to all committees and sub-committees established by these Standing Orders, except where otherwise stated.

24.16 Meetings

- (1) A committee may not sit while the Council is actually sitting unless specifically empowered to do so by the Council.
- (2) A committee may adjourn from time to time and from place to place.
- (3) If a quorum of Members is not present within half an hour after the time fixed for the meeting of any committee, the meeting will lapse and the next meeting of the committee will be called by the Chair.

- (4) If at any time during the sitting of a committee the quorum of Members fixed by the Council is not present, the Secretary of the Committee will call the attention of the Chair to the fact, who will suspend the proceedings of the committee until a quorum is present, or adjourn the meeting to some future day.

24.17 Record of proceedings of committee

Minutes of proceedings must be taken of each meeting of a committee and must record —

- (a) the names of the Members who attended each meeting;
- (b) every motion or amendment proposed and the name of its mover; and
- (c) the divisions and the names of the Members voting for each side on a question, which must also be included in the committee's report to the Council.

24.18 Questions

- (1) In a Standing Committee, in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote.
- (2) In a Select Committee all questions will be decided by a majority of Members present.
- (3) In a Select Committee the Chair can vote only when there is an equality of votes.

24.19 Power to send for persons, documents and other things

A committee may send for persons, documents and other things.

24.20 Deliberative meetings

Committee deliberative meetings will always be conducted in private.

24.21 Advertising of terms of reference

Each committee will advertise the terms of reference for an inquiry and call for submissions and all such submissions received by the committee will be treated as public documents unless the committee otherwise orders.

24.22 Evidence

- (1) Unless otherwise determined by the committee, a transcript will be taken of all formal evidence.
- (2) The name of the Member asking each question of a witness under examination by any committee will be shown in the transcript of evidence.
- (3) Unless the Council or a committee otherwise determines, all evidence will be taken in public and may be published immediately.
- (4) A committee may take evidence in private.

24.23 Disclosure of submissions, evidence and other documents

- (1) A committee may authorise the publication of any documents, papers and submissions presented to it.

- (2) Evidence not taken in public and any documents, papers and submissions received by the committee which have not been authorised for publication will not be disclosed unless they have been reported to the Council.

24.24 Unreported evidence

Where a committee lapses or ceases to have legal existence before it can report to the Council, the evidence can be considered by any other committee appointed in the same or next Parliament inquiring into the same subject-matter.

24.25 Interim reports

A committee may report on its deliberations and present its minutes, evidence or other documents from time to time.

24.26 Chair to prepare draft report

The Chair of every committee will prepare the draft report for consideration by the committee.

24.27 Proceedings on consideration of draft report

- (1) The draft report will be printed and circulated to Members of a committee.
- (2) The report will be considered paragraph by paragraph or groups of paragraphs and a question put "That the paragraph [or paragraphs] or the paragraph or paragraphs (as amended) stand part of the report".
- (3) A Member may move amendments to a paragraph at the time it is under consideration.
- (4) After all paragraphs and appendices (if any) have been considered, the question will be put "That the draft report (or the draft report, as amended), be the Report of the Committee".
- (5) Any division on a question relating to the adoption of the draft report must be included in the Committee's report to the Council.

24.28 Minority report

When requested to do so by one or more Members of a committee, the committee will include with its report to the Council a minority report.

24.29 Report presented by Chair

The report of a committee will be tabled in the Council by the Chair of the committee and may be ordered to lie on the Table.

24.30 Resources

Each committee shall be provided with all necessary staff, facilities and resources and shall be empowered to appoint persons with specialist knowledge for the purposes of the committee, with the approval of the President.

24.31 List of Members

A list of Members serving on committees must be published in the Notice Paper."

77. In Standing Order 25.04, in sub-section (1), omit "1.11 or 25.03" and insert "1.10 or 24.03".

78. The Clerk be empowered to renumber the Standing Orders and correct any internal references as a consequence of these amendments.
- (4) Ms Pennicuik moved, That the Standing Orders of the Legislative Council be amended as follows:
1. In Standing Order 4.11, omit sub-sections (1) and (3).
 2. After Standing Order 4.11 insert the following new Standing Orders:

4.12 Responses to matters raised on the daily Adjournment debate

- (1) When a Member raises a matter which requires a response from a Minister that response must be given at the time the matter is raised or provided in writing within 30 days.
- (2) When a response is provided in writing, before the daily Adjournment debate is concluded, a Minister will advise the Council of the responses being provided, including the date the matter was raised and the name of the Member who raised the matter.
- (3) A copy of the response will be given to the Member who raised the matter, and all responses will be incorporated in Hansard.

4.13 Procedure when responses to daily Adjournment debate matters not provided

- (1) If a required response is not provided within 30 days of the matter being raised and the relevant Minister does not, within that period, provide to the Member who raised the matter an explanation satisfactory to the Member as to why a response has not been provided –
 - (a) at the conclusion of the daily Adjournment debate the Member may ask the Minister for an explanation; and
 - (b) at the conclusion of any such explanation the Member may move, without notice, “That the Council take note of the explanation”.
- (2) If a Minister does not provide an explanation, notice may forthwith be given of a motion regarding the Minister’s failure to provide either a response or an explanation.

3. Omit Standing Order 5.02 and insert the following new Standing Order in its place:

5.02 Order of Business

Unless otherwise ordered by the Council, the order of business will be —

- (1) On Tuesday —
 - Messages
 - Questions
 - Answers to Questions on Notice
 - Formal Business
 - Members’ Statements (up to 15 Members)
 - Government Business
 - Adjournment (up to 15 Members)
- (2) On Wednesday —
 - Messages
 - Formal Business
 - Members’ Statements (up to 15 Members)

General Business

At 12 noon Questions

Answers to Questions on Notice

General Business (continues)

At 5.30 p.m. Statements on reports and papers (60 minutes)

At 8.00 p.m. Standing Committees (if meeting) OR General Business OR Government Business (if Standing Committees not meeting)

Adjournment (up to 15 Members)

(3) On Thursday —

Messages

Formal Business

Members' Statements (up to 15 Members)

Government Business

At 12 noon Questions

Answers to Questions on Notice

Government Business (continues)

Adjournment (up to 15 Members)

(4) On Friday —

Messages

Formal Business

Government Business

At 12 noon Questions

Answers to Questions on Notice

Government Business (continues)

Adjournment (maximum 30 minutes).

4. In Standing Order 5.08 omit sub-sections (3) to (6).
5. In Standing Order 8.01, in sub-section (1), omit paragraph (a) and insert the following new paragraph in its place:
 - (a) Ministers of the Crown relating to public affairs for which the Minister is directly connected, or has responsibility when representing a Minister from the Assembly, or to any matter of administration for which the Minister is responsible; and.
- (5) Mr D.M. Davis moved, That the Standing Orders of the Legislative Council be amended as follows:
 1. Omit Chapter 24 (Standing Orders 24.01 to 24.20 inclusive) and insert —

“CHAPTER 24

STANDING AND SELECT COMMITTEES

Standing Committees

24.01 Appointment of Standing Committees

At the commencement of each Parliament subsequently, legislative and reference standing committees shall be appointed as follows:

- (1) Economy and Infrastructure
 - Legislation Committee
 - References Committee

- (2) Environment and Planning
Legislation Committee
References Committee
- (3) Legal and Social Issues
Legislation Committee
References Committee

24.02 Functions

- (1) The Standing Committee on the Economy and Infrastructure will inquire into and report on any proposal, matter or thing concerned with agriculture, commerce, infrastructure, industry, major projects, public sector finances and transport.
- (2) The Standing Committee on the Environment and Planning will inquire into and report on any proposal, matter or thing concerned with the arts, coordination of government, environment, and planning the use, development and protection of land.
- (3) The Standing Committee on Legal and Social Issues will inquire into and report on any proposal, matter or thing concerned with community services, education, gaming, health, and law and justice.
- (4) (a) Legislation Committees may inquire into, hold public hearings, consider and report on any bills or draft bills referred to them by the Legislative Council, annual reports, estimates of expenditure or other documents laid before the Legislative Council in accordance with an Act, provided these are relevant to their functions.

