



## Legislative Council Daily Summary

Wednesday, 1 April 2009

### LEGISLATION

---

*For full text of bills and other associated documents please see [www.parliament.vic.gov.au](http://www.parliament.vic.gov.au)*

**The following Private Member's bill was introduced into the Council:**

- Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2009

**The following bill was received on message from the Legislative Assembly:**

- Bushfires Royal Commission (Report) Bill 2009

**Debate was resumed on the Second Reading of the following bills:**

- Associations Incorporation Amendment Bill 2008
- Melbourne Cricket Ground Bill 2008

**The following bill was passed:**

- Associations Incorporation Amendment Bill 2008

### COMMITTEE REPORTS TABLED

---

No Committee Reports were tabled

### SPECIAL REPORTS TABLED

---

- Auditor-General's Report on Access to Public Hospitals: Measuring Performance, April 2009.
- Auditor-General's Report on Administration of the Flora and Fauna Guarantee Act 1988, April 2009.

*A full list of all papers tabled pursuant to Statute is available in the Minutes of the Proceedings.*

### PETITIONS

---

No petitions were presented.

## MOTIONS

---

### The following motions were debated and agreed to in General Business:

- 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.

— Mr D.M. Davis

- 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.

— Mr D.M. Davis

- 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.

— Mr Barber

- 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.

— Mr D.M. Davis

- 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.

— Mr Koch

**The following motion was debated in General Business:**

- 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.

— Mr Hall

**The following notices of intention to make a statement on a report or paper were given:**

- Auditor-General's Report on Access to Public Hospitals: Measuring Performance, April 2009 (Mrs Kronberg, Mrs Petrovich, Mrs Peulich and Ms Lovell).
- Ombudsman's Report on Crime Statistics and Police Numbers, March 2009 (Mr Elasmr).
- Ombudsman's Report, 2007-08 (Mr P.R Davis).
- Victorian Skills Commission Report, 2007-08 (Mr Eideh).
- Film Victoria Report, 2007-08 (Ms Tierney).
- Alexandra District Hospital Report, 2007-08 (Ms Broad).

## **ALSO IN THE COUNCIL**

---

**Question Time**

**Members' Statements**

**Adjournment debate**

**The next sitting is on Thursday, 2 April 2009 at 9.30 a.m.**

*The Legislative Council Daily Summary is prepared as a convenient summary of each day's proceedings. For a complete account please refer to the official record, the Minutes of Proceedings, available on Parliament's website [www.parliament.vic.gov.au](http://www.parliament.vic.gov.au) or through the Council Table Office.*

### **Contact Details**

Legislative Council Table Office  
Parliament House  
Spring Street  
East Melbourne VIC 3002  
Phone: 61 3 9651 8673 Facsimile: 61 3 9650 5253  
Email: [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)