(b) References committees may inquire into, hold public hearings, consider and report on other matters referred to them by the Legislative Council.
- (5) References concerning departments and agencies shall be allocated to the committees in accordance with a resolution of the Council allocating departments and agencies to the committees.

24.03 Appointment of Members

- (1) Each legislation and references committee will consist of 8 members, with 4 members from the Government Party nominated by the Leader of the Government in the Council, 3 members from the Opposition nominated by the Leader of the Opposition in the Council and 1 member from among the remaining members in the Council nominated jointly by minority groups and independent members.
- (2) (a) The committees to which minority groups and independent members make nominations shall be determined by agreement between the minority groups and independent members, and, in the absence of agreement being notified to the President, representation on a committee shall be determined by the Council.

(b) The allocation of places on the committees amongst minority groups and independent members shall be, as near as practicable, in proportion to their respective numbers in the Council.

24.04 Quorum

- (1) 5 Members of each committee will constitute a quorum of the committee.
- (2) Each committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.

24.05 Substitute Members

- (1) Members may be appointed as substitutes for other members on the legislative and reference standing committees in respect of particular matters before the committees.
- (2) On the nominations of the Leader of the Government in the Council, the Leader of the Opposition in the Council and minority groups and independent members, participating members may be appointed to the committees.
- (3) Participating members may participate in hearings of evidence and deliberations of the committees, and have all the rights of members of committees, but may not vote on any questions before the committees.
- (4) A participating member shall be taken to be a member of a committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.
- (5) If a member of a committee is unable to attend a meeting of the committee, that member may in writing to the chair of the committee appoint a participating member to act as a substitute member of the committee at that meeting. If the member is incapacitated or unavailable, a letter to the chair of a committee appointing a participating member to act as a substitute member of the committee may be signed on behalf of the member by the leader of the party or group on whose nomination the member was appointed to the committee.

24.06 Sub-committees

- (1) A committee may appoint sub-committees consisting of 3 or more of its Members, and refer to any such sub-committee any of the matters which the committee is empowered to consider.
- (2) At a meeting of a sub-committee two Members constitute a quorum.
- (3) A sub-committee will report to the committee as soon as practicable on each matter referred to that sub-committee.

24.07 Election of Chair and Deputy Chair

- (1) Each legislation committee shall elect as its Chair a member nominated by the Leader of the Government in the Council, and as its Deputy Chair a member nominated by the Leader of the Opposition in the Council or by a minority group or independent member.
- (2) Each references committee shall elect as its Chair a member nominated by the Leader of the Opposition in the Council or by a minority group or independent member, and as its Deputy Chair a member nominated by the Leader of the Government in the Council.

- (3) Members nominated as chairs and deputy chairs by the Leader of the Opposition or members of minority groups or independent members shall be determined by agreement between those groups and, in the absence of agreement duly notified to the President, any question of the allocation of chairs and deputy chairs shall be determined by the Council.
- (4) The Deputy Chair shall act as the chair of the committee when the member elected as Chair is absent from a meeting of the committee or the position of chair is temporarily vacant.
- (5) The Chair, or the Deputy Chair when acting as chair, may appoint another member of a committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

Procedure and Privileges Committees

24.08 Procedure Committee

- (1) At the commencement of each Parliament the Council will appoint a Procedure Committee to consider any matter regarding the practices and procedures of the House.
- (2) The committee may consider any matter referred to it by the Council or the President.
- (3) The committee shall consist of 7 Members with 4 Members to be the quorum.
- (4) The President will be the Chair of the committee and the committee will elect another Member of the committee to be the Deputy Chair.

24.09 Privileges Committee

- (1) At the commencement of each Parliament the Council will appoint a Privileges Committee to consider any matter regarding the privileges of the House referred to it by the Council.
- (2) The committee shall consist of 7 Members with 4 Members to be the quorum.
- (3) The committee will elect one of its Members to be the Chair of the Committee and one of its Members to be the Deputy Chair.

Select Committees

24.10 Appointment of Select Committees

- (1) The Council may appoint a Select Committee to consider matters referred by the House.
- (2) A motion for the appointment of a Select Committee will state the object of such committee.

24.11 Appointment of Members

- (1) A Select Committee will consist of not less than five nor, without leave of the Council, more than ten Members.

- (2) Notice will be given in the Council of the names of the Members that are proposed to be appointed to committees. Notice is not required of a motion for the appointment of Members if that motion immediately follows a resolution that has established a committee.
- (3) Members may be discharged from attending a Select Committee, and other Members added, after notice has been given.

24.12 Quorum

The quorum of every Select Committee will be fixed at the time of appointing such committee.

24.13 Election of Chair and Deputy Chair

- (1) Prior to the commencement of any other business, every Select Committee will elect one of its Members to be the Chair of the Committee and one of its Members to be Deputy Chair.
- (2) If the Chair and Deputy Chair are absent from any meeting the Members present may appoint any one of their number to be Chair for that meeting.

24.14 Sub-committees

- (1) A Select Committee may appoint a sub-committee of two or more of its Members to inquire into and report to the committee on any matter which the committee is empowered to examine, but may not take evidence unless the committee so decides in relation to each proposed witness.
- (2) At a meeting of a sub-committee two Members constitute a quorum.
- (3) A sub-committee will report to the Select Committee as soon as practicable on each matter referred to that sub-committee.

General Provisions Relating to Committees

24.15 Application of provisions

These general provisions relating to the operation of committees apply to all committees and sub-committees established by these Standing Orders, except where otherwise stated.

24.16 Meetings

- (1) A committee may not sit while the Council is actually sitting unless specifically empowered to do so by the Council.
- (2) A committee may adjourn from time to time and from place to place.
- (3) If a quorum of Members is not present within half an hour after the time fixed for the meeting of any committee, the meeting will lapse and the next meeting of the committee will be called by the Chair.
- (4) If at any time during the sitting of a committee the quorum of Members fixed by the Council is not present, the Secretary of the Committee will call the attention of the Chair to the fact, who will suspend the proceedings of the committee until a quorum is present, or adjourn the meeting to some future day.

24.17 Record of proceedings of committee

Minutes of proceedings must be taken of each meeting of a committee and must record —

- (a) the names of the Members who attended each meeting;
- (b) every motion or amendment proposed and the name of its mover; and
- (c) the divisions and the names of the Members voting for each side on a question, which must also be included in the committee's report to the Council.

24.18 Questions

- (1) In a Standing Committee, in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote.
- (2) In a Select Committee all questions will be decided by a majority of Members present.
- (3) In a Select Committee the Chair can vote only when there is an equality of votes.

24.19 Power to send for persons, documents and other things

A committee may send for persons, documents and other things.

24.20 Deliberative meetings

Committee deliberative meetings will always be conducted in private.

24.21 Advertising of terms of reference

Each committee will advertise the terms of reference for an inquiry and call for submissions and all such submissions received by the committee will be treated as public documents unless the committee otherwise orders.

24.22 Evidence

- (1) Unless otherwise determined by the committee, a transcript will be taken of all formal evidence.
- (2) The name of the Member asking each question of a witness under examination by any committee will be shown in the transcript of evidence.
- (3) Unless the Council or a committee otherwise determines, all evidence will be taken in public and may be published immediately.
- (4) A committee may take evidence in private.

24.23 Disclosure of submissions, evidence and other documents

- (1) A committee may authorise the publication of any documents, papers and submissions presented to it.
- (2) Evidence not taken in public and any documents, papers and submissions received by the committee which have not been authorised for publication will not be disclosed unless they have been reported to the Council.

24.24 Unreported evidence

Where a committee lapses or ceases to have legal existence before it can report to the Council, the evidence can be considered by any other committee appointed in the same or next Parliament inquiring into the same subject-matter.

24.25 Interim reports

A committee may report on its deliberations and present its minutes, evidence or other documents from time to time.

24.26 Chair to prepare draft report

The Chair of every committee will prepare the draft report for consideration by the committee.

24.27 Proceedings on consideration of draft report

- (1) The draft report will be printed and circulated to Members of a committee.
- (2) The report will be considered paragraph by paragraph or groups of paragraphs and a question put "That the paragraph [or paragraphs] or the paragraph or paragraphs (as amended) stand part of the report".
- (3) A Member may move amendments to a paragraph at the time it is under consideration.
- (4) After all paragraphs and appendices (if any) have been considered, the question will be put "That the draft report (or the draft report, as amended), be the Report of the Committee".
- (5) Any division on a question relating to the adoption of the draft report must be included in the Committee's report to the Council.

24.28 Minority report

When requested to do so by one or more Members of a committee, the committee will include with its report to the Council a minority report.

24.29 Report presented by Chair

The report of a committee will be tabled in the Council by the Chair of the committee and may be ordered to lie on the Table.

24.30 Resources

Each committee shall be provided with all necessary staff, facilities and resources and shall be empowered to appoint persons with specialist knowledge for the purposes of the committee, with the approval of the President.

24.31 List of Members

A list of Members serving on committees must be published in the Notice Paper."

2. Omit Chapter 16 (Standing Orders 16.01 to 16.22 inclusive).
3. In Standing Order 5.02, in sub-sections (1), (2) and (3), omit "At 8.00 p.m. Legislation Committee (if ordered)".

4. Omit Standing Order 5.03.
5. In Standing Order 14.11, omit "Legislation Committee," and insert "Standing or".
6. The Clerk be empowered to renumber the Standing Orders and correct any internal references as a consequence of these amendments.

Debate ensued.

Mr Hall moved, as an amendment to Ms Pennicuik's notice of motion no. (4), in Amendment No. 3, in proposed Standing Order 5.02, in sub-sections (1), (2) and (3), omit "Adjournment (up to 15 Members)" and insert "Adjournment (up to 20 Members)".

Debate ensued.

Question — That Mr Viney's notice of motion no. (1) be agreed to — put and agreed to.

Question — That Mr Viney's notice of motion no. (2) be agreed to — put and agreed to.

Question — That Mr Hall's amendment to Ms Pennicuik's notice of motion no. (4) be agreed to — put and agreed to.

Question — That the Standing Orders of the Legislative Council be amended as follows:

1. In Standing Order 4.11, omit sub-sections (1) and (3).
2. After Standing Order 4.11 insert the following new Standing Orders:

4.12 Responses to matters raised on the daily Adjournment debate

- (1) When a Member raises a matter which requires a response from a Minister that response must be given at the time the matter is raised or provided in writing within 30 days.
- (2) When a response is provided in writing, before the daily Adjournment debate is concluded, a Minister will advise the Council of the responses being provided, including the date the matter was raised and the name of the Member who raised the matter.
- (3) A copy of the response will be given to the Member who raised the matter, and all responses will be incorporated in Hansard.

4.13 Procedure when responses to daily Adjournment debate matters not provided

- (2) If a required response is not provided within 30 days of the matter being raised and the relevant Minister does not, within that period, provide to the Member who raised the matter an explanation satisfactory to the Member as to why a response has not been provided —
 - (a) at the conclusion of the daily Adjournment debate the Member may ask the Minister for an explanation; and
 - (b) at the conclusion of any such explanation the Member may move, without notice, "That the Council take note of the explanation".
- (2) If a Minister does not provide an explanation, notice may forthwith be given of a motion regarding the Minister's failure to provide either a response or an explanation.

3. Omit Standing Order 5.02 and insert the following new Standing Order in its place:

5.02 Order of Business

Unless otherwise ordered by the Council, the order of business will be —

- (1) On Tuesday —

Messages
 Questions
 Answers to Questions on Notice
 Formal Business
 Members' Statements (up to 15 Members)
 Government Business
 Adjournment (up to 20 Members)

(2) On Wednesday —

Messages
 Formal Business
 Members' Statements (up to 15 Members)
 General Business
At 12 noon Questions
 Answers to Questions on Notice
 General Business (continues)
At 5.30 p.m. Statements on reports and papers (60 minutes)
At 8.00 p.m. Standing Committees (if meeting) OR General Business OR
 Government Business (if Standing Committees not meeting)
 Adjournment (up to 20 Members)

(3) On Thursday —

Messages
 Formal Business
 Members' Statements (up to 15 Members)
 Government Business
At 12 noon Questions
 Answers to Questions on Notice
 Government Business (continues)
 Adjournment (up to 20 Members)

(4) On Friday —

Messages
 Formal Business
 Government Business
At 12 noon Questions
 Answers to Questions on Notice
 Government Business (continues)
 Adjournment (maximum 30 minutes).

4. In Standing Order 5.08 omit sub-sections (3) to (6).
5. In Standing Order 8.01, in sub-section (1), omit paragraph (a) and insert the following new paragraph in its place:
 - (a) Ministers of the Crown relating to public affairs for which the Minister is directly connected, or has responsibility when representing a Minister from the Assembly, or to any matter of administration for which the Minister is responsible; and

— put and agreed to.

Ms Pennicuik, by leave, withdrew her notice of motion no.(3).

Mr D.M. Davis, by leave, withdrew his notice of motion no. (5).

9 STANDING ORDERS OF THE COUNCIL — Leave having been granted to move his motion in an amended form, Mr D.M. Davis moved, That the Standing Orders of the Legislative Council be amended as follows:

1. In Standing Order 4.06, omit sub-section (3).
2. In Standing Order 4.08, omit sub-section (3).
3. In Standing Order 4.10, omit sub-sections (2) to (5) inclusive.
4. In Standing Order 4.13, at the end of sub-section (2) insert:

“and precedence will be given to such a motion on the next day of meeting in accordance with Standing Order 5.09.”.

5. Omit Standing Order 5.04, and insert:

“5.04 Time limits

The following time limits will apply to business before the Council —

Adjournment debate (Standing Order 4.10)

Total time for Members to raise matters	On Tuesday, Wednesday and Thursday, maximum 20 Members
	On Friday, 30 minutes
Each Member	3 minutes

Statements by Members (Standing Order 5.13)

Total time	No limit (Maximum 15 Members)
Each Member	90 seconds

Statements on reports and papers (Standing Order 9.10)

Total time	60 minutes
Total time (final week of sitting period)	30 minutes
Each Member	5 minutes

Procedural motions

Total time	30 minutes
Each Member	5 minutes
Mover, in reply	2 minutes”.

6. In Standing Order 5.08, insert the following sub-section after sub-section (2):

“(3) Government Business may only be taken on Wednesday when General Business is concluded before 10.00 p.m.”.
7. In Standing Order 5.09, insert the following new paragraph after paragraph (d):

“(e) motions regarding the failure of a Minister to provide either a response to a matter raised on the daily Adjournment debate or an explanation of the Minister’s failure to provide a response pursuant to Standing Order 4.13 or an answer to a question on notice or an explanation of the Minister’s failure to provide an answer pursuant to Standing Order 8.11”.

8. In Standing Order 5.14, omit sub-sections (5) and (6).
9. In Standing Order 8.11, omit sub-section (2) and insert the following sub-section in its place:
 - “(2) If a Minister does not provide an explanation, notice may forthwith be given of a motion regarding the Minister’s failure to provide either an answer or an explanation and precedence will be given to such a motion on the next day of meeting in accordance with Standing Order 5.09.”.
10. After Standing Order 9.10, insert the following new Standing Order:

“9.11 Production of documents

 - (1) The Council may order documents to be tabled in the Council. The Clerk is to communicate to the Secretary, Department of Premier and Cabinet, all orders for documents made by the Council.
 - (2) An order for the production of documents must specify the date for the documents to be provided.
 - (3) When returned, the documents will be laid on the table by the Clerk.
 - (4) A return under this Standing Order is to include an indexed list of all documents tabled, showing the date of creation of the document, a description of the document and the author of the document.
 - (5) If at the time the documents are required to be tabled the Council is not sitting, the documents may be lodged with the Clerk, and unless Executive privilege is claimed, are deemed to have been presented to the Council and published by authority of the Council.
 - (6) Where a document is claimed to be covered by Executive privilege —
 - (a) a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of Executive privilege; and
 - (b) the documents are to be delivered to the Clerk by the date and time required in the resolution of the Council and —
 - (i) made available only to the mover of the motion for the order; and
 - (ii) not published or copied without an order of the Council.
 - (7) The mover may notify the Clerk in writing, disputing the validity of the claim of Executive privilege in relation to a particular document or documents. On receipt of such notification, the Clerk is authorised to release the disputed document or documents to an independent legal arbiter, for evaluation and report within 7 calendar days as to the validity of the claim.
 - (8) The independent legal arbiter is to be appointed by the President and must be a Queen’s Counsel, a Senior Counsel or a retired Supreme Court Judge.
 - (9) A report from the independent legal arbiter is to be lodged with the Clerk and —
 - (a) made available only to members of the Council; and
 - (b) not published or copied without an order of the Council.
 - (10) The Clerk will maintain a register showing the name of any person examining documents tabled under this Standing Order.”.
11. Omit Chapter 11 (Standing Orders 11.01 to 11.10 inclusive).

12. In Standing Order 12.07, omit “, a motion for the Government Business Program”.
13. In Standing Order 14.10, omit sub-section (4).
14. The Clerk be empowered to renumber the Standing Orders and correct any internal references as a consequence of these amendments.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum (*Teller*)
 Mr Finn
 Mr Hall
 Mr Koch
 Mrs Kronberg
 Ms Lovell
 Mr O’Donohue
 Mrs Petrovich
 Mrs Peulich (*Teller*)
 Mr Rich-Phillips
 Mr Vogels

NOES, 21

Mr Barber
 Ms Broad
 Ms Darveniza
 Mr Eideh (*Teller*)
 Mr Elasmar
 Ms Hartland
 Ms Huppert
 Mr Jennings
 Mr Leane
 Mr Lenders
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Ms Pennicuik
 Ms Pulford (*Teller*)
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney

Question negatived.

- 10 SCHOOL STUDENT SUPPORT** — The Order of the Day was read for the resumption of debate on the question, That this House acknowledges the responsibility of all Victorian Governments to provide for and contribute towards the education of all school-age Victorians regardless of who owns the schools that they attend and that the level of Government support for all Victorian school students should be reflective of student need and not the proprietorship of the educational institution.

On the motion of Mr Hall, the debate was adjourned until later this day.

- 11 AGED PENSIONER SERVICES** — Ms Hartland moved, That this House calls on the Government to ensure that key services are affordable for aged pensioners in Victoria by —
- (a) undertaking a review of concessions for property rates, utilities, education, transport and recreation facilities; and
 - (b) immediately expanding the Home Wise Grants Program to include repair, maintenance or replacement of cooling appliances for people most at risk from heatwaves.

Debate ensued.

Question — put and agreed to.

- 12 SCHOOL STUDENT SUPPORT** — Debate resumed on the question, That this House acknowledges the responsibility of all Victorian Governments to provide for and contribute towards the education of all school-age Victorians regardless of who owns the schools that they attend and that the level of Government support for all Victorian school students should be reflective of student need and not the proprietorship of the educational institution.

Question — put and agreed to.

- 13 INDEPENDENT CUSTODIAL SERVICES BODY** — Ms Pennicuik moved, That this House calls on the Government to establish an independent statutory body, reportable directly to Parliament, to provide external scrutiny of Victoria's custodial services, to conduct investigations, and to publish information and findings on the standards and operational practices of custodial services in Victoria.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3	NOES, 35
Mr Barber (<i>Teller</i>)	Mr Atkinson
Ms Hartland	Ms Broad
Ms Pennicuik (<i>Teller</i>)	Mrs Coote
	Mr Dalla-Riva
	Ms Darveniza (<i>Teller</i>)
	Mr D.M. Davis
	Mr P.R. Davis (<i>Teller</i>)
	Mr Drum
	Mr Eideh
	Mr Elasmarr
	Mr Finn
	Mr Hall
	Ms Huppert
	Mr Jennings
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Mr Lenders
	Ms Lovell
	Mr Madden
	Ms Mikakos
	Mr Murphy
	Mr O'Donohue
	Mr Pakula
	Mrs Petrovich
	Mrs Peulich
	Ms Pulford
	Mr Rich-Phillips
	Mr Scheffer
	Mr Smith
	Mr Somyurek
	Mr Tee
	Ms Tierney
	Mr Viney
	Mr Vogels

Question negatived.

- 14 VICTORIA PLANNING PROVISIONS — AMENDMENT VC71** — Mr Atkinson (for Mr Guy) moved, That pursuant to section 38 of the *Planning and Environment Act 1987*, the following item No. 8 in Amendment VC71 to the Victoria Planning Provisions be revoked:

“8. In State Planning Policy Framework – replace Clause 16 with new Clause 16 in the form of the attached document.”.

Debate ensued.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Barber.

15 SENTENCING AMENDMENT BILL 2010 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Sentencing Act 1991 and the Road Safety Act 1986 and to make minor and consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

Mr Pakula (for Mr Madden) moved, That the Bill be now read a first time.

Question — put.

The Council divided — The President in the Chair.

AYES, 35

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Hartland

Mrs Coote

Ms Pennicuik (*Teller*)

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Finn

Mr Hall

Ms Huppert

Mr Jennings

Mr Kavanagh

Mr Koch

Mrs Kronberg (*Teller*)

Mr Leane

Mr Lenders

Ms Lovell

Mr Madden (*Teller*)

Ms Mikakos

Mr Murphy

Mr O'Donohue

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Rich-Phillips

Mr Scheffer

Mr Smith

Mr Somyurek

Mr Tee

Ms Tierney

Mr Viney

Question agreed to.

Mr Pakula moved, That the second reading be made an Order of the Day for the next day of meeting.

Question — put.

The Council divided — The President in the Chair.

AYES, 35

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Hartland

Mrs Coote

Ms Pennicuik (*Teller*)

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Eideh
 Mr Elasmarr
 Mr Finn
 Mr Hall
 Ms Huppert
 Mr Jennings
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg (*Teller*)
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden (*Teller*)
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney

Question agreed to.

- 16 ROAD SAFETY AMENDMENT (HOON DRIVING) BILL 2010** — The President read a Message from the Assembly acquainting the Council that they had agreed to the amendment made by the Council with an amendment, and made a further amendment in the Bill and requesting the agreement of the Council.

Ordered — That the Message be taken into consideration on the next day of meeting.

- 17 TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL 2010** — The President read a Message from the Assembly acquainting the Council that they had agreed to the amendments made by the Council in this Bill.

- 18 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 10.44 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 195 — Thursday, 7 October 2010

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

2 **PETITIONS** —

BRIMBANK CITY COUNCIL WORKS — Mr Finn presented a Petition bearing 12 signatures from certain citizens of Victoria requesting that the Minister for Local Government direct the

Administrators of the Brimbank City Council to convene a site meeting with the relevant parties outside 15 Adelaide Street, St Albans, to discuss sewer repairs.

Ordered to lie on the Table.

* * * * *

WESTLINK DEVELOPMENT — Ms Hartland presented a Petition bearing 165 signatures from certain citizens of Victoria requesting that the Government immediately reconsider the development of Westlink and redirect the proposed funding to more sustainable, long term infrastructure like rail.

Ordered to lie on the Table.

* * * * *

BUS SERVICE — ROUTE 536 — Ms Hartland presented a Petition bearing 26 signatures from certain citizens of Victoria requesting that the Government extend bus services on Route 536, between Glenroy and Gowrie, to operate between 6.00 a.m. and 9.00 p.m. on weekdays, 8.00 a.m. to 9.00 p.m. on Saturdays and public holidays and 9.00 a.m. to 9.00 p.m. on Sundays, Christmas Day and Good Friday.

Ordered to lie on the Table.

3 PAPERS —

AUDITOR-GENERAL'S REPORTS 2009-10 — Mr Lenders moved, by leave, That there be laid before this House a copy of the Response by the Minister for Finance to the Auditor-General's Reports issued during 2009-10.

Question — put and agreed to.

The Report was presented by Mr Lenders and ordered to lie on the Table.

* * * * *

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION — BUILDERS WARRANTY INSURANCE — Mr Rich-Phillips presented the Final Report from the Standing Committee on Finance and Public Administration on Builders Warranty Insurance (including Appendices and Extracts of Proceedings of the Committee), together with Transcripts of Evidence.

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

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION — ACTIVITIES FOR 56TH PARLIAMENT — Mr Rich-Phillips presented a Report from the Standing Committee on Finance and Public Administration on its Activities for the 56th Parliament (including Extracts of Proceedings of the Committee).

Ordered to lie on the Table and to be printed.

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

RURAL AND REGIONAL COMMITTEE — DISADVANTAGE AND INEQUITY IN RURAL AND REGIONAL VICTORIA — Mr Drum presented a Report from the Rural and Regional Committee on the Extent and Nature of Disadvantage and Inequity in Rural and Regional Victoria (including Appendices and a Minority Report), together with Transcripts of Evidence.

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

Mr Drum moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — AUDIT ACT 1994 — Mr Dalla-Riva presented a Report from the Public Accounts and Estimates Committee on Victoria's Audit Act 1994 (including Appendices), together with Transcripts of Evidence.

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

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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 Coordinating Council — Report, 2009-10.

Auditor General's reports on —

Annual Financial Report of the State of Victoria, 2009-10, October 2010.

Restricting Environmental Flows during Water Shortages, October 2010.

Victorian Registration and Qualifications Authority, October 2010.

Barwon Regional Waste Management Group — Report, 2009-10.

Calder Regional Waste Management Group — Report, 2009-10.

Central Murray Regional Waste Management Group — Report, 2009-10.

Commissioner for Environmental Sustainability Act 2003 — Framework for the State of the Environment Report 2013.

Commissioner for Environmental Sustainability — Report, 2009-10.

Crimes (Assumed Identities) Act 2004 — Report of the Chief Commissioner of Police pursuant to section 31 of the Act, 2009-10.

Desert Fringe Regional Waste Management Group — Report, 2009-10.

Gippsland Regional Waste Management Group — Report, 2009-10.

Goulburn Valley Regional Waste Management Group — Report, 2009-10.

Grampians Regional Waste Management Group — Report, 2009-10.

Highlands Regional Waste Management Group — Report, 2009-10.

Liquor Control Reform Act 1998 — Reports of the Chief Commissioner of Police pursuant to section 148R of the Act, 2008-09 and 2009-10.

Melbourne Central City Studios Pty Ltd — Minister's report of receipt of 2009-10 report.

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2010.

Mildura Regional Waste Management Group — Report, 2009-10.

Mornington Peninsula Regional Waste Management Group — Report, 2009-10.

North East Victorian Regional Waste Management Group — Report, 2009-10.

Office of Police Integrity —

Report on Managing Conflict of Interest in Victoria Police.

Report under section 30L of the Surveillance Devices Act 1999, 2009-10.

Ombudsman — Report on Ombudsman's recommendations — Second report on their implementation, October 2010

South Western Regional Waste Management Group — Report, 2009-10.

Surveyors Registration Board of Victoria — Report, 2009-10.

Victoria Grants Commission — Report for the period ended 31 August 2010.

Victoria Police — Chief Commissioner — Report under section 30L of the Surveillance Devices Act 1999, 2009-10.

Victorian Law Reform Commission — Report, 2009-10.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

4 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

GROSS STATE PRODUCT — Mr Lenders having given an answer to a supplementary question without notice relating to Gross State Product in Victoria in comparison with other States —

On the motion of Mr D.M. Davis, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

QUESTIONS — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

6 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

7 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business and Order of the Day, Government Business, No. 1, be postponed until later this day.

8 EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010 — The Order of the day was read for the consideration of the Message from the Assembly informing the Council that they had agreed to some of the amendments made in the Bill by the Council, agreed to others each with an amendment with which agreement is requested and disagreed with the remaining amendments.

The amendments remaining for consideration by the Council were read and are as follows:

AMENDMENT NO 1

Clause 3, lines 15 to 21, omit all words and expressions on these lines and insert—

"(ii) the student is 20 years of age or older on 1 January in the year the study is undertaken, and the study is required by the student in his or her current or prospective employment or to re-enter the workforce, whether or not the study leads to the same or a higher level of vocational education and training qualification already obtained by the student—".

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 5

Clause 55, page 77, lines 1 to 4, after "consistent with," omit all words and expressions on these lines and insert "and is designed to facilitate, the carrying out of the functions referred to in subsections (1) and (2).".

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 6

Clause 55, page 77, after line 4 insert—

'(4) The board of an institute must use any revenue generated by engaging in the type of commercial activity referred to in subsection (3) for the purposes of carrying out its functions under subsections (1) and (2).'.'

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 7

Clause 57, omit this clause.

How dealt with by the Assembly

Agreed to with the following amendment:

Insert the following New Clause to follow Clause 56—

'AA Board directorship

(1) In section 3.1.16(1) of the **Education and Training Reform Act 2006**—

(a) before paragraph (a) **insert**—

"(aa) the chairperson of the board who must be appointed by the Governor in Council;";

(b) for paragraph (a) **substitute**—

"(a) a number must be appointed by the Minister that together with the chairperson is more than one half of the directors of the board;".

(2) In section 3.1.16(3) of the **Education and Training Reform Act 2006**, for "referred to in" substitute "appointed by the Minister under".

AMENDMENT NO 8

Clause 58, omit this clause.

How dealt with by the Assembly

Agreed to with the following amendment:

Insert the following New Clause to follow Clause 57—

'BB Removal of directors

In section 3.1.18(1) of the **Education and Training Reform Act 2006**, after "remove" insert "the chairperson or".

AMENDMENT NO 9

Clause 70, lines 24 to 34 and page 89, lines 1 to 22, omit all words and expressions on these lines.

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 10

Clause 70, page 89, line 23, omit "(6)" and insert "(4)".

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 11

Clause 70, page 89, line 23, omit "60" and insert "58".

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 12

Clause 70, page 89, line 30, omit "60" and insert "58".

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 13

Clause 70, page 89, line 32, omit "(7)" and insert "(5)".

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 14

Schedule, line 2, omit "71" and insert "69".

How dealt with by the Assembly

Disagreed with.

Mr Lenders moved, That the Council does not insist on Amendment No. 1 with which the Assembly have disagreed.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 34

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva

NOES, 4

Mr Barber (*Teller*)
Ms Hartland
Mr Kavanagh
Ms Pennicuik (*Teller*)

Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Hall
Ms Huppert
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr Murphy
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips (*Teller*)
Mr Scheffer
Mr Smith
Mr Somyurek
Ms Tierney (*Teller*)
Mr Viney
Mr Vogels

Question agreed to.

Mr Pakula moved, That the Council does not insist on Amendment No. 5 with which the Assembly have disagreed.

Question — put and agreed to.

Mr Pakula moved, That the Council does not insist on Amendment No. 6 with which the Assembly have disagreed.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 36

NOES, 3

Mr Atkinson
Ms Broad
Mrs Coote
Mr Dalla-Riva
Ms Darveniza
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elasmarr
Mr Finn
Mr Hall (*Teller*)
Ms Huppert
Mr Jennings (*Teller*)
Mr Kavanagh

Mr Barber (*Teller*)
Ms Hartland (*Teller*)
Ms Pennicuik

Mr Koch
 Mrs Kronberg
 Mr Leane
 Mr Lenders
 Ms Lovell
 Mr Madden
 Ms Mikakos
 Mr Murphy
 Mr O'Donohue
 Mr Pakula
 Mrs Petrovich
 Mrs Peulich
 Ms Pulford
 Mr Rich-Phillips
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney
 Mr Vogels

Question agreed to.

Mr Pakula moved, That the Council agree to the amendments made by the Assembly to Amendments Nos. 7 and 8 made by the Council.

Debate ensued.

Question — put and agreed to.

Mr Pakula moved, That the Council does not insist on Amendments Nos. 9 to 14 inclusive, with which the Assembly have disagreed.

Debate ensued.

Question — put and agreed to.

Message sent to the Assembly informing them that the Council do not insist on the amendments disagreed with by the Assembly and have agreed to the amendments made by the Assembly to the amendments made by the Council.

9 SENTENCING AMENDMENT BILL 2010 — Mr Lenders (for Mr Madden) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Lenders, the second reading speech was incorporated into Hansard.

Mr Lenders moved, That the Bill be now read a second time.

Debate ensued.

Question — put and agreed to.

Bill read a second time.

Mr Lenders moved, by leave, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 36

Mr Atkinson
 Ms Broad
 Mrs Coote
 Mr Dalla-Riva
 Ms Darveniza
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum (*Teller*)

NOES, 3

Mr Barber
 Ms Hartland (*Teller*)
 Ms Pennicuik (*Teller*)

Mr Eideh
Mr Elasmar
Mr Finn
Mr Hall
Ms Huppert
Mr Jennings
Mr Kavanagh
Mr Koch
Mrs Kronberg
Mr Leane
Mr Lenders
Ms Lovell
Mr Madden
Ms Mikakos
Mr Murphy
Mr O'Donohue
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Rich-Phillips (*Teller*)
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney
Mr Vogels

Question agreed to.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

10 FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

11 ROAD LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

12 FIRE SERVICES COMMISSIONER BILL 2010 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 13 ROAD SAFETY AMENDMENT (HOON DRIVING) BILL 2010** — The Order of the day was read for the consideration of the Message from the Assembly informing the Council that they had agreed to the amendment made by the Council with an amendment, and made a further amendment to the Bill and requesting the agreement of the Council.

The amendment was read and is as follows:

Clause 4, line 5, omit "7" and insert "30".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "30" and insert "14"

and a further amendment made in the Bill:

Clause 16, line 28, omit "28" and insert "45".

Mr Pakula moved, That the Council agree to the amendment made by the Assembly to the amendment made by the Council, and agree to the further amendment made by the Assembly in the Bill.

Debate ensued.

Question — put and agreed to.

Message sent to the Assembly informing them that the Council have agreed to the amendment made by the Assembly to the amendment made by the Council, and have agreed to the further amendment made by the Assembly in the Bill.

- 14 MESSAGES FROM THE ASSEMBLY** — The Acting President read Messages from the Assembly informing the Council that they have agreed to the following Bills without amendment:

Bail Amendment Bill 2010

Subordinate Legislation Amendment Bill 2010

Personal Property Securities (Statute Law Revision and Implementation) Bill 2010

Tourist and Heritage Railways Bill 2010.

- 15 QUESTIONS** — By leave, answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 16 ADJOURNMENT** — Mr Lenders 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 Member of the Council.

Debate ensued.

Mr Atkinson moved, as an amendment, That all the words after "at its rising," be omitted with the view of inserting in their place "adjourn until Wednesday, 13 October 2010 and that the resumption of debate on the motion to revoke item no. 8 of Amendment VC71 to the Victoria Planning Provisions take precedence over all other General Business".

Debate ensued.

Question — That the amendment moved by Mr Atkinson be agreed to — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 21
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis (<i>Teller</i>)	Mr Elasmar
Mr P.R. Davis	Ms Hartland
Mr Drum	Ms Huppert
Mr Finn	Mr Jennings
Mr Hall	Mr Leane
Mr Kavanagh	Mr Lenders (<i>Teller</i>)
Mr Koch	Mr Madden
Mrs Kronberg	Ms Mikakos

Ms Lovell (*Teller*)
Mr O'Donohue
Mrs Petrovich
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

Mr Murphy
Mr Pakula
Ms Pennicuik
Ms Pulford
Mr Scheffer (*Teller*)
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney

Amendment negatived.

Question — 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 Member of the Council — put and agreed to.

Mr Lenders moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Sessional Orders.

And then the Council, at 7.29 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting will be notified in writing to each Member of the Council.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 193, 194 and 195

Tuesday, 5 October 2010

1 EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010

Clauses 1 to 17 — put and agreed to.

Schedule, Clauses 1 to 279 — put and agreed to.

Schedule, Clause 280 — Ms Lovell moved —

1. Schedule, page 204, clause 280, lines 15 to 17, omit "a participating jurisdiction determined by the Ministerial Council" and insert "each participating jurisdiction".

Consideration of Schedule, Clause 280 postponed.

Schedule, Clauses 281 to 302 — put and agreed to.

Schedule, Clause 303 — Ms Lovell moved —

3. Schedule, page 221, clause 303, lines 1 to 10, omit all the words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum (*Teller*)
Mr Finn
Mr Guy
Mr Koch
Mrs Kronberg
Ms Lovell
Mr O'Donohue
Mrs Petrovich (*Teller*)
Mrs Peulich
Mr Rich-Phillips
Mr Vogels

NOES, 21

Mr Barber
Ms Broad
Mr Eideh
Mr Elasmár (*Teller*)
Ms Hartland
Ms Huppert
Mr Jennings
Mr Leane
Mr Lenders
Mr Madden
Ms Mikakos
Mr Murphy
Mr Pakula
Ms Pennicuik
Ms Pulford
Mr Scheffer
Mr Smith
Mr Somyurek
Mr Tee
Ms Tierney (*Teller*)
Mr Viney

Amendment negatived.

Schedule, Clause 303 — put and agreed to.

Schedule, Clauses 304 to 324 — put and agreed to.

Schedules 1 and 2 — put and agreed to.

Progress reported.

2 JUDICIAL COMMISSION OF VICTORIA BILL 2010

Clauses 1 to 8 — put and agreed to.

Clause 9 — Ms Pennicuik moved —

1. Clause 9, lines 2 to 17, omit all words and expressions on these lines and insert—
 - "(1) Of the appointed members—
 - (a) one is to be an Australian legal practitioner nominated following consultation by the Attorney-General with the President of the Victorian Bar and the President of the Law Institute; and
 - (b) three are to be persons nominated following consultation by the Attorney-General with the Chief Justice and who, in the opinion of the Attorney-General, have high standing in the community.
 - (2) In this section—

Australian legal practitioner has the same meaning as in section 1.2.3(a) of the **Legal Profession Act 2004**;

Law Institute has the same meaning as in section 1.2.1(1) of the **Legal Profession Act 2004**;

Victorian Bar has the same meaning as in section 1.2.1(1) of the **Legal Profession Act 2004**."

Question — That the amendment be agreed to — put and negatived.

Clause 9 — put and agreed to.

Clauses 10 to 18 — put and agreed to.

Clause 19 — Ms Pennicuik moved —

2. Clause 19, lines 12 and 13, omit "Governor in Council" and insert "Commission".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 17
Mr Atkinson	Ms Broad
Mr Barber	Mr Eideh
Mrs Coote	Mr Elasmarr
Mr Dalla-Riva (<i>Teller</i>)	Ms Huppert
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Leane (<i>Teller</i>)
Mr Finn	Mr Madden
Mr Guy	Ms Mikakos
Mr Hall	Mr Murphy
Ms Hartland	Mr Pakula
Mr Koch	Ms Pulford
Mrs Kronberg (<i>Teller</i>)	Mr Scheffer
Ms Lovell	Mr Smith
Mr O'Donohue	Mr Somyurek
Ms Pennicuik	Mr Tee
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney (<i>Teller</i>)
Mr Rich-Phillips	

Amendment agreed to.

Clause 19, as amended — put and agreed to.

Clause 20 — Ms Pennicuik moved —

3. Clause 20, line 2, omit "Governor in Council" and insert "Commission".
4. Clause 20, lines 3 and 4, omit "on the recommendation of the Attorney-General".
5. Clause 20, lines 14 and 15, omit "Governor in Council on the recommendation of the Attorney-General" and insert "Commission".
6. Clause 20, lines 26 and 27, omit "Governor in Council" and insert "Commission".
7. Clause 20, line 29, omit "Governor in Council" and insert "Commission".
8. Clause 20, lines 30 and 31, omit "on the recommendation of the Attorney-General".
9. Clause 20, page 21, lines 1 to 4, omit all words and expressions on these lines.

Question — That the amendments be agreed to — put and agreed to.

Clause 20, as amended — put and agreed to.

Clause 21 — Ms Pennicuik moved —

10. Clause 21, line 6, omit "Governor in Council" and insert "Commission".
11. Clause 21, lines 7 and 8, omit "on the recommendation of the Attorney-General".
12. Clause 21, line 27, omit "Governor in Council" and insert "Commission".
13. Clause 21, lines 28 and 29, omit "on the recommendation of the Attorney-General".
14. Clause 21, lines 30 to 33, omit all words and expressions on these lines.

Question — That the amendments be agreed to — put and agreed to.

Clause 21, as amended — put and agreed to.

Clause 22 — put and agreed to.

Clause 23 — Ms Pennicuik moved —

15. Clause 23, page 23, line 32, after "investigator" insert "and a brief description of the reasons for the decision in each case".

Question — That the amendment be agreed to — put and agreed to.

Clause 23, as amended — put and agreed to.

Heading to Clause 24 — Ms Pennicuik moved —

16. Heading to clause 24, omit "Commission's educational functions" and insert "performance of functions of Commission".

Question — That the amendment be agreed to — put and agreed to.

Heading to Clause 24, as amended — put and agreed to.

Clause 24 — put and agreed to.

Clause 25 — Question — That Clause 25 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Ms Broad
Mr Eideh
Mr Elasmr
Ms Huppert
Mr Jennings
Mr Leane
Mr Madden
Ms Mikakos
Mr Murphy
Mr Pakula
Ms Pulford

NOES, 18

Mr Atkinson
Mr Barber
Mrs Coote
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis (*Teller*)
Mr Drum
Mr Finn
Mr Guy
Ms Hartland
Mr Koch

Mr Scheffer (*Teller*)
 Mr Smith
 Mr Somyurek (*Teller*)
 Mr Tee
 Ms Tierney
 Mr Viney

Mrs Kronberg
 Ms Lovell
 Mr O'Donohue (*Teller*)
 Ms Pennicuik
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips

Question negatived.
 Clause omitted.

Clauses 26 to 38 — put and agreed to.

Clause 39 — Ms Pennicuik moved —

17. Clause 39, lines 13 and 14, omit "and, if necessary, require the officer to undergo a medical examination".

Question — That the amendment be agreed to — put and agreed to.
 Clause 39, as amended — put and agreed to.

Clauses 40 to 57 — put and agreed to.

Clause 58 — Ms Pennicuik moved —

18. Clause 58, lines 24 and 25, omit "Unless a report includes recommendations under section 59(1), the" and insert "The".

Question — That the amendment be agreed to — put and negatived.
 Clause 58 — put and agreed to.

Clauses 59 to 144 — put and agreed to.

Bill reported with amendments.

3 ROAD SAFETY AMENDMENT (HOON DRIVING) BILL 2010

Clauses 1 to 3 — put and agreed to.

Clause 4 — Mr Koch moved —

1. Clause 4, line 5, omit "7" and insert "30".

Question — That the amendment be agreed to — put.
 The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Atkinson
 Mr Barber
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Drum
 Mr Finn
 Mr Guy
 Ms Hartland
 Mr Kavanagh
 Mr Koch
 Mrs Kronberg

NOES, 17

Ms Broad
 Mr Eideh
 Mr Elasmarr
 Ms Huppert
 Mr Jennings
 Mr Leane
 Mr Madden (*Teller*)
 Ms Mikakos
 Mr Murphy
 Mr Pakula
 Ms Pulford
 Mr Scheffer

Ms Lovell	Mr Smith
Mr O'Donohue	Mr Somyurek
Ms Pennicuik	Mr Tee
Mrs Petrovich	Ms Tierney (<i>Teller</i>)
Mrs Peulich (<i>Teller</i>)	Mr Viney
Mr Rich-Phillips (<i>Teller</i>)	
Mr Vogels	

Amendment agreed to.

Clause 4, as amended — put and agreed to.

Clauses 5 to 15 — put and agreed to.

Clause 16 — Mr Koch moved —

2. Clause 16, line 28, omit "28" and insert "30".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 20
Mr Atkinson	Mr Barber
Mr Dalla-Riva	Ms Broad (<i>Teller</i>)
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum (<i>Teller</i>)	Ms Hartland
Mr Finn	Ms Huppert
Mr Guy	Mr Jennings
Mr Kavanagh	Mr Leane
Mr Koch	Mr Madden
Mrs Kronberg	Ms Mikakos
Ms Lovell	Mr Murphy
Mr O'Donohue	Mr Pakula
Mrs Petrovich	Ms Pennicuik
Mrs Peulich	Ms Pulford (<i>Teller</i>)
Mr Rich-Phillips	Mr Scheffer
Mr Vogels (<i>Teller</i>)	Mr Smith
	Mr Somyurek
	Mr Tee
	Ms Tierney
	Mr Viney

Amendment negatived.

Clause 16 — put and agreed to.

Clauses 17 to 43 — put and agreed to.

Bill reported with an amendment.

4 EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010

Progress having been reported on 5 October 2010 —

New Clause — Mr Pakula moved —

1. Insert the following New Clause to follow clause 14—

"AA Tabling of annual report

In addition to the requirements of section 280 of the Education and Care Services National Law (Victoria), the Minister must make arrangements for the tabling of the annual report of the National

Authority, and the report of the public sector auditor with respect to the financial statement in the report, in each House of the Victorian Parliament."

Question — That the New Clause stand part of the Bill — put and agreed to.

New Clause — Ms Lovell moved —

1. Insert the following New Clause to precede clause 15—

'A Disallowance of regulations

Despite sections 303 and 304 of the Education and Care Services National Law (Victoria), those sections apply in Victoria as if—

- (a) for sections 303(4) and (5) there were substituted—
 "(4) A regulation disallowed in Victoria under subsection (3) ceases to have effect in Victoria on the day of its disallowance."; and
- (b) for section 304(1) there were substituted—
 "(1) The disallowance of a regulation in Victoria has the same effect as a repeal of the regulation."; and
- (c) in section 304(2)—
 (i) after "section 303" there were inserted "in Victoria";
 (ii) after "revived" there were inserted "in Victoria".

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson
 Mrs Coote
 Mr Dalla-Riva
 Mr D.M. Davis
 Mr P.R. Davis
 Mr Finn
 Mr Kavanagh (*Teller*)
 Mr Koch (*Teller*)
 Mrs Kronberg
 Ms Lovell
 Mr O'Donohue
 Mrs Petrovich
 Mrs Peulich
 Mr Rich-Phillips
 Mr Vogels

NOES, 20

Mr Barber
 Ms Broad
 Mr Eideh
 Mr Elasmarr
 Ms Hartland
 Ms Huppert
 Mr Jennings
 Mr Leane (*Teller*)
 Mr Madden
 Ms Mikakos
 Mr Murphy (*Teller*)
 Mr Pakula
 Ms Pennicuik
 Ms Pulford
 Mr Scheffer
 Mr Smith
 Mr Somyurek
 Mr Tee
 Ms Tierney
 Mr Viney

Question negatived.

Postponed Schedule, Clause 280 — By leave, the amendment previously moved by Ms Lovell was withdrawn.

Schedule, Clause 280 — put and agreed to.

Bill reported with an amendment.

5 TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL 2010

Clause 1 — put and agreed to.

Clause 2 — Consideration of Clause 2 postponed.

Clauses 3 to 27 — put and agreed to.

Clause 28 — Mr Rich-Phillips moved —

9. Clause 28, lines 16 to 22, omit subparagraph (i) and insert—

"(i) is entitled to receive as consideration a share of the income derived from the land whether in cash or in kind or partly in cash and partly in kind and is not a primary producer within the meaning of Schedule 2G to the Income Tax Assessment Act 1936 of the Commonwealth; or".

Question — That the amendment be agreed to — put and negatived.

Mr Rich Phillips moved —

10. Clause 28, page 47, line 11, after "farmer" insert "less expenses paid or payable by the share farmer".

Question — That the amendment be agreed to — put and negatived.

Clause 28 — put and agreed to.

Clauses 29 to 35 — put and agreed to.

Clause 36 — Mr Rich-Phillips moved —

12. Clause 36, line 3, omit "**Change of name of Authority**" and insert "**Repeal of section 18A**".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

NOES, 17

Mr Atkinson

Ms Broad

Mr Barber

Mr Eideh

Mrs Coote

Mr Elasmarr

Mr Dalla-Riva

Ms Huppert

Mr D.M. Davis

Mr Jennings

Mr P.R. Davis

Mr Leane

Mr Finn

Mr Madden

Mr Guy

Ms Mikakos

Mr Hall

Mr Murphy

Ms Hartland

Mr Pakula

Mr Kavanagh (*Teller*)

Ms Pulford

Mr Koch (*Teller*)

Mr Scheffer

Mrs Kronberg

Mr Smith

Ms Lovell

Mr Somyurek

Mr O'Donohue

Mr Tee (*Teller*)

Ms Pennicuik

Ms Tierney

Mrs Petrovich

Mr Viney (*Teller*)

Mrs Peulich

Mr Rich-Phillips

Amendment agreed to.

Mr Rich-Phillips moved —

13. Clause 36, lines 4 to 35 and page 54, lines 1 to 3, omit all words and expressions on these lines.

14. Clause 36, page 54, line 4, omit "(5)".

Question — That the amendments be agreed to — put and agreed to.

Clause 36, as amended — put and agreed to.

Clause 37 — Question — That Clause 37 stand part of the Bill — put and negatived.

Clause omitted.

Clause 38 — put and agreed to.

Clause 39 — Question — That Clause 39 stand part of the Bill — put and negatived.
Clause omitted.

Clauses 40 and 41 — put and agreed to.

Clause 42 — Question — That Clause 42 stand part of the Bill — put and negatived.
Clause omitted.

Clause 43 — Mr Rich-Phillips moved —

18. Clause 43, lines 3 to 9, omit all words and expressions on these lines.
19. Clause 43, line 10, omit "(3)".
20. Clause 43, lines 19 to 32 and page 57, lines 1 to 18, omit all words and expressions on these lines.

Question — That the amendments be agreed to — put and agreed to.
Clause 43, as amended — put and agreed to.

Clauses 44 to 82 — put and agreed to.

Clause 83 — Mr Rich-Phillips moved —

21. Clause 83, page 106, line 26, omit "83" and insert "80".
22. Clause 83, page 107, line 3, omit "83" and insert "80".
23. Clause 83, page 108, line 7, omit "83" and insert "80".
24. Clause 83, page 109, line 9, omit "83" and insert "80".

Question — That the amendments be agreed to — put and agreed to.
Clause 83, as amended — put and agreed to.

Clauses 84 to 107 — put and agreed to.

Clause 108 — Mr Rich-Phillips moved —

25. Clause 108, lines 28 and 29, omit "**References to non-WorkCover employers in Part VIA**" and insert "**Amendment of definition of tail claims**".
26. Clause 108, lines 30 to 36 and page 140, lines 1 to 26, omit all words and expressions on these lines.
27. Clause 108, page 140, line 27, omit "(4)".
28. Clause 108, page 140, line 28, omit "—" and insert ', in paragraph (b), for "whether under this Act, at common law or otherwise" **substitute** "under this Act (other than section 242AB or 242AD) or damages at common law as permitted by and in accordance with section 134AB or 135C".'.
29. Clause 108, page 140, lines 29 to 34 and page 141, lines 1 to 35, omit all words and expressions on these lines.

Question — That the amendments be agreed to — put and agreed to.
Clause 108, as amended — put and agreed to.

Clauses 109 to 122 — put and agreed to.

Clause 123 — Mr Rich-Phillips moved —

30. Clause 123, line 6, omit "44" and insert "41".
31. Clause 123, line 12, omit "80" and insert "77".
32. Clause 123, line 20, omit "98" and insert "95".
33. Clause 123, line 27, omit "99" and insert "96".

Question — That the amendments be agreed to — put and agreed to.
Clause 123, as amended — put and agreed to.

Clauses 124 to 131 — put and agreed to.

Clause 132 — Mr Rich-Phillips moved —

34. Clause 132, page 161, line 24, omit "51" and insert "48".
35. Clause 132, page 161, line 29, omit "53" and insert "50".
36. Clause 132, page 162, line 2, omit "55" and insert "52".
37. Clause 132, page 162, line 12, omit "59" and insert "56".
38. Clause 132, page 162, line 17, omit "63(1)" and insert "60(1)".
39. Clause 132, page 162, line 23, omit "93" and insert "90".
40. Clause 132, page 162, line 31, omit "64" and insert "61".
41. Clause 132, page 163, line 6, omit "80" and insert "77".
42. Clause 132, page 163, line 14, omit "76" and insert "73".
43. Clause 132, page 163, line 18, omit "46" and insert "43".
44. Clause 132, page 163, line 24, omit "66" and insert "63".
45. Clause 132, page 163, line 29, omit "67" and insert "64".
46. Clause 132, page 164, line 3, omit "69" and insert "66".
47. Clause 132, page 164, line 8, omit "73" and insert "70".
48. Clause 132, page 164, line 19, omit "74" and insert "71".
49. Clause 132, page 164, line 30, omit "75" and insert "72".
50. Clause 132, page 165, line 7, omit "103" and insert "100".
51. Clause 132, page 165, line 13, omit "104" and insert "101".
52. Clause 132, page 165, line 20, omit "105" and insert "102".
53. Clause 132, page 165, line 27, omit "112" and insert "109".
54. Clause 132, page 165, line 32, omit "115" and insert "112".
55. Clause 132, page 166, line 2, omit "56(2)" and insert "53(2)".
56. Clause 132, page 166, line 9, omit "132" and insert "129".
57. Clause 132, page 166, line 11, omit "56(2)" and insert "53(2)".

Question — That the amendments be agreed to — put and agreed to.

Clause 132, as amended — put and agreed to.

Clause 133 — put and agreed to.

Clause 134 — Mr Rich-Phillips moved —

58. Clause 134, line 3, omit "**certain references**" and insert "**definition of WorkCover insurance policy**".
59. Clause 134, lines 4 to 9, omit all words and expressions on these lines.
60. Clause 134, line 10, omit "(2)".
61. Clause 134, lines 14 and 15, omit "a WorkSafe insurance policy" and insert "an insurance policy issued or deemed to be in force in accordance with this Act".
62. Clause 134, lines 16 to 32, omit all words and expression on these lines.

Question — That the amendments be agreed to — put and agreed to.

Clause 134, as amended — put and agreed to.

Clauses 135 to 165 — put and agreed to.

Postponed Clause 2 — Mr Rich-Phillips moved —

1. Clause 2, lines 10 to 14, omit "49, 51, 53, 54, 56(2), 64, 65, 66, 67, 83, 84, 85, 86, 87, 93, 110, 111, 112 and 127), Part 4 (other than sections 135, 136, 137, 139, 140, 141, 142, 143, 144, 146, 147, 151 and 152), sections 159 and 161" and insert "46, 48, 50, 51, 53(2), 61, 62, 63, 64, 80, 81, 82, 83, 84, 90, 107,

- 108, 109 and 124), Part 4 (other than sections 132, 133, 134, 136, 137, 138, 139, 140, 141, 143, 144, 148 and 149), sections 156 and 158".
2. Clause 2, line 18, omit "93" and insert "90".
 3. Clause 2, lines 20 and 21, omit "51, 56(2), 66, 127, 154, 155, 156, 157, 158, 160 and 162" and insert "48, 53(2), 63, 124, 151, 152, 153, 154, 155, 157 and 159".
 4. Clause 2, lines 23 and 24, omit "110, 111, 112, 139, 140, 142, 143, 144, 146, 147, 151, 152, and 153" and insert "107, 108, 109, 136, 137, 139, 140, 141, 143, 144, 148, 149 and 150".
 5. Clause 2, line 26, omit "67" and insert "64".
 6. Clause 2, lines 29 and 30, omit "64, 65, 135, 136, 137 and 141" and insert "61, 62, 132, 133, 134 and 138".
 7. Clause 2, lines 32 and 33, omit "53, 54, 83, 84, 85, 86 and 87" and insert "50, 51, 80, 81, 82, 83 and 84".
 8. Clause 2, page 3, line 1, omit "49" and insert "46".

Question — That the amendments be agreed to — put and agreed to.

Clause 2, as amended — put and agreed to.

Bill reported with amendments.

Thursday, 7 October 2010

1 FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010

Clauses 1 to 19 — put and agreed to.

Clause 20 — Mr Barber moved —

1. Clause 20, page 20, line 32, omit "the Director" and insert "a majority of the members for the time being of the Advisory Committee established under section 102F".

Question — That the amendment be agreed to — put and negatived.

Clause 20 — put and agreed to.

Clauses 21 to 49 — put and agreed to.

Schedule — put and agreed to.

Bill reported without amendment